

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

3.5.3. ZONING EXAMINER LEGISLATIVE PROCEDURE

D. Application Requirements

1. General

See the Administrative Manual for application submittal requirements. Applications are reviewed for completeness in compliance with Section 3.2.3.A.

2. Initiation

A rezoning may be initiated by the property owner or the owner’s agent upon submittal of a written application to amend the zoning on the property. A rezoning may also be initiated by a majority vote of the Mayor and Council.

3. Plan Amendment Determination

Rezoning ~~applications-cases~~ must be in conformance with adopted plan policies ~~before a rezoning application may be accepted for processing prior to Mayor and Council authorization or adoption.~~ A determination of plan compliance shall be made in one of the following three ways:

a. Plan Compliance Determination

- (1) Prior to submittal of a rezoning application, the PDS Director will provide the applicant with a preliminary determination of plan compliance at the pre-application conference.
- (2) Prior to submittal of a rezoning application, the applicant may request in writing that the PDS Director provide a written determination of plan compliance.

b. Determination by the PDS after Application for Rezoning

Upon submittal of an application for rezoning, the PDS Director shall provide a written determination of land use plan compliance to the applicant. If the proposal is found to comply with the applicable plans, the rezoning application is formally accepted. If the Director determines a plan amendment is necessary, ~~no further formal processing of the application may occur until~~ the applicant must requests-request a plan amendment in accordance with Section 3.6, *Land Use Plan Adoption and Amendment Procedures*. A written notice of decision shall be provided if it is determined that a plan amendment is required.

c. Appeal of Plan Amendment Determination

The PDSO Director's decision that a plan amendment is required may be appealed to the Mayor and Council. The appeal must be submitted in writing to the PDSO within ten days of the effective date of the PDSO Director's decision. Appeals shall be processed in accordance with Section 3.9.2, *Mayor and