

Sec. 5.03.07. Changes to approved PD districts

A. Changes to Critical Design Features

1. Changes to any condition on the site plan or to the list of conditions that have received a "critical design feature" designation shall be considered a Major Modification and shall be reviewed in accordance with procedures in Sec. 10.03.00.

B. Changes to Approved PD Site Plans

The Administrator is authorized to approve the administrative modifications specifically listed in this section of the PD Ordinance, as long as they are in harmony with the originally approved PD district. The Administrator shall not have the power to approve changes that constitute a minor or a major modification of the approval. A minor modification shall require approval by resolution of the Board and shall be heard in the form of a personal appearance. A major modification shall require approval of the Board and shall be handled in the same manner as the original approval.

1. Administrative Modification: The Administrator is authorized to approve the following modifications to approved Planned Development Districts:
 - a. Reduce the number of parking spaces by an amount not to exceed 10 percent of the approved spaces, provided the reduction meets the minimum off-street parking requirement for the uses.
 - b. Any relocation of approved density or intensity farther than 500 feet from the zoning lot boundaries or farther than 200 feet from any part of the planned district which has been constructed or sold to an owner or owners different from the applicant requesting the change.
 - c. A change from multi-family to single family, if it does not increase external impacts such as, but not limited to, transportation, schools, parks, or utilities and is consistent in lot size, coverage, and yards with other single-family portions of the development. If no single-family units are included in the project, the requirements of the RSC-9 district shall be the minimum permitted.
 - d. Allow interim passive agricultural uses, as defined by this Code, prior to development, site construction plan approval and/or final subdivision plat approval of the planned district or portion(s) thereof, provided the agricultural activity will not impede development in any part of the district under separate ownership. Additionally, the allowance shall be restricted to planned districts or portions thereof that were agriculturally zoned at the time of rezoning to PD. Upon qualification for interim passive agricultural uses under this provision, the allowance for such uses shall run with the land irrespective of any subsequent zoning changes, including rezoning to a standard district, unless expressly prohibited by condition or restriction imposed by the zoning change, and provided that passive agricultural uses were permitted on the property under its zoning, or through this provision, on November 1, 2012.
 - e. Allow redevelopment of mobile home parks in the Urban Service Area with affordable housing at the same permitted density with any housing type pursuant to the affordable housing requirements of Section 6.11.07 of this Code and connection to public water and wastewater services. The project shall be subject to the affordable housing standards in Sections 6.11.07 and 6.01.02 of this Code for the RSC-9 district unless alternative standards are necessary to achieve the permitted density. Such alternative standards shall be subject to approval of the Administrator as being the minimum necessary for the provision of affordable housing pursuant to Section 6.11.07 of this Code. If alternative standards are requested, the applicant shall provide written justification with a detailed explanation of why the alternative standards are necessary to achieve the permitted density.
 - f. Allow modifications to the site plan for the configuration and adjustments of internal driveways and/or parking areas that do not affect setbacks, buffers, site access or any other approved conditions or standards.

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g. Allow the conversion of mobile home units to single family conventional units.

2. Minor Modification: In reaching a decision as to whether or not the changes are substantial enough to be considered a minor modification, the Administrator shall, after reviewing the record of the project, determine if any of the following changes are present:
 - a. Any change in parking areas resulting in a reduction of more than ten percent in the number of approved spaces which also reduce any minimum required spaces.
 - b. Significant changes in the basic form.
 - c. Any reduction in the amount of open space/recreation area or any substantial change in the location or characteristics of open space.
 - d. Changes in location, or type of pedestrian or vehicular accesses or circulation, or any increase or decrease in the number of pedestrian or vehicular accesses.
 - e. Any increase in density or intensity within 500 feet of the zoning lot boundaries or within 200 feet of any part of the planned district which has been constructed or sold to an owner or owners different from the applicant requesting the change. Relocation of uses, density or intensity which triggers these thresholds shall be considered a minor modification.
 - f. Any increase in density or intensity of use of up to five percent usable floor area, three percent of the number of dwelling units, or five percent in the amount of outside land area devoted to sales, displays, or demonstrations over the entire PD. In no case shall the intensity or density be increased over the maximum permitted by the PD district in general or the Comprehensive Plan.
 - g. An increase in structure height less than 15 feet or an increase in number of stories.
 - h. Any change in a condition specifically required by the Board as part of the PD amendment. However, any condition which merely restates a Code requirement without deviation may be modified by the Administrator if the regulation allows a waiver or if the regulation has subsequently been changed by the Board of County Commissioners.
 - i. Any decrease in required yards, except that when such decrease is to apply to three or less single-family lots within the project, the change shall be reviewed per Section 11.04.
 - j. Any deletion of a specifically approved use.
 - k. Any increase in the area allocated to any land use type, except open space/recreation area, by ten percent or less.
 - l. Any increase in traffic generation, up to ten percent.
 - m. Any request for a decrease in intensity from commercial to residential support or conventional single-family, or from commercial or office to conventional single-family, shall be considered a minor modification.
 - n. If any of the above changes are present, the change shall be considered a minor modification.
3. Major Modification: In reaching a decision as to whether the changes are substantial enough to be considered a Major Modification, the Administrator shall, after reviewing the record of the project, determine if any of the following changes are present:
 - a. Any increase in intensity of use shall be considered to be an increase of more than five percent usable floor area, or an increase of more than three percent in the number of dwelling units, or an increase of more than five percent in the amount of outside land area devoted to sales, displays, or demonstrations over the entire PD. In no case shall the intensity or density be increased over the maximum permitted by the PD district in general or the Comprehensive Plan.

