



TEXT AMENDMENT PETITION

TO: City Council, City Clerk, and Mayor of the City of DeKalb, Illinois

FROM: Petitioner Name(s): City of DeKalb Telephone: 815-748-2070
Petitioner's Representative: Dan Olson Cell: _____
Mailing Address: _____ Email: dan.olson@cityofdekalb.com
200 S 4th St, DeKalb, IL 60115

1. The petitioner hereby petitions the City of DeKalb to amend the Unified Development Ordinance as follows – attach additional page(s) if necessary:

A. What is the text amendment regarding?

To add the definition of "data center"; to add "data center" as a permitted use in the "ORI", "LI", and "HI" districts; to remove specific use requirements in the "PD" district; to allow certain changes to a final plan without a public hearing.

B. What Article(s) and Section(s) of the Unified Development Ordinance are proposed for amendment?

Chapter 23 of the Municipal Code, Unified Development Ordinance
Articles 3.01, 5.10.02, 5.11.02, 5.12.02, 5.13, 5.13.05.2, 5.13.05.3, 5.13.13

C. What is the proposed revised text?

See Attached

D. Describe the reason for this text amendment request, and what the intended effect will be.

To add "data center" as a permitted use in multiple districts in order to promote present and future projects, economic development, and be more business friendly.

2. The petitioner hereby submits the Petition Fee (\$500.00).

3. The petitioner hereby states that a pre-application conference *was was not held with City staff prior to the submittal of this petition.

*Date of pre-application conference: _____

Those in attendance: _____

***(Note to Petitioner: A pre-application conference with staff is highly encouraged to avoid delays and help in the timely processing of this petition.)**

4. The petitioner hereby agrees that this petition will be placed on the Planning and Zoning Commission's agenda only if it is completed in full and submitted in advance of established deadlines.

5. The petitioner has read and completed all of the information and affirms that it is true and correct.



Petitioner Signature

4/2/2020

Date

ARTICLE 3

DEFINITIONS

Unless otherwise specifically provided, or unless clearly required by the context, the words and phrases defined in this Article shall have the meaning indicated when used in this Ordinance.

3.1 Definitions

Abandonment: To cease or discontinue a use or activity without intent to resume. This definition excludes temporary or short-term interruptions to a use or activity during periods of remodeling, maintaining, or otherwise improving or rearranging a facility. Also, ceasing an activity during normal periods of vacation or seasonal closure shall not constitute abandonment.

Abutting: Having a common border with or being separated from such a common border by a right-of-way, alley or easement.

Accessory Use: (see also *Home Occupation*) A use incidental to, and on the same zoning lot as, a principal use. An accessory use is subordinate in size, extent, and/or purpose to the principal use and contributes to the comfort, convenience, and/or necessity of the principal use being served.

Adult Oriented Use: Any use which is predominately occupied by the sale, rental, lease, inspection, or viewing of media (whether print, electronic, magnetic or other) depicting or describing "specified sexual activities" or "specified anatomical areas" (which are further defined in Article 7.13), sale of materials used for "specified sexual activities," the provision of live entertainment which depicts, describes, or characterizes "specified sexual activities" or "specified anatomical areas," or any combination thereof. (1997-010)

Alley: A public or private way permanently reserved as a secondary means of access to abutting property.

Alteration: As applied to a building or structure, means a change or rearrangement in the structural parts or in the means of egress. This definition includes an enlargement of a building or structure, whether by extending a side or by increasing the height. Also, the moving of a building or structure from one location or position to another is considered an alteration.

Antenna: (see Article 7, Subsection 7.08.02)

Apartment: (see *Dwelling, Multiple-Family*)

Automatic Teller Machine: (see *Electronic Banking Facilities*) (1998-041)

Banquet Hall: An establishment which is rented by individuals or groups to accommodate private functions such as banquets, weddings, anniversaries, business promotional events and similar celebrations. A Banquet Hall is not open to the public and the use is therefore restricted to the invitees of the party contracting for the use of the facility. Such use may or may not include: kitchen facilities for the preparation or catering of food; the sale of alcoholic beverages for on premise consumption only during scheduled events; and/or outdoor gardens or reception facilities. A Banquet Hall shall not include a Social Club as defined in the Municipal Code.

