

# Exhibit B

## Sec. 158.192. - Changes in conceptual master plans

(A) Changes in conceptual master plans approved as a part of the rezoning to MPUD may be permitted. Changes to an approved MPUD which would be considered Major are as follows:

- (1) A change which would include a land use not previously permitted under the MPUD;
- (2) A change which would alter a land use type adjacent to a property boundary except where it is (1) a reduction in density, or (2) a reduction in the intensity of approved residential development unless the reduction locates the residential use adjacent to an incompatible use;
- (3) A change which would require an amendment to the City Council's conditions of approval;
- (4) A change which would increase the land use intensity within any development phase without a corresponding decrease in some other portion of the overall MPUD; and
- (5) An amendment to the phasing which would propose a land use in advance of the development it is designed to support.

(B) Major changes in conceptual master plans shall require a rezoning application meeting all applicable requirements of this chapter for MPUD rezoning and are subject to the newspaper notice and public hearing requirements as set forth for rezonings in this chapter. For changes to conceptual master plans to include a land use not previously permitted or to change a land use type adjacent to a property boundary, notices shall be sent to owners of real property within the area subject to the change and within 750 feet of the boundary of the area subject to the proposed change.

(C) ~~In addition, t~~ The Planning and Zoning Director may consider and administratively approve the following minor changes to an approved MPUD: ~~changes which do not trigger the standards listed above or where the developer proposes to reduce the number of units or floor area in one phase of the project and make a corresponding increase in the number of units or square footage in another portion of the project, if other conditions of approval are not adversely affected, nor any other changes are proposed which would be considered a substantial change to the MPUD.~~

1. Minor changes which do not trigger the standards listed under Section 158.192(A)
2. Reduction in the number of dwelling units or a decrease in floor area
3. Reduction in the number of dwelling units or floor area in one phase of the project with a corresponding increase in the number of units or square footage in another portion of the project
4. Minor changes to the configuration of uses, open space, stormwater, utility, and roadways to overcome a particular difficulty or to achieve a more functional and desirable use of the property than was originally anticipated provided the proposed changes do not alter the intent and purpose of the approved overall development plan, do not alter the intent and purpose of the associated NCD District concept plan, and do not conflict with a specific provision of the adopted MPUD approval.
5. Minor changes to maximum height limits that do not exceed thirty-six inches.

(D) The Planning and Zoning Director may refer minor changes to an approved MPUD to the Site Plan Review Committee ~~and/or the City Council~~. Any denial of a proposed change by the Director or the Site Plan Review Committee may be appealed to the City Council. ~~All Major changes shall follow the procedure for rezoning to MPUD as specified in subsection 158.190(B).~~ To apply for a minor change in conceptual master plans, the

developer or his successors in interest shall submit the following information to the Planning and Zoning Director:

1. A written statement clearly setting forth all proposed changes in the conceptual master plan and regulation book, setting forth in comparable fashion all applicable plan data for both the currently approved conceptual master plan and regulation book.
2. Revised copy of the conceptual master plan containing all proposed changes.
3. Proof of ownership of the property(s) that is the subject of the proposed changes.

(E) All major changes shall follow the procedure for rezoning to MPUD as specified in subsection 158.190(B).

To apply for a change in conceptual master plans, the developer or his successors in interest shall submit the following information to the Planning and Zoning Director.

(1) An up-to-date statement presenting evidence of unified control of the entire area within the MPUD and a renewed agreement to all provisions set forth in subsection 158.190(A)(1) and affected by the proposed changes.

(2) A written statement clearly setting forth all proposed changes in the conceptual master plan and regulation book, setting forth in comparable fashion all applicable plan data and for both the currently approved conceptual master plan and regulation book.

(3) Revised copy of the conceptual master plan containing all proposed changes.

(4) A revised copy of all other documents or reports submitted as part of the original application and affected by the proposed changes.

(5) Revised copies of any additional covenants, agreements, or stipulations made a part of the original approval action and affected by the proposed changes.