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- b. Any increase in structure height of 15 feet or greater.
- c. Any addition of a use from the specifically approved use. However, a change from multi-family to single family shall be an administrative modification if it does not increase external impacts such as, but not limited to, transportation, schools, parks, or utilities and is consistent in lot size, coverage, and yards with other single-family portions of the development.
- d. Any increase in the area allocated to any land use type, except open space, by more than ten percent.
- e. Any increase in traffic generation by more than ten percent.
- f. If any of the above changes are present, the change shall be considered a major modification.

TABLE 5.1
CHANGES IN APPROVED GENERAL PLANS

N/A = not applicable

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	Administrative Modification	Minor Modification	Major Modification
Parking	Reduction $\leq$ 10% of spaces above the minimum requirement	Reduction $>$ 10% of spaces that also reduce required spaces	N/A
Basic Form	N/A	Significant changes	N/A
Open Space (See also Use)	NA	Reduction in area, location or characteristics; includes recreation area	N/A
Access/Circulation	N/A	Changes in location or type of pedestrian or vehicular accesses or circulation. Increase or decrease in number of pedestrian or vehicular accesses.	N/A
Density/Intensity	Relocation $>$ 500' from zoning lot line or $>$ 200' from other owner and not minor/major modification	Increase or relocation $\leq$ 500' from zoning lot line or $\leq$ 200' from other owner	N/A
	N/A	Increase $\leq$ 5% usable floor area, $\leq$ 3% of number of dwelling units, $\leq$ 5% outside land area for sales, displays, demonstrations	Increase $>$ 5% usable floor area, $>$ 3% of number of dwelling units, $>$ 5% outside land area for sales, displays, demonstrations
Height	N/A	Any increase in structure height $<$ 15 feet or increase in number of stories	Any increase $\geq$ 15'
Conditions	N/A Any change in condition specifically required by BOCC that is not addressed as a minor modification	Any change in condition specifically required by BOCC	N/A

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Yards	N/A	Any decrease in required yards (see 5.03.04.C.i.)	N/A
Use	Change from M-F <u>and Mobile Home units</u> to S-F if no increase in external impacts and is consistent in lot size, coverage, yards with other S-F in development. If no other S-F, then minimum requirements are RSC-9	Any deletion of a specifically approved use.	Any addition of a use different from the specifically approved use
		Any increase in area allocated to any land use type (except open space/recreation area) by $\leq 10\%$	Any increase in area allocated to any land use type (except open space) by $> 10\%$
		Change from commercial to residential support or conventional S-F	
		Change from commercial or office to conventional S-F	
Traffic Generation	N/A	Any increase $\leq 10\%$	Any increase $> 10\%$

C. Time Limits for Approved PD Site Plans

If site construction plans, or the equivalent thereof, have not been approved for all or part of a PD rezoning within five (5) years, or such longer period of time as may be approved by the Board of County Commissioners, of the effective date of the PD rezoning or last modification thereto, then the certified PD General Development Plan shall expire for the internal transportation network and external access points, as well as for any conditions related to the internal transportation network and external access points.

If site construction plans, or the equivalent thereof, have been approved for all or part of an approved PD district within five (5) years, or such longer period of time as may be approved by the Board of County Commissioners, of the effective date of the PD rezoning or last modification thereto, then the General Development Plan shall remain valid until the expiration date of the initially-approved site construction plans or any other subsequently-approved site construction plans or until five (5) years, or such longer period of time as may be approved by the Board of County Commissioners, of the effective date of the PD rezoning, whichever is longer.

Any portion of the internal transportation network and/or external access points constructed pursuant to approved site construction plans is not subject to expiration.

Upon expiration, re-certification of the PD General Site Plan for those portions that have expired shall require a Minor Modification to the PD, in accordance with subsection B above, the scope of review of which shall be to reevaluate the internal transportation network, external access points and any conditions pertaining to the internal transportation network and external access points of the PD for consistency with current Comprehensive Plan policies and Code regulations.

Such reevaluation shall include consideration of the existing transportation network, existing development, and how any modification to the previously approved internal transportation network, external access points and any conditions pertaining to the internal transportation network and external access points would affect the ability to develop the approved uses.

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1. Upon initial review of a PD or at any time thereafter, the BoCC may approve a duration exceeding five (5) years when supported by evidence that the characteristics of the property or the scope, scale or anticipated timing or phasing of the project would make a longer duration more practical or is reasonably necessary to complete the project in its entirety.
2. If a PD is approved along with a development agreement, the PD shall have a duration of at least the duration of the development agreement.
3. The property owner may request the Administrator to allow a one-year extension of development rights to the original PD conditions and General Site Plan, provided the following is met:
 - a. The request is submitted to the Administrator at least thirty (30) days prior to expiration.
 - b. The applicant must provide a written explanation as to the status of the project and the need for the extension.
4. Notwithstanding anything to the contrary, this Subsection C. shall not apply to any PD approved before May 20, 2021, or to any PD for which a complete application was pending as of May 20, 2021. However, this Subsection C. shall apply to modifications to an otherwise exempt PD that proposes a substantial modification to the internal transportation network, external access points and any conditions pertaining to the internal transportation network and external access points.

LDC 25-0404	Division Director Sign-off	<i>J. Brian Grady</i>
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