

### § 14-16-4-3 SECTOR DEVELOPMENT PLAN PROCEDURES.

#### (A) *Application for New or Amended Sector Development Plans.*

- (1) Application for the adoption or amendment of a sector development plan may be initiated by filing with the Planning Director or by the introduction of a bill by a City Councilor. The application shall be accompanied by the proposed sector development plan or sector development plan amendment.
- (2) Prospective applicants should discuss their ideas with the Planning Director before making application so as to familiarize themselves with city plans and policies.
- (3) An application seeking a new sector development plan or an amendment to a sector development plan shall be filed on prescribed forms. Each application shall be accompanied by sufficient copies of the proposed plan, evidence of interest in property, and other related information as required by the city. Submission of inaccurate information with an application is grounds for denial.
- (4) Applications may be made only by the Mayor or his designated representative, a City Councilor or a designee of a City Councilor or by a person with direct financial, contractual, or proprietary interest in the affected property. The Planning Commission may not be an applicant.
- (5) Where the official zone map has been set by a Sector Development Plan, application for amendment of the official zone map is through amendment of the plan. The application shall be subject to the same fee and notice as changes to the zone map in areas not governed by a Sector Development Plan.
- (6) Applications for amendment of the text of a previously adopted Sector Development Plan shall be subject to the same fee, and notification and other procedures as changes to the text of this Zoning Code.

#### (B) *Fee.* An application fee shall be charged as follows except to representatives of the city:

- (1) Plan approval, \$70 if approval is requested at the same time rezoning of the plan's area is requested.
- (2) Plan approval, \$230 if approval is requested at a time other than when rezoning of the plan's area is requested.
- (3) The application fee is nonrefundable.

#### (C) *Adoption of Sector Development Plan*

- (1) The Planning Commission is authorized to approve Sector Development Plans for R-D and PC zoned areas, subject to appeal as in a zone change.
- (2) Only the City Council shall approve Sector Development Plans for areas which are not entirely zoned R-D or PC. If the City Council has jurisdiction to adopt the governing Sector Development Plan, only the City Council may approve Sector Development Plan amendments, except that applications for amendments to the zoning in Sector Development Plans for less than one block shall be decided by the Planning Commission.

- (3) The Planning Director shall request interested city departments and other agencies to comment on all applications. Comments received shall be submitted to the Planning Commission together with the Planning Department staff report.
- (4) The Planning Director shall cause a staff report to be prepared that provides an analysis of the proposed Sector Development Plan adoption or amendment.
- (5) For Sector Development Plan adoption or amendment where the Planning Commission is required to provide a recommendation prior to Council action the Planning Commission shall adopt its recommendation at a public meeting.
- (6) The Planning Commission may prescribe regulations pertaining to the submission of testamentary or documentary evidence into the record of any application prior to the advertised hearing date for the application.
- (7) The Planning Commission shall make a decision on a Sector Development Plan proposed for the R-D zone within 90 days after filing of a complete application for approval of such plan. If the Planning Commission action is appealed, no plan shall be considered in effect until the appeal is decided, and the provisions of § 14-16-2-14(G)(2) of this Zoning Code shall control during the interim.

**(D) Review and Administration.**

- (1) In addition to the review of a Sector Development Plan pursuant to § 14-13-2-5 ROA 1994 the Planning Commission shall review a Sector Development Plan whenever the Commission or the Planning Director determines that conditions in the general area of the plan have substantially changed or that review is appropriate for other reasons, but in any event review shall take place at least every ten years until the plan is fully implemented in order to determine if the plan should be amended.
- (2) The Planning Director may approve minor changes to an approved Sector Development Plan or Landscaping Plan if it is consistent with the use and other written requirements approved by the Planning Commission or City Council, if the buildings are of the same general size, the vehicular circulation is similar in its effect on adjacent property and streets, and the approving official finds that neither the city nor any person will be substantially aggrieved by the altered plan.

('74 Code, § 7-14-44) (Ord. 80-1975; Am. Ord. 45-1977; Am. Ord. 21-1978; Am. Ord. 38-1978; Am. Ord. 53-1980; Am. Ord. 12-1990; Am. Ord. 36-1990; Am. Ord. 49-1990; Am. Ord. 58-1993; Am. Ord. 36-1994; Am. Ord. 23-2001; Am. Ord. 30-2002; Am. Ord. 19-2010; Am. Ord. 2012-036)