

C8-16-06 PROPOSED TEXT AMENDMENTS TO THE UNIFIED DEVELOPMENT CODE

Background: Since the adoption of the Unified Development Code (UDC) in October 2012, staff has continued to review the document, and in so doing, has come across minor corrections that are needed.

Given the scale of the LUC Simplification Project, City staff anticipated having to process “clean up” amendments. During the adoption of the UDC the Mayor and Council was informed that corrections would come forth periodically.

Below is a list of 2016 UDC correctional text amendments. These changes reflect omissions and oversights in the transfer of LUC provisions into the UDC. The text issues were typically found while staff or customers were using the UDC to obtain zoning information.

1. Clarify Extension of Time procedure for Rezoning.

Accordingly, the following is the proposed amendments to the Unified Development Code. Changes are shown with ~~strikethroughs~~ and underscores for ease of spotting.

#1

Summary: Revises the language in the UDC related to extension of time for rezoning cases to more clearly reflect the intent of the LUC and reduce ambiguity.

Affected Sections: 3.5.4.D

Proposed Amendment:

**UNIFIED DEVELOPMENT CODE
ARTICLE 3. GENERAL PROCEDURES
SECTION 3.5. REZONING (CHANGE OF ZONING)**

3.5.4. CHANGE IN CONDITIONS OF APPROVAL AND COMPLETION OF CONDITIONS

An applicant may request a change to conditions of approval. The PDSD Director shall make a determination as to whether a proposed change to the conditions of rezoning, to the preliminary site plan, or to the approved site plan is major, minor, or administrative. A request to change conditions of approval is considered as follows:

D. Extension of Time

1. When a rezoning request has been authorized or an ordinance adopted and the specified time period within which to complete all conditions of rezoning has lapsed, the case file shall be closed. A closed case may be reactivated only by the Mayor and Council after a public hearing on the reactivation of the case.
2. A time extension may be requested before the time period for completion of the ordinance conditions expires. The request must be filed prior to the expiration date so Mayor and Council can take action on the request prior to the expiration of rezoning.
3. The filing of a time extension request initiates a staff review to determine whether the request should be approved or denied, and whether conditions should be revised to reflect new conditions, or practice. New conditions may be added as part of the staff review. At the end of the staff review period, a communication to Mayor and Council is drafted and forwarded to the City Clerk for City Manager review and Mayor and Council consideration.
4. The Mayor and Council shall consider the time extension request. ~~after a public hearing, in the circumstance where the time extension request does not extend the expiration period beyond five years from the most recent public hearing on the case. A new public hearing is required on any request that would extend the time period more than five years from the date of the last public hearing.~~ However, no time extension may be granted beyond ten years from the original date of approval.
5. Where an ordinance has been adopted, the last public hearing before the ten-year limitation shall provide for the repeal of the adopted ordinance if

the conditions are not completed prior to the expiration of the ten-year period.

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