

Sec. \_\_\_-\_\_\_. - Planned Developments.

Subsec. \_\_\_-\_\_\_. - Intent.

This Section \_\_\_\_\_ provides enabling authority and standards for the submission, review, and approval of applications for any planned development (PD) within the City. A PD is intended to allow for a combination of land uses, site designs, layout flexibility and innovation. The primary purpose of this Section \_\_\_ is to encourage the creation of desirable and efficient working and/or living environments that are designed and developed as integrated projects with harmonious land uses and compatibility with surrounding areas and natural features. This Section \_\_\_\_\_ authorizes the consideration and use of PD regulations to:

1. Encourage the use of land in accordance with its character and adaptability;
2. Promote the conservation of natural features, fragile lands and the preservation of important and historic community resources;
3. Encourage flexibility and innovation in land use and design for the purpose of protecting the character of the community and enhancing the quality of life in the City;
4. Promote the efficient use of land to facilitate an economic arrangement of buildings, circulation systems, land uses and utilities;
5. Promote the enhancement of housing diversity, shopping, traffic circulation, and recreational opportunities for the people of the City and visitors; and
6. Promote and ensure greater compatibility of design and use between and among neighboring properties.

Any PD must comply with this Section \_\_\_\_\_ and the 2003 Zoning Ordinance or amended Zoning Ordinance (hereinafter “Zoning Ordinance”). The provisions of this Section \_\_\_ are intended to result in land use and development substantially consistent with the goals, objectives and future land use plan reflected in this Section \_\_\_ and the City’s Master Plan, as amended.

(Ord. Rev. 2022 § \_\_\_)

Subsec. \_\_\_-\_\_\_. - Qualifying conditions.

A PD may be considered in any area of the City. However, as a condition of PD application approval, the applicant must demonstrate that the PD will result in a recognizable and substantial benefit to the ultimate users and occupants of the PD and the community. Such benefit may include, but shall not be limited to, the preservation of important natural and/or historic features, the provision of open lands, the provision of a mix of land uses, and/or innovation in design and project configuration.

( Ord. Rev. 2022, § \_\_\_)

Subsec. \_\_\_-\_\_\_. - Development requirements.

A. *PD Application Evaluation.* The City shall evaluate each PD application in accord with the following general standards. The proposed development shall be:

1. Designed, constructed, and maintained to be an integrated and harmonious development, appropriate in appearance with the existing or intended character of the general vicinity and land uses;

2. Served adequately by essential public facilities and services, such as highways, streets, pedestrian ways, police and fire protection, drainage structures, refuse disposal, water and sewer, telecommunications;
3. Compatible with the capacities of public services and facilities it may affect;
4. In compliance with the intent for a planned development as contained herein; and
5. In compliance with the Floodplain Overlay District requirements of the Zoning Ordinance, as amended.

B. *Permitted Uses Within a PD.* Any principal or accessory land uses permitted in any Zoning District, either as a use by right or a use subject to special conditions under this Ordinance Section, or any combination of such uses, may be considered within a PD, provided, however, that the Planning Commission and City Commission must reach a finding that all such proposed uses and the impacts they may generate on one another and on the surrounding community shall be generally compatible and harmonious with one another. In the event of any inconsistent findings, the findings and PD approval decision of the City Commission shall be final and controlling.

C. *PD Guidance Standards.* Unless specifically waived or adjusted by the City Commission through the provisions of Subsection \_\_-21.\_\_D, below, the dimensional standards set forth in Table 1 shall be used as a guide in evaluating the size, bulk and dimensions of proposed PD. For a PD proposing more than one type of land use, the appropriate guidance and Zoning Ordinance standards shall be applied for each such type of use.