Basement: (see also *Story Above Grade*) That portion of a building which is partly or completely below grade.

Bed and Breakfast: An owner-occupied dwelling unit having not more than five (5) bedrooms used to provide transient lodging accommodations to the public as a commercial use

Bedroom: The term bedroom includes any room used principally for sleeping purposes, an all-purpose room, a study or a den.

Buffer Area: (see also *Screening*) A strip of land established to protect one type of land use from another land use that is incompatible. Normally, the area is landscaped and kept in open space use.

Building: Any structure used or intended for supporting or sheltering any use or occupancy. To determine the number of buildings on a zoning lot, each building shall be considered a separate building when they are not joined by common wall, roof, ceiling and floor assemblies

Building, Accessory: A building which is subordinate to and serves a principle building or use. An accessory building is subordinate in size, extent, and/or purpose to the principle building or use and contributes to the comfort, convenience and/or necessity of the occupants of the principal building or use being served. Examples of accessory buildings include private garages and storage buildings. (2017-044)

Building Line: (see *Setback*)

Building, Principal: A building in which is conducted the main or the principal use of the lot on which said building is situated.

Car Wash: An area of land and/or a structure with machine (or hand) operated facilities used principally for the cleaning, washing, polishing or waxing of motor vehicles not exceeding six (6) tons in gross vehicle weight.

Carry-Out Restaurant: (see *Restaurant, Fast-Food*)

Certificate of Use and Occupancy: The certificate issued by the Chief Building Official which permits the use of a building in accordance with the approved plans and specifications. It also certifies compliance with the provisions of this Ordinance for the use and occupancy of the building in its several parts, together with any special stipulations or conditions of the building permit.

Certify: Whenever this Ordinance requires that some person or agency certify the existence of some fact or circumstance to the City, the City may require that such certification be made in any manner that provides reasonable assurance of the accuracy of the certification. By way of illustration, and without limiting the foregoing, the City may accept certification by telephone from some agency when the circumstances warrant it, or the City may require that the certification be in the form of a letter or other document.

Change of Use: An alteration by change of use in a building or a tract of land, heretofore existing, to a new use which imposes other provisions of this Ordinance or the Building Code governing building construction, equipment or means of egress.

Chief Building Official: The individual named the Chief Building Official or his/her designee. (2017-044)

Church: An institution that people regularly attend to participate in or hold religious services, meetings and other related activities. The term "church" shall not carry a secular connotation and shall include buildings in which the religious services of any denomination are held.

Circulation Area: That portion of the vehicle accommodation area used for access to parking or loading areas or other facilities on the lot. Essentially, driveways and other maneuvering areas (other than parking aisles) comprise the circulation area.

City: The City of DeKalb, Illinois.

Club or Lodge: A building, along with accessory structures and facilities, primarily intended to accommodate an association of persons and in which the buildings, structures and facilities are limited and restricted to members and their guests. This definition does not include fraternities and sororities.

Commercial Use: An occupation, employment, or enterprise that is carried on for a profit by the owner, lessee, or licensee.

Community Development Director: The individual holding the position of Community Development Director or his/her designee. (2017-044)

Community Residence: A specialized residential care home serving unrelated persons with disabilities that are:

1. Attributable to mental, intellectual or physical impairments or a combination of mental, intellectual or physical impairments; and
2. Likely to continue for a significant amount of time or indefinitely; and
3. Results in functional limitations in three (3) or more of the following areas of major life activities:
 - a. self-care
 - b. receptive or expressive language
 - c. learning
 - d. mobility
 - e. self-direction
 - f. capacity for independent living
 - g. economic self-sufficiency; and
4. Reflects the person's need for a combination and sequence of special interdisciplinary or generic care, treatment or other services which are a life-long or extended duration.

