

1224.04 TEXT OR MAP AMENDMENT.

(1) Purpose. City Council may amend the text of this Code or the Zoning Map pursuant to the procedure set forth in this section. The purpose of a text or map amendment is to make adjustments due to changed conditions, changes in public policy, recommendations of the Land Use Plan, or that necessary to advance the health, safety, and general welfare of the City.

(2) Applicability. This section shall apply to requests to amend the text of this Code or the Official Zoning Map of the City of Green, hereafter referred to as the "Zoning Map."

(3) Initiation.

(A) Pursuant to Subsection 1224.03(1): Authority to File Applications, any person having authority to file applications may initiate an application for amendment;

(B) The PZC may make a motion to initiate a text or map amendment; or

(C) City Council may initiate a zoning text or zoning map amendment by recommendation or referral to the PZC.

(4) Procedure. The review procedure for a text amendment or an amendment of the Zoning Map shall be as follows:

(A) Step 1 - Preapplication Conference.

1.) The applicant shall meet with the Planning Department for a preapplication conference before submitting an application for an amendment to the Zoning Map.

2.) The applicant shall supply preliminary information to the Planning Department in a form established by the Department. Such information shall be submitted at least three business days prior to the preapplication conference.

3.) The purpose of the preapplication conference shall be to discuss the proposed development, review submittal requirements, and discuss compliance with the provisions of this Code and the Long Range Land Use Plan prior to the submission of an application.

(B) Step 2 - Application.

1.) The applicant shall submit an application in accordance with Section 1224.03: Common Application Requirements and with the provisions of this chapter.

2.) If the applicant fails to submit an application within 120 days of the preapplication conference (Step 1), the applicant shall be required to begin the review procedure again from the preapplication conference (Step 1).

3.) Amendments initiated by City Council through legislation shall be referred to the PZC for review.

4.) Amendments initiated by the Planning Department on behalf of the PZC, shall be reviewed by the Planning and Zoning Commission and their recommendation referred to City Council pursuant to this section.

(C) Step 3 - Planning Department Review and Staff Report Prior to the PZC meeting where the text or map amendment is scheduled for review, the Planning Department shall review the application and prepare a staff report.

(D) Step 4 - PZC Review and Recommendation

1.) Within sixty days of receipt of the application for the proposed amendment (Step 2), the PZC shall submit a written recommendation on the application to City Council. The PZC shall recommend approval, denial, or approval with some modification, of the proposed amendment.

2.) If the PZC fails to make a recommendation within sixty days of the receipt of an application, the application shall be forwarded to City Council and the application shall be considered to have received a recommendation for approval from the PZC.

(E) Step 5 - City Council Review and Decision

1.) Upon receipt of the recommendation from the PZC, the Planning Department shall request legislation from the Law Department and said legislation shall be introduced within thirty days of receipt of the PZC's recommendation. City Council shall set a time for a public hearing on the proposed amendment.

2.) During such thirty days, the text of the proposed amendment, maps or the site or general plans (PDs), if applicable, and the recommendations of the PZC, shall be on file for public examination in the office of the Clerk of Council or in such other office as is designated by City Council.

3.) After the public hearing, Council shall either adopt or deny the recommendations of the PZC, or adopt some modification thereof. In the event Council adopts, modifies or denies the recommendations of the PZC, concurrence by a majority of the full Council members shall be required.

(5) Approval Criteria. Recommendations and decisions on text or map amendment shall be based on consideration of the following criteria:

(A) Whether the proposed amendment corrects an error or meets the challenge of some changing condition, trend, or fact since the time that the original text or map designations were established;

- (B) Whether the proposed amendment is consistent with the Land Use Plan or other applicable City plans;
- (C) Whether the proposed amendment is consistent with the purpose of this Code;
- (D) Whether and the extent to which the proposed amendment addresses a demonstrated community need;
- (E) Whether the proposed amendment will protect the health, safety, morals, and general welfare of the public;
- (F) Whether the proposed amendment will result in significant mitigation of adverse impacts on the natural environment, including air, water, noise, stormwater management, wildlife, and vegetation;
- (G) Whether the proposed amendment will ensure efficient development within the City; and
- (H) Whether the proposed amendment will result in a logical and orderly development pattern.

(6) Proposed Planned Development District Requirements. All proposed amendments to the Zoning Map that will result in the creation of a PD District shall meet the following requirements in addition to the procedures and requirements of this chapter:

(A) The applicant shall submit a general plan as part of the map amendment application pursuant to Section 1224.03: Common Application Requirements.

(B) The general plan shall be reviewed simultaneously with the PD map amendment.

(C) Amendment to the approved general plan. No substantial change in or deviation from the approved general plan shall be made without prior review and recommendation by the PZC and the approval by City Council pursuant to the review procedure established in Subsection 1224.04(4): Procedure and Subsection 1224.04(6): Proposed Planned Development District Requirements.

(D) Final development plan review required.

1.) Prior to site development of any phase of a planned development project, an application shall be submitted to the PZC for review and approval of the final development plan. This shall include the review of any and all legal documents required for the platting of land, pursuant to Subsection 1224.06(4)(F)1.), and all on-site (and off-site, if applicable) improvement plans, pursuant to Subsection 1224.06(4)(F)2.). The bonding requirements of Subsection 1224.06(8): Estimated Cost and Subsection 1224.06(9): Bonding Requirements shall apply in cases where the planned development will contain public roadways.

2.) In addition to the approval requirements for final development plan review, the final development plan shall be reviewed for compliance with the applicable provisions of this Code and the approved general plan for the planned development.

3.) Failure to comply with the general plan or any applicable provision of this Code will result in the denial of the final development plan.

(E) Time limit for planned development approvals.

1.) The applicant shall be required to submit a site plan for site plan review within one year of the effective date of the map amendment and general plan. Failure to file the final development plan within one year of approval shall invalidate the general plan.

2.) If a general plan becomes invalid, the applicant shall be required to resubmit for general plan approval pursuant to the procedure outlined in Subsection 1224.04(4): Procedure and Subsection 1224.04(6): Proposed Planned Development District Requirements.

3.) If a general plan becomes invalid, the City Council or PZC may initiate a map amendment of the planned development district.

(F) Site plan review required. All buildings within the planned development which require site plan review, as stipulated in Subsection 1224.07(2): Applicability, shall be reviewed pursuant to the provisions of Section 1224.07: Site Plan Review prior to the issuance of a zoning permit for construction.

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