TABLE 1. GUIDANCE STANDARDS

Proposed Redevelopment Land Use	Building Separation	Front Yard	Side Yards (Each)	Rear Yard	Building Height-Stories/Ft.	Lot Min. Max. Bldg. Coverage	Min. Area per Unit
Light Industrial	0 ft., except as provided herein	10 ft., or 45 ft., if abutting residential	0 ft., or 45 ft., if abutting residential	20 ft., or 45 ft., if abutting residential	2.5/40	Min. 7500 Sq. Ft. Max. 80% of lot	N/A
Heavy Industrial		10 ft., or 45 ft., if abutting residential	0 ft., or 45 ft., if abutting residential	20 ft., or 45 ft., if abutting residential	2.5/40	Min. 20,000 Sq. Ft. Max. 80% of lot	N/A

Central Business District	N/A	0 ft., or 30 ft., if abutting residential	0 ft., or 30 ft., if abutting residential	15 ft., or 30 ft., if abutting residential	3/40	N/A	N/A
CD Cluster Residential or PUD	See Zoning Ordinance	See Zoning Ordinance	See Zoning Ordinance	See Zoning Ordinance	See Zoning Ordinance	See Zoning Ordinance	See Zoning Ordinance
Commercial District	N/A	25 ft., or 30 ft., if abutting residential	0 ft., or 30 ft., if abutting residential	25 ft., or 30 ft., if abutting residential	3/40	Min. 10,000 Sq. Ft. Max. 65% of lot	N/A
Neighborhood Commercial	N/A	25 ft.	0 ft., or 30 ft., if abutting residential	10 ft., or 25 ft., if abutting residential	2.5/40	Min. 7000 Sq. Ft. Max. 65% of lot	N/A
Multi-Family Senior Residential	See R-4 Zoning Ordinance	See R-4 Zoning Ordinance	See R-4 Zoning Ordinance	See R-4 Zoning Ordinance	See R-4 Zoning Ordinance	See R-4 Zoning Ordinance	See R-4 Zoning Ordinance
Single Family Residential	See R-1A & R-1B Zoning Ordinance	See R-1A & R-1B Zoning Ordinance	See R-1A & R-1B Zoning Ordinance	See R-1A & R-1B Zoning Ordinance	See R-1A & R-1B Zoning Ordinance	See R-1A & R-1B Zoning Ordinance	See R-1A & R-1B Zoning Ordinance
Two Family Residential District	See R-2 Zoning Ordinance	See R-2 Zoning Ordinance	See R-2 Zoning Ordinance	See R-2 Zoning Ordinance	See R-2 Zoning Ordinance	See R-2 Zoning Ordinance	See R-2 Zoning Ordinance
Multi-Family Residential District	See R-3 Zoning Ordinance	See R-3 Zoning Ordinance	See R-3 Zoning Ordinance	See R-3 Zoning Ordinance	See R-3 Zoning Ordinance	See R-3 Zoning Ordinance	See R-3 Zoning Ordinance

Table 1 Guidance Standards Requirements.

1. In the event of a conflict between the specifications of Table 1 and any provisions of the Zoning Ordinance, the Zoning Ordinance shall be controlling.
2. All development uses must comply with all provisions, requirements, prohibitions and regulations of the applicable Zone and all other provisions of the Zoning Ordinance.
3. For buildings proposed to house more than one type of use, the guidance standards of the principal use within the structure, as proposed by the applicant, shall be used.

4. Building separation standards shall apply to multiple structures located on a single parcel within the PD and shall not be less than twenty (20) feet, except in the case of party-wall or zero lot line structures.

3. Applicable setback standards shall be applied for structures within a PD and sited on individual parcels. For structures located adjacent to the boundary of the PD, the setback between such structure and boundary of the PD shall be determined from the requirements for the Zoning District adjoining that boundary.

4. In no instance shall building heights exceed forty (40) feet.

D. *Departures from Guidance Standards.* Consistent with the planned development concept, and to encourage flexibility and creativity in development, departures from the guidance standards may be granted upon the recommendation of the Planning Commission as part of the approval of a PD. Such departures may be authorized, in the judgment of the City Commission, upon the report of the Planning Commission:

1. There are features or planning mechanisms incorporated into the project which would generally achieve the objectives of each of the regulations from which a departure is being requested; and/or

2. The proposed planned development is likely to be more consistent with the objectives of the city's future land use plan than a development under the terms of the guidance standards. Provided, that under no circumstances shall a structure exceed a maximum height of forty (40) feet.

E. *Phasing/Staging.* The stages or phases of any PD shall be so structured and scheduled that, if later stages or phases of the development are not implemented, the prior phase(s) or stage(s) shall be consistent with the provisions of this Section and shall not detract from the feasibility of developing the remaining portion of the subject PD area in an appropriate and desirable manner.