A Community Residence does not include a residence which serves persons as an alternative to incarceration for a criminal offense, or persons whose primary reason for placement is substance or alcohol abuse or for treatment of a communicable disease.

Community Residence, Small: A Community Residence serving eight (8) or fewer persons with disabilities, along with necessary support staff, in a family-like atmosphere.

Community Residence, Large: A Community Residence serving more than eight (8) persons with disabilities along with necessary support staff.

Comprehensive Plan: A document containing both written and graphic information concerning the future development of the City of DeKalb and its environs. It is an officially adopted policy guide for locating land uses and streets, and other community development issues.

Conditional Use: (see *Special Use*)

Condominium: An estate in real property consisting of an undivided interest in common with other purchasers in a portion of a parcel of real property, together with a separate interest in space in a residential building, such as an apartment. A condominium may include, in addition, a separate interest in other portions of such real property.

Convenience Store: Any retail establishment offering for sale prepackaged food products, household items, and other goods commonly associated with the same and having a gross floor area of less than 7,500

square feet. Convenience stores differ from other retail commercial uses in their operating characteristics and potentially adverse neighborhood effects (i.e., hours of operation, traffic generation and turning movements, noise, litter and lighting).

Council: The City Council of the City of DeKalb, Illinois.

Cul-de-Sac: A local or sub-local street, one end of which is closed, and consists of a circular turn-around. (See Article 9, Section 9.01, for the definition of local and sub-local streets).

Data Center: Buildings or structures specifically designed or modified to house networked computers and data and transaction processing equipment and related infrastructure support equipment, including, without limitation, power and cooling equipment, used primarily to provide, as a service to persons other than the company operating the data center, data and transaction processing services, outsource information technology services and computer equipment colocation services, or, used primarily to provide, to a single user, including the user's affiliates, customers, lessees, vendors and other persons authorized by the user, data and transaction processing services, along with ancillary warehouse, administrative office, and storage buildings.

Day Care Center: A building in which any person, group of persons, agency, association or organization arranges for or cares for more than twelve (12) children.

Day Care Home: A dwelling unit in which any person or group of persons provides for the care of not more than eight (8) children inclusive of the child care provider's own children.

Deck: A platform structure of single or multiple tier construction that is either freestanding or attached to a principal or accessory building located in the rear yard or side yard and constructed above grade and unenclosed by solid or non-solid walls or a roof. If located in the side yard, an attached deck must meet principal building setbacks. (2017-044)

Density: The number of dwelling units per net acre of land. Net acreage is defined as the site area less all land allocated to street rights-of-way. With private streets, the equivalent of public rights-of-way for these streets shall be deducted from gross acreage. If there is a question regarding the width and length of such equivalent rights-of-way, the Community Development Director shall render a determination.

Development: All structures and other modifications of the natural landscape, above and below ground or water, on a particular site.

Development, Planned: Land under unified control to be planned and developed in a single development operation or a programmed series of development operations or phases. A planned development includes principal and accessory structures and uses strongly related to the character and purposes of the planned development. A planned development is built according to general and detailed plans for streets, utilities, lot and building location, landscaping, and the like. A planned development includes a program for the provision, operation, and maintenance of common areas, facilities, and improvements that are for the use by the occupants of the planned development district, but which will not be provided, operated, or maintained at public expense.

Distillery: A facility that produces alcoholic beverages on-site in quantities exceeding 20,000 gallons per year, and includes an accessory tasting room and retail sales area and/or restaurant. A tasting room allows customers to taste samples of products manufactured on-site and purchase related sales items. Sales of alcoholic beverages manufactured outside the facility are prohibited. (2017-035)

Dormitory: A building where sleeping accommodations, dining facilities and common bathroom facilities are provided for more than twenty (20) unrelated individuals, exclusive of the resident family, who are students or members of a religious order, college, university, convent, monastery or other institutional use.

