

Neighborhood Plan Amendment Submittal Timeframes

	Council	Planning Commission	Director of PDRD	Contact Team	Owner of a Subject Property
Individual Properties	Anytime	After 1 Year (February and July)	After 1 Year (February and July)	After 1 Year	After 1 Year (February and July)
Subdistrict Wide/Area Wide	Anytime	After 2 Years <u>OR</u> Anytime	After 2 Years	After 2 Years	N/A

Green Means this Language Currently Exists in the Code

Blue Means this Language is Proposed to Be Added to the Code

ARTICLE 16. NEIGHBORHOOD PLAN AMENDMENTS.

§ 25-1-801 DEFINITIONS.

In this article:

- (1) DIRECTOR means the director of the Planning and Development Review Department.
- (2) NEIGHBORHOOD PLAN CONTACT TEAM means the individuals designated to implement an adopted neighborhood plan. The neighborhood plan contact team is a neighborhood organization that may qualify as an interested party for purposes of notice, appeal, and other processes if all other qualifications for interested party status are satisfied. The neighborhood plan contact team is a separate body apart from any other existing or future neighborhood organization.

§ 25-1-802 DIRECTOR'S REVIEW OF NEIGHBORHOOD PLAN.

The director shall conduct a general review of a neighborhood plan not earlier than five years after the adoption of the plan and may recommend amendments of a plan to the Planning Commission and council. The director shall include neighborhood stakeholder input in the review process.

§ 25-1-803 INITIATION OF NEIGHBORHOOD PLAN AMENDMENT.

A neighborhood plan amendment may be initiated by:

- (1) for an amendment regarding an individual property:**
 - (a) the owner of the subject property;**
 - (b) the council;**
 - (c) the Planning Commission;**
 - (d) the director; or**
 - (e) the neighborhood plan contact team for the planning area in which the property is located; or**
- (2) for an amendment regarding an area-wide or subdistrict-wide recommendation:**
 - (a) the council;**
 - (b) the Planning Commission;**
 - (c) the director; or**
 - (d) the neighborhood plan contact team for the affected neighborhood plan area.**

§ 25-1-804 APPLICATION TO AMEND NEIGHBORHOOD PLAN

- (A) A pre-application meeting between the director's staff and an applicant is required before the applicant may submit an application to amend a neighborhood plan to the director. At the meeting:
- (1) the staff shall describe the application process to the applicant;
 - (2) the applicant shall describe the proposed neighborhood plan amendment to the staff;
 - (3) if the applicant is proposing a change to the future land use map, the applicant shall the proposed change, including the address, boundaries, acreage, current and proposed future land use map categories, and current and proposed uses; and
 - (4) if the applicant is proposing a text change, the applicant shall provide the proposed language and an explanation of the change.
- (B) For an application regarding an individual property, except as provided in Subsection (C):
- (1) the director may accept an application to amend a neighborhood plan not earlier than one year after the adoption of the plan;
 - (2) after the one year anniversary of a plan adoption, the director may accept an application to amend a plan recommendation relating to an individual property not more frequently than once every 12 months; and
 - (3) an application may be filed only during the month established by the director under Section 25-1-811 (*Map; Filing Dates*), unless:
 - (a) the application is submitted by a neighborhood plan contact team for the planning area in which the property is located; or
 - (b) a neighborhood plan contact team for the planning area in which the property is located has given written approval of the application.
 - (4) An applicant may not file an application for an amendment that is substantially the same as an application denied by council until one year after the council action denying the prior application.
- (C) The director may accept an application regarding an individual property at a time other than as provided in Subsection (B) if the director determines that:
- (1) prohibiting the filing would result in a hardship to the applicant, and the development proposed by the applicant will not adversely affect public health, safety, and welfare;
 - (2) a clerical error regarding the designated use of the subject property exists on the future land use map of the neighborhood plan or in the text of the plan;
 - (3) the person submitting the application has received a letter from the director of the appropriate City department stating that the project:
 - (a) is not subject to current City environmental regulations, but is proposed to be developed under current City environmental regulations;

- (b) promotes the recruitment or retention of an employment center with 100 or more employees; or
- (c) is a S.M.A.R.T. Housing certified project in which at least 40 percent of the proposed units are reasonably priced as provided in **Sections 25-1-703 (C) and (D) (*Program Requirements*)**; or

(4) council has initiated the application.

- (D) An applicant may appeal a decision of the director under Subsection (C)(1) to the Planning Commission.

(E) For an area-wide or subdistrict-wide application:

- (1) the director may accept an application to amend a neighborhood plan not earlier than two years after the adoption of the plan;**
- (2) the director may accept an application not earlier than two years after the most recent council action on the plan; and**

- (3) an application initiated by council may be filed at any time.**