F. *Private Roads.* Private roads within a PD, if any, shall conform to the minimum road construction standards established by the City. The City Commission, upon report from the Planning Commission, may approve departures from the strict application of such private road standards where an alternative road design is likely to be more consistent with the objectives of the PD and the City's future land use plan than roads meeting the City's minimum construction standards. The applicant must pay all costs of inspection and maintenance. All necessary agreements pertaining to private road construction and maintenance shall be reviewed and approved by the City and must be executed and recorded prior to the commencement of construction.

( Ord. Rev. 2022, § \_\_ )

Subsec. \_\_-\_\_. - Application process.

A. *Application Procedure.* The procedure for application, review, and approval of a PD shall be a two-part process. The first part shall be application and approval of a preliminary development plan, which may at the City Commission's sole discretion require amending the Zoning Ordinance so as to reclassify the property for the purposes of the proposed PD. Such action shall

confer upon the applicant concept approval for the length of time established by the City Commission in the amendatory ordinance granting the PD designation. The second part of the review and approval process shall be the application for approval of a final development plan for the entire project or for anyone or more phases of the PD. Final development plan approval shall require the granting of site plan approval by the Planning Commission pursuant to the Zoning Ordinance.

B. *Effect of approval.* The granting of a PD application may require an amendment of the Zoning Ordinance and the zoning map. If so, an approval granted under this Section \_\_\_\_\_, including all aspects of the final development plan and conditions imposed, will constitute an inseparable part of the Zoning Ordinance.

C. *Preapplication Conference.* Prior to the submission of an application for planned development, the applicant shall meet with the planning and development team appointed by the City Manager. The applicant shall present at such conference, or conferences, a sketch plan of the PD, and the following information:

1. A description of the property in question and disclosure of ownership interests;
2. The total number of acres or square feet to be included in the PD project;
3. A description of the proposed land uses including the approximate number of residential units, if any, and the approximate number, type, and square footage of nonresidential development. This shall also include a description of the general development concept, including structures to be retained, remodeled or removed, an overall architectural concept or development theme, and markets to be served by the PD;
4. The relationship of the PD to the surrounding neighborhood.
5. The approximate area of the proposed PD to be devoted to each use;
6. A general description of any departures from the regulations of this Section \_\_\_\_\_ that may be requested;
7. A description of how the proposed PD will relate to the objectives of the City's Master Plan;
8. All known natural resources, historic sites and natural features, including any views from off the site to important natural features and any impediments to development;
9. The benefits that are expected to result from the adoption of the PD provisions pertaining to the subject site; and
10. If the plan is to be carried out in phases or stages, a description the phases or stages and the approximate time line for each phase or stage.

Based on the information presented, the planning and development team will advise the applicant of possible issues and concerns the City may want addressed should the PD application be submitted. However, any such initial response from the planning and development team shall not constitute legal or project advice or be regarded as either conclusive or complete and the applicant shall be so advised.

D. *Preliminary Development Plan and/or Rezoning Request—Submission and Content.* Following the preapplication conference, fourteen (14) paper copies (unless otherwise required by the City) and an electronic PDF of a preliminary development plan and a PD application shall be submitted. The submission shall be made to the Zoning Administrator who shall forward it to the Planning Commission for consideration at a regular or special meeting and Planning

Commission subsequent written report to the City Commission. The plan shall be prepared by a licensed professional engineer, community planner, or architect and shall be accompanied by an application form and fee as determined by the City Commission. The application for preliminary development plan approval and/or rezoning shall contain the all of the following information, unless specifically waived by the Planning Commission:

1. All the information required for the preapplication conference.
2. A boundary and topographic survey including date, north arrow, and scale that shall not be more than 1" = 100'.
3. Locational sketch of site in relation to surrounding area.
4. Legal description of property including common street address(es).
5. All lot or property lines with dimensions.
6. General location of all buildings within one hundred (100) feet of all property lines.
7. General location and size of all existing structures on the site.
8. General location and size of all proposed structures on the site.
9. General location and dimensions of all existing and proposed streets, driveways, parking areas, including total number of spaces, and typical dimensions.
10. General size and location of all areas devoted to open space.
11. Detail on the abutting Zoning District(s) and the general dimensions and approaches planned to achieve a gradual transition between the proposed PD and the surrounding neighborhood.
12. Location of existing vegetation and general location and size of proposed landscaped areas and buffer strips.
13. All areas within the Floodplain Overlay District as defined in accordance with the Zoning Ordinance.
14. A general signage plan, showing the type, location and dimensions of all signs. Only the signage located on the signage specifications stated within the plan will be permitted.
15. A plan for debris management and dust abatement during construction.
16. An illustration of parking areas including traffic flow diagrams and a detailed estimate of parking demand based on all proposed uses.
17. A written narrative describing all of the following:
  - a. The nature and concept of the project.
  - b. The proposed density, number, and types of dwelling units if a residential PD.
  - c. How the proposed project meets the objectives of this PD Ordinance.
  - d. The legal mechanisms and structures proposed to assure the perpetual maintenance of all open space proposed.
  - e. How the proposed project will be served by public water, sanitary sewer, storm drainage, electric, gas, and telecommunications which shall be prepared by a registered professional engineer.
  - f. The phasing or staging plan.
  - g. Proof of ownership or legal interest in property or deed from the City and related Development Agreement with the City.
18. The name, address and phone number of the applicant.
19. The name, address and seal of the professional engineer, planner or architect that prepared the plan.

*E. Preliminary Development Plan—Planning Commission Review.*

1. Pre-public hearing discussion (optional). The applicant may meet with the Planning Commission in a pre-public hearing discussion. At the pre-public hearing discussion, the Planning Commission shall review the preliminary development plan and shall make reasonable inquiries of the applicant. The Planning Commission shall determine whether the application is complete and may ask questions of the applicant and seek further information. The Planning Commission shall consider any waivers of application materials or direct that materials or information recommended for waiver be provided. The Planning Commission shall review the preliminary development plan for consistency with the provisions of this Ordinance Section and may provide the applicant with its initial comments, provided, however, that the Planning Commission shall not render any judgments concerning the PD application prior to the public hearing and the applicant shall be advised that any initial comments of the Planning Commission during the pre-public hearing discussion are subject to change and shall not be construed as a final judgment of the City.

2. Planning Commission Public Hearing. Prior to setting the public hearing, the applicant shall submit all required and requested information to the City. Once complete, the Planning Commission shall conduct a public hearing, subject to all public meeting hearing notices. Following the hearing, the Planning Commission shall render a decision on the proposed PD application or table the matter for further information and/or consideration. Any decision made on the PD application shall take into account the project's consistency with this Section \_\_\_-\_\_\_. (Ord. Rev. 2022, § \_\_\_)

Subsec. \_\_\_-\_\_\_. - PD design considerations and performance standards.

A proposed PD shall take into account the following design considerations, as they are necessary to ensure compliance with all applicable regulations and to ensure the compatibility of the project with adjoining properties and the general area in which the property is located. The Planning Commission shall review the preliminary development plan to evaluate whether each of the following standards are appropriately addressed in the design and development plan. In all instances, except with regard to building height, the Planning Commission may recommend exceptions where the imposition of one or more of the following standards would result in patterns of development that would be out of character with the development and/or with the surrounding area:

A. *Building massing.* Except as provided herein, exterior building surfaces must not exceed thirty (30) feet in length without an architectural break, such as a change in elevation, window or doorway or building line. Multiple buildings on a single parcel (if permitted) shall be separated by a distance of at least twenty (20) feet. Existing sight corridors from off the site to natural, cultural or historic features shall be preserved or enhanced to the greatest extent possible.

B. *Building height.* Buildings within a PD may exceed the height limitations of the most proximate abutting zoning district and the guidance standards of Subsection \_\_\_\_\_.C, or Table 1, hereof, if a minimum yard equal to the height of the building shall be provided on any side of a building adjoining another Zoning District, provided, that under no circumstances shall a structure exceed a maximum height of forty (40) feet.

C. *Fumes and odors.* No fumes or odors shall be permitted at any property line.

D. *Dust and litter.* During construction of a PD, the terms of the debris management and dust abatement shall be followed.

E. *Architectural character and landscaping.* Building architecture shall reflect a common theme or pattern that shall be internally consistent within the PD and aesthetically appropriate for the setting and neighborhood. Landscaping shall be required along public roadways to soften presentation from the street.