Double Frontage Lot: (see *Lot, Through*)

5.10 “ORI” Office, Research, and Light Industrial District

5.10.01 Intent and Purpose

The “ORI” Office, Research and Industrial District is intended to support the goals and objectives of the City of DeKalb Comprehensive Development Plan which guides the present and future land use needs of the City of DeKalb. This district is also consistent with the objectives of the Illinois Research and Development Corridor (generally including communities along the East/West Tollway [I-88] between Chicago and DeKalb). The “ORI” District is designed to allow new construction which is consistent with good planning practice and is compatible with permitted land uses and developments in adjoining districts.

Further, the purpose and intent of the ORI District is to provide an area in the community within which office, research and light industrial enterprises can locate with an assurance of a high and permanent level of design quality, extensive site amenities, open space, and environmental protection. The restrictions and conditions applied to this district are intended to promote the development of a park-like atmosphere which will enhance the quality of the community. The ORI District also promotes the economic development potential of the City.

5.10.02 Permitted Land Uses and Developments of the “ORI” Office, Research, and Light Industrial District

The following land uses and developments are permitted in this District:

Accessory Uses;

Advertising agencies, commercial graphics and drafting services;

Data Center;

Hotels and motels, including conference centers, meeting and dining facilities;

Laboratories and ancillary uses (in enclosed structures) for research and development including, but not limited to:

Engineering and testing laboratories;

Medical and dental research laboratories;

Agricultural research laboratories.

Conduct of animal, plant or other biological and genetic research activities outdoors is prohibited;

Manufacturing, including, but not limited to, electronic, scientific and precision instruments manufacture and repair, experimental product development and plastic products design and assembly, cloth products manufacture, light machinery production and assembly, printing and publishing; but not including those uses which may be obnoxious or offensive by reason of emission of toxic or hazardous substances, odor noise, dust, smoke, or gas;

Offices, excluding medical and dental offices or clinics providing patient diagnostics and/or treatment;

Pilot plants in which processes planned for use in production elsewhere can be treated to the extent reasonably necessary for full investigation of the merits of a product or process including commercial viability;

Production of prototype products when limited to the scale reasonably necessary for full investigation of the merits of a product, including commercial viability;

5.11 “LI” Light Industrial District

5.11.01 Purpose and Intent

This section contains the district regulations of the “LI” Light Industrial District. These regulations are supplemented and qualified by additional general regulations appearing elsewhere in this Ordinance which are incorporated in this section by reference. The “LI” Light Industrial District's uses are intended to be conducted in a manner not detrimental to the rest of the community by reason of noise, vibration, smoke, dust, toxic or noxious materials, odor, fire, explosive hazards, glare or heat.

5.11.02 Permitted Land Uses and Developments of the “LI” Light Industrial District (2017-044)

The following land uses and developments are permitted in this district:

Accessory uses;

Any use whose primary purpose includes the light manufacturing, fabricating, assembly, disassembly, processing or treatment of goods and products, including but not limited to:

appliances, small motors;

books, printed materials;

clothing and textiles;

drugs;

electrical components;

glass and ceramics;

paper and paper products;

plastic and fiberglass;

sheet metal;

tools;

wood assembly and finishing;

Airports, landing strips and heliports;

Animal boarding facilities and animal shelters, subject to the provisions of 5.11.06, subparagraph 3 (below) (2003-139);

Automobile, truck and recreational vehicle sales and rental;

Boat and marine sales and service;

Body Art Establishment

Building-contractors office and materials storage;

Building material sales and storage;

Bus and train stations and terminals;

Business, professional, and technical training schools;

Cartage and express facilities;

Data Center:

Dwelling unit (one only) only when used by the caretakers and their families, who own or are employed in the allowable commercial or industrial use of the premises, and which may be located on the ground floor;

Farm equipment sales and service;

Fruit, Vegetable and grain processing, packaging, and storage;

Gasoline Stations;

