

PROPOSED AMENDMENT RELATED TO MINIMUM DEVELOPMENT POTENTIAL**CHAPTER 23-1, ARTICLE 23-1A, DIVISION 23-1A-6: Minimum Development Potential****23-1A-6010 Limitations on Application of Title**

- (A) **Minimum Development Allowed.** Notwithstanding anything in this Title, or in any City criteria manual, rule, regulation, determination, decision or interpretation authorized by this Title to the contrary, an applicant seeking to develop or re-develop property within the zoning jurisdiction of the City shall be entitled, without the necessity of any variance, adjustment, waiver, exception or alternate compliance decision, to develop or re-develop the property to at least the following minimum development standards:
- (1) 90% of the lesser of (a) impervious cover allowed by the zoning district (without the application of any density bonuses) for the property, or (b) impervious cover allowed by the applicable watershed regulations;
 - (2) 90% of the building coverage allowed by the zoning district (without the application of density bonuses) for the property after application of any impervious cover limits established by watershed regulations, if any; and
 - (3) 90% of the floor-to-area ratio allowed by the zoning district (without application of density bonuses).
- (B) **Additional Development Potential.** Subsection A above shall not be deemed to be a limit on the amount of development or re-development that may occur on a property in the zoning jurisdiction of the City if the proposed development or re-development otherwise meets the requirements of this Title or obtains any authorized variance, waiver, adjustment, exception or alternate compliance to allow such development or re-development.

23-1A-6020 Prioritization of Regulations Affecting Minimum Development Potential

- (A) **City Manager Determination.** In the event the cumulative application of all requirements of this Title and any requirements in any City criteria manual, rule, regulation, determination, decision and interpretation authorized by this Title would result in development or re-development of property within the zoning jurisdiction that is less than the minimum amount entitled under Section 23-1A-6010, then the applicant for such development or re-development shall not be required to obtain a variance, waiver, adjustment, exception or alternate compliance. In that event, the City Manager shall determine and establish which requirements shall not apply so that the minimum development allowed by Section 23-1A-6010 can be achieved.
- (B) **Process for Making Determination.** The applicant for the development or re-development of any property in the zoning jurisdiction of the City shall, at the time it submits an application for development or re-development shall identify whether the requirements of this this Title

and any requirements in any City criteria manual, rule, regulation, determination, decision and interpretation authorized by this Title would result in development or re-development of property within the zoning jurisdiction that is less than the minimum amount entitled under Section 23-1A-6010, and, if so, shall propose which requirements will be met or how some requirements may be partially met based on a review of the circumstances of the property, its location in the City and a method of compliance that is appropriate in order to achieve the minimum development allowed by Section 23-1A-6010. The City Manager shall convene a meeting of reviewing departments to discuss the proposal before the due date of the initial comments to the application. The City Manager shall either accept the applicant's proposal or propose a different prioritization of requirements; provided that however, such alternate prioritization shall not reduce development below the minimum development allowed by Section 23-1A-6010 and shall not substantially increase the costs of the proposed development or re-development.