F. *Artificial light.* Artificial lighting shall be aesthetically designed and shielded to prevent light from casting off the property, to the greatest extent possible. Building surface reflectivity, on-site lighting and landscape screening shall be planned and executed such that the degree of light cast off the site shall not exceed one foot candle at the PD boundary. Exceptions may be made for decorative fixtures.

G. *Traffic and access.* Maximum daily traffic volumes shall be estimated prior to development and the site design shall be developed to accommodate such volumes safely. In addition, the Planning Commission may require a traffic impact study and contingency provisions within the development to manage volumes that exceed such estimate. Access shall be provided to regional arterial roadway through on-site access or off-site cross access easements. Where possible, nonresidential development shall provide cross access easements to adjoining nonresidential development.

H. *Stormwater runoff.* No off-site discharge of stormwater shall be permitted except to an approved drainage system.

I. *Noise.* The applicant shall document measures proposed in the PD to achieve full compliance with the City's Noise Ordinance.

J. *Visual screening.* A visual barrier, preferably consisting of mixed evergreens and deciduous vegetation, shall be established to provide a permanent opaque screen of service areas, dumpsters and loading docks and a partial buffer to parking areas and similar less intrusive elements, from surrounding residentially zoned or used property. Where natural landscaping is not feasible, fences or walls may be substituted if they are designed to complement the proposed development and buildings and are generally compatible with surrounding uses.

K. *Outdoor storage.* All outdoor storage, if permitted, shall be completely screened from view from all offsite points with natural landscaping. If natural landscaping is not feasible, fences or walls may be substituted, if designed to complement and enhance the proposed development and buildings and are generally compatible with surrounding uses.

L. *Signage.* Exterior signage shall conform to the requirements of the Sign Ordinance and the signage plan submitted as a part of the preliminary development plan and shall include effective design approaches to screen signs within the PD from view from surrounding private property occupied by residential land uses.

M. *Parking.* Off-street parking shall be provided in accord with the requirements of \_\_\_\_\_ of the Zoning Ordinance. In a mixed use development, the applicant shall propose shared parking arrangements to reduce pavement within the development. For such shared parking arrangement, the applicant shall provide for an enforceable mechanism to assure cooperation among future building owners and occupants to assure the viability of a shared parking arrangement. The minimum number of off-street parking spaces shall be determined by considering each proposed use and its likely peak hour parking demand. A maximum daily parking demand matrix will be used to determine the peak hour demand for all combined uses and the proposed PD shall provide for not less than the greatest peak hour requirement for the combined uses reflected in such matrix. The use of deferred parking areas (or reserved interim green areas) may be considered to calibrate the required parking standards with evolving conditions.

(Ord. Rev. 2022, § \_\_)



Subsec. \_\_\_-\_\_\_. - Standards for Zoning Approval.

Following the public hearing, the planning commission shall recommend to the City Commission either approval, denial, or approval with conditions of the PD application and preliminary development plan. In making its recommendation, the Planning Commission shall make written findings on the following standards:

- A. Granting of PD will result in a recognizable and substantial benefit to the ultimate users of the project and to the community.
  - B. The proposed type and density of use shall be compatible with the capacities of the public services and facilities it may affect, and shall not place a material burden upon the subject or surrounding land or property owners and occupants or the natural environment.
  - C. The proposed development shall be compatible with the Master Plan of the City and shall be consistent with the intent and spirit of this Section \_\_\_.
  - D. The proposed development shall be under single ownership or control such that there is a single person or entity having responsibility for completing the project in conformity with this ordinance.
  - E. The proposed phasing/staging plan is feasible and each of the proposed phases/stages shall be capable of standing on its own and in conjunction with previously constructed phases/stages in terms of the provision of all required services, facilities, open space and amenities to insure the protection of natural resources and the health, safety and welfare of the users of the PD and surrounding residents.
- ( Ord. Rev. 202, § \_\_\_)

Subsec. \_\_\_-\_\_\_. - City Commission approval.

A. *Manner of approval.* After receiving the recommendation of the Planning Commission, the City Commission shall consider the PD application at a public hearing in accordance with this Section \_\_\_\_, hearing notice requirements hereof and, following said hearing, either approve, deny, or approve with conditions the PD application and preliminary development plan in accordance the standards for approval and conditions for a PD. No building permit shall be issued for any improvements in the PD until Planning Commission approval of the PD final development plan.

B. *Effect of approval.*

1. Any PD amendment, including the preliminary development plan as approved, the incorporated narrative and all conditions imposed, if any, shall constitute the land use authorization for the PD. Such authorization shall remain in effect for a period of one year from the date of approval by the City Commission, unless a longer period is granted by the City Commission. Uses not specifically identified in the preliminary development plan, as amended, shall not be permitted. During the period of effectiveness of the preliminary development plan, the applicant shall be permitted to submit one (or more if the project is to be proposed in phases/stages) site plan applications seeking final PD approval pursuant to Subsection \_\_. In the event that an application for a final PD is not submitted within the time limits set forth in the approved preliminary concept development plan and any extensions thereof that may be permitted and approved, the approval granted under this Section \_\_\_\_ shall expire.

3. Prior to commencement of construction, the applicant shall record an affidavit with the Berrien County Register of Deeds that shall contain the following:

- a. Date of approval of the PD by the City Commission.
- b. Legal description of the property.
- c. A statement that the property shall be developed in accordance with the approved PD preliminary development plan and any conditions imposed by the City Commission or Planning Commission.

(Ord. Rev. 2022, § \_\_)

Subsec. \_\_-\_\_\_\_. - Final development plan.

A. *Submittal.* After receiving the PD preliminary development plan approval from the City Commission, the applicant shall submit a final development plan for review and approval by the Planning Commission prior to starting any construction. The final development plan shall contain the same information required for the preliminary development plan, the information required for site plan review in Section \_\_\_\_, a detailed plan indicating all signs proposed in accordance with the preliminary development plan, and any information specifically requested by the Planning Commission in its review of the preliminary development plan. Only signage located in detail on the signage specifications stated within the plan will be permitted.

B. Standards for PD final development plan approval. Upon receipt of a complete application for final development plan for an approved PD, the Planning Commission shall review said application and either approve, deny, or approve with conditions the final development plan. In making its decision, the Planning Commission shall make findings on whether the proposed PD meets the intent of the PD, that it is consistent with the preliminary development plan and that it meets the requirements of Section \_\_\_\_ for site plan approval.

C. *Conditions.*

1. In approving a PD final development plan, the Planning Commission may impose reasonable conditions. Conditions imposed shall be:

a. Designed to protect natural resources, the health, safety, and welfare, and the social and economic wellbeing of those who will use the land use or activity under consideration, residents, and landowners immediately adjacent to the proposed land use or activity, and the community as a whole.

b. Related to the valid exercise of the police power, and purposes that are affected by the proposed use or activity.

c. Necessary to meet the intent and purpose of the Zoning Ordinance and the preliminary development plan, be related to the standards established in the ordinance for the land use or activity under consideration, and be necessary to ensure compliance with those standards.

2. The conditions imposed with respect to the approval of a PD final development plan shall be recorded in the record of the approval action and shall remain unchanged except upon the mutual consent of the Planning Commission and the landowner. The Planning Commission shall maintain a record of conditions that are unchanged. The final development plan, as approved, shall act as a restriction upon the development. The development must conform with the final development plan and no building permit shall be issued for any improvements that are not in compliance with said plan.

( Ord. Rev. 2022, § \_\_)

Subsec. \_\_\_-\_\_\_. – Applicant Performance.

The City Manager is authorized, subject to City Commission review and final approval, to enter into and execute any real and/or personal property transfers, one or more Development Agreements, and such further instruments as are required to carry into effect a PD application or finally approved application.

( Ord. Rev. 2022, § \_\_\_)

Subsec. \_\_\_-\_\_\_. - Commencement of construction.

Except otherwise as provided in an applicable Development Agreement, Construction of a PD must be started within one (1) year from the effective date of the grant of final development plan approval. This time limit may be extended upon application to the Planning Commission if it is demonstrated that substantial progress is being made in completing plans and securing financing. In the event that construction has not commenced within these time limits and any extensions thereof that may be permitted and approved, the approval granted under this Section \_\_\_ shall expire. For the purposes of this Subsection, completion of a final phase/stage shall be the date all structures intended for occupancy by homeowners, tenants, residents or businesses have been approved for occupancy by the City.

( Ord. Rev. 2022, § \_\_\_)

Subsec. \_\_\_-\_\_\_. - Modification and amendments.