Golf courses and other open space recreational uses;

Ice processing, sales and storage;

Lumberyards;

Machinery sales, service and storage;

Machine shops;

Motor and rail freight terminals;

Newspaper offices;

Offices;

Outdoor storage, as a principal use, except junkyards, salvage yards, and wrecked vehicle storage yards;

Parking lots, as a principal use;

Plating establishments;

Plumbing and heating service and equipment stores;

Printing and publishing establishments, duplicating services;

Public buildings used by any department of the City, School District (except school buildings), Township, Park District, County, State, and Federal governments;

Public utility facilities;

Research laboratories and facilities; and

Self-service storage facility, interior unit access. (2018-008)

Sewage treatment plants;

Showrooms and retail outlets associated with warehouse or manufacturing facilities where the showroom or retail portion does not exceed thirty (30) percent of the total floor area;

5.12 “HI” Heavy Industrial District

5.12.01 Purpose and Intent

This section contains the district regulations of the “HI” Heavy Industrial District. These regulations are supplemented and qualified by additional general regulations appearing elsewhere in this Ordinance which are incorporated as a part of this section by reference. The “HI” Heavy Industrial District is intended to be located in selected areas so that its permitted and special uses' noise, vibration, smoke, dust, toxic or noxious materials odors, fire, explosive, glare, heat, and other hazardous characteristics are not detrimental to the rest of the community.

5.12.02 Permitted Land Uses and Developments of the “HI” Heavy Industrial District

The following land uses are permitted in this district:

Any use permitted in the “LI” Light Industrial District;

Accessory uses;

Any use whose primary purpose includes the heavy manufacturing, fabrication, assembly (does not include disassembly), processing or treatment of goods and services, including but not limited to:

boats,

construction equipment,

containers and storage units,

motor vehicles and engines,

paints, inks,

stoneware, earthenware;

Data Center;

Railroad switching yards; and

Self-service storage facility, interior unit access. (2018-008)

5.12.03 Special Land Uses and Developments of the “HI” Heavy Industrial District

The following land uses and developments may be permitted under conditions and requirements specified in Article 14, “Permits.”

Animal slaughtering, meat packing, or rendering facilities;

Any use whose primary purpose includes the heavy manufacturing, fabrication, assembly, disassembly, processing or treatment of goods and services, including but not limited to:

concrete, asphalt, cement,

motor vehicles and engines,

Bulk fuel distribution or storage;

Distillery;

5.13 “PD” Planned Development Districts

5.13.01 Purpose and Intent

The purpose of the Planned Development Districts is to provide a means of achieving greater flexibility in development of land in a manner not always possible in conventional zoning districts; to encourage a more imaginative and innovative design of projects; to promote a more desirable community environment; and to retain maximum control over both the design and future operation of the development.

The City Council, upon recommendation by the Planning and Zoning Commission, may, by an Ordinance adopted in the same manner as zoning districts are created, authorize a Planned Development District when the proposed development or use of a specific tract of land or area warrants greater flexibility, control, and density than is afforded under the general regulations of standard zoning districts. However, it should be noted that these planned development regulations are not intended to allow excessive densities, or the development of incompatible land uses, either within the development, or as the development relates to the general neighborhood. The standards contained in the following provisions must be strictly adhered to by the applicant. The City Council may, upon proper application, approve a planned development to facilitate the use of flexible techniques of land development and site design, by providing relief from zoning requirements designed for conventional developments in order to obtain one or more of the following objectives:

1. Environmental design in the development of land that is of a higher quality than is possible under the regulations otherwise applicable to the property.
2. Diversification in the uses permitted and variation in the relationship of uses, structures, open space and height of structures in developments intended as cohesive, unified projects.
3. Functional and beneficial uses of open space areas.
4. Preservation of natural features of a development site.
5. Creation of a safe and desirable living environment for residential areas characterized by a unified building and site development program.
6. Rational and economical in relation to public utilities and services.
7. Efficient and effective traffic circulation, both within and adjacent to the development site.

A person, by choosing to develop property as a planned unit development, elects to submit a contemplated development proposal to a legislative and discretionary review by the Planning and Zoning Commission and City Council.

5.13.02 Relationship of Planned Development Districts to Zoning Map

1. *A Mapped District:* The PD designation is not intended to be attached to existing zoning districts as an overlay. The PD designation as detailed in this section is a separate use district and may be attached to a parcel of land through the process of rezoning and zoning map amendment.
2. *Plan Approval Required:* It is the intent of this Ordinance that no development or redevelopment of the property encompassed by the PD designation take place until an acceptable development plan has been reviewed and approved in conformance with the requirements of this Section, Article 20, “Amendments” and applicable sections of Article 15, “Subdivision of Land.”
3. *Relationship to “SAGRC” Overlay District:* The requirements of the “SAGRC” Overlay District, contained in Article 6, Subsections 6.02.04 through 6.02.09, shall apply. Also, see Article 6, Subsection 6.02.10 for submittal requirements, review and approval procedures associated with development within the “SAGRC” Overlay District.

5.13.03 Coordination with Article 15, "Subdivision of Land" and Article 20, "Amendments"

1. It is the intent of this Ordinance, where a Planned Development involves any subdivision activity, that the subdivision review and approval procedure requirements contained in Article 15, "Subdivision of Land," be carried out simultaneously with the review of a Planned Development under this Section of this Ordinance. As applicable, reference is made to requirements in Article 15 within this Section. Also, with regard to these references, Article 15 may contain the term "plat," which under the "PD" District requirements is intended to be synonymous with "plan" as appropriate.
2. Since obtaining a "PD" District designation requires a map amendment (rezoning), the requirements and procedures of Article 20, "Amendments" shall apply. As applicable, reference to Article 20 is made within this Section.

5.13.04 Types of Planned Developments

All areas of the City subject to the PD designation shall be assigned one of the following District classifications which shall be considered a separate zoning district and subject to the specific restrictions and limitations outlined in this section.

1. *Planned Development - Residential (PD-R)*: Planned developments involving residential uses only.
2. *Planned Development - Commercial (PD-C)*: Planned developments involving commercial uses only.
3. *Planned Development - Industrial (PD-I)*: Planned developments involving industrial and limited commercial uses only.

5.13.05 Permitted Uses

1. *Planned Development - Residential*

The following land uses and developments may be permitted in this District:

- a. Permitted land uses and developments shall be established in the conditions of the Ordinance adopted by the City Council governing the particular Planned Development - Residential District. Specific uses may include those uses designated as permitted, accessory, or special uses in any of the residential districts.
- b. In addition to those uses included in Paragraph "a" above, the following uses may be designated as permitted uses and established as such in the Ordinance governing the particular Planned Development - Residential District:
 - 1) attached single family dwellings/townhouses
 - 2) condominiums
 - 3) zero lot line residential developments
 - 4) mobile home parks
- c. Within the Planned Development - Residential District, more than one principal building may be located on a zoning lot.

2. *Planned Development - Commercial*

The following land uses and developments may be permitted in this District:

- a. Permitted land uses and developments shall be established in the conditions of the Ordinance adopted by the City Council governing the particular Planned Development - Commercial District. Specific uses may ~~only~~ include those uses designated as permitted, accessory, or special uses in the "NC," "LC," "GC" and "CBD" Commercial Districts, or other uses of a commercial nature.

3. *Planned Development - Industrial*

The following land uses and developments may be permitted in this District:

- a. Permitted land uses and developments shall be established in the conditions of the Ordinance adopted by the City Council governing the particular Planned Development - Industrial District. Specific uses may ~~only~~ include those uses designated as permitted, accessory, or special uses in the "LI" or "HI" Industrial District, the "ORI" Office, Research and Light Industrial District and those uses in the "NC," "LC," or "GC" Commercial Districts, which are specifically related to the particular development.

5.13.06 Minimum Planned Development Site Size

The minimum site size for any of the Planned Development Districts shall be two (2) acres. This minimum site size may be waived by the City Council upon recommendation by the Planning and Zoning Commission if the parcel in question has certain unique characteristics such as, but not limited to, significant topographic change, significant trees or wooded areas, wet lands, floodplain areas, soil conditions, utility easements, or unusual shape or proportions; or, if it is determined that the use proposed is desirable or necessary in relationship to the surrounding neighborhood; or, if the City Council should determine such waiver to be in the general public interest.

5.13.07 Density and Dimensional Regulations and Performance Standards

1. *General Standards:* The approval of the Development Plan may provide for such exceptions from the regulations associated with traditional zoning districts as may be necessary or desirable to achieve the objectives of the proposed planned development. However, such exceptions shall consistent with the City's Comprehensive Plan and the standards contained in this Section and have been specifically requested in the application for a planned development; and further, that no planned development shall be allowed which would result in:
 - a. Inadequate or unsafe access to the planned development;
 - b. Traffic volumes exceeding the anticipated capacity of the proposed major street network in the vicinity;
 - c. An undue burden on public parks, recreation areas, schools, fire and police protection and other public facilities which serve or are proposed to serve the planned development;
 - d. A development which will be incompatible with the intent and purposes of this Ordinance;
 - e. Detrimental impact on surrounding area including, but not limited to, visual pollution;

The burden of proof that the criteria above are not being violated shall rest with the applicant and not the City of DeKalb.

5.13.11 Requirements and Procedures Prior to Recording of Plan

After the final development plan (and subdivision plat, if applicable), engineering plans and other associated documents have been approved by the City Council, the applicant shall meet the terms and conditions of Section 15.08, Article 15, "Subdivision of Land."

5.13.12 Final Development Plan Approval Not Acceptance of Dedication Offers

Approval of a planned development does not constitute acceptance by the City of the offer of dedication of any streets, utilities, sidewalks, parks or other public facilities shown on the plan. However, the City Council may accept any such offer of dedication by resolution and may delay such acceptance until such time that the Public Works Director determines that the public improvements have been completed in a satisfactory manner, and accepted or approved by the appropriate authority. (2017-044)

5.13.13 Amendments to Final Development Plan

1. *Minor Changes:* Minor changes in the location, siting and height of buildings and structures may be authorized by the Community Development Director without additional public hearings if required by engineering or other circumstances not foreseen at the time the final plan was approved. No change authorized by this subsection may cause any of the following:
 - a. A change in the use or character of the development;
 - b. An increase in overall coverage of structures;
 - c. An increase in the intensity of use;
 - d. An increase in the problems of traffic circulation and public utilities;
 - e. A reduction in approved openspace;
 - f. A reduction of off-street parking and loading space;
 - g. A reduction in required pavement widths.

Notwithstanding anything foregoing to the contrary, all amendments, changes, or revisions to the final plan and plat of subdivision for any planned development located on parcels of property under common ownership which are at least 500 acres in size, shall constitute minor changes under this Section that may be authorized by the City Manager or Community Development Director without additional public hearings, provided that said amendments, changes, or revisions conform to the conditions and development standards established in the Ordinance adopted by the City Council governing the particular planned development.

~~g.—~~

2. *Plan Amendments:* All other changes in use, or rearrangement of lots, blocks and building tracts, or any changes in the provision of common open spaces and changes other than listed above, must be approved by the City Council after report of the planning staff and recommendation by the Planning and Zoning Commission. Such amendments may be made only if they are shown to be required by changes in conditions that have occurred since the final plan was approved or by changes in community policy.

Any changes to the approved final plan must be recorded as amendments in accordance with the procedures and requirements of Article 20, "Amendments." Additionally, the City Council shall require the applicant to re- file his application subject to the requirements of this Section as if it were an entirely new application.

5.13.14 Failure to Initiate Construction After Final Development Plan Approval