*A. Changes to a PD preliminary development plan.* Minor changes to a PD preliminary development plan may be approved by mutual agreement of the applicant and the Planning Commission, provided the changes comply with all applicable requirements of this Section \_\_\_ and the Zoning Ordinance and all other city regulations or state law. In reaching a determination on whether a proposed change may be treated as a minor amendment, the Planning Commission shall make a determination based on the facts presented by the applicant and shall be guided by the standards of this Section \_\_\_\_. Minor changes include:

1. Adjustments to the total combined building area not to exceed the lesser of five thousand (5,000) square feet or five (5) percent of the gross floor area in any phase/stage of development, provided that the cumulative effect of such changes shall not exceed the lesser of five thousand (5,000) square feet or five (5) percent of total gross floor area in the PD. Adjustments to building heights shall not be considered a minor amendment.
2. Adjustments to project phases/stages to either accelerate or retard the development of previously approved project elements, provided, however, the Planning Commission shall have the authority to evaluate such a proposed change in project phasing/staging to determine whether the sequence of project elements proposed was a key element of approval of the preliminary development plan. If, in the judgment of the Planning Commission, project phasing/staging and the sequence of development elements are regarded as key elements of the preliminary development plan approval, a proposed change to project phasing/staging shall not be regarded as a minor change under this Subsection.
3. A change in the land uses proposed within the PD resulting in an increase or decrease in any type of use; such as, but not limited to retail uses or residential uses; of not more than ten (10) percent of the floor area originally approved for that type of use. provided, however, if in the

judgment of the Planning Commission, the particular mix of land uses proposed and approved in the preliminary development plan is regarded as a key element of the preliminary development plan approval, a proposed change to the mix of land uses shall not be regarded as a minor change under this Subsection.

4. A change proposing the relocation of a building or structure such that not less than seventy (70) percent of building or structure footprint shall remain within the footprint as reflected in the preliminary development plan.

5. The Planning Commission may not approve as a minor change any element of a preliminary development plan that the City Commission in its approval of the preliminary development plan identified as a key element in its approval. The Planning Commission may not modify any condition imposed by the City Commission when the City Commission approved the preliminary development plan.

B. *Modification of a final development plan.* Minor changes to a PD finally approved development plan may be approved by the Planning Commission, as follows:

1. The relocation of structures, the relocation and reconfiguration of roads, planting areas, parking areas, signs, lighting, and driveways, provided that all such improvements remain in the same general location as approved by the Planning Commission and provided further that all such changes shall result in no significant additional impact on adjoining properties than would result from the original development.

2. Minor adjustments among proposed land uses which, in the judgment of the Planning Commission, do not result in a fundamental change in the character of the development, provided, however, that no use type originally approved shall be eliminated and no new use not originally approved shall be added as part of a minor amendment to a PD.

C. *Amendment of an approved PD.* Except as provided in Subsections \_\_\_\_\_.A. and B., all changes in an approved PD shall be considered major changes and shall be processed in accord with the original approval procedures for a PD. Nothing in this Section \_\_\_\_ shall prevent the Planning Commission from treating any proposed change to a PD as a major change to be processed in accord with the original approval procedures, if in the judgment of the Planning Commission, a more complete review and approval process is needed to evaluate the proposed change.

( Ord. Rev. 2022 , § \_\_)

Subsec. \_\_-\_\_\_. - Existing planned developments.

PD's that have been approved and developed under the provisions of this Section \_\_\_\_\_ prior to this amendment shall continue to be occupied and used in accordance with the provisions in effect when they were approved. However, where the development has not yet occurred or phases/stages have not been completed, such uncompleted phases/stages shall be developed only in accordance with the current provisions of this Section \_\_\_\_\_. Furthermore, any changes or modifications to such planned developments shall be approved in accordance with the requirements and procedures of the current provisions of Section \_\_\_\_\_.

( Ord. Rev. 2022 , § \_\_)

Subsec\_\_-\_\_\_. – Requests for proposals and contractual arrangements.

In order to effectuate the purposes of this Ordinance, the City Commission may, in its sole discretion, direct the issuance and publication of one or more requests for proposals for purchase, lease and/or development of a property or combination of properties as the City Commission deems necessary and award bids and enter into contractual arrangements with one or more successful bidders for purchase, lease and/or development of a property or combination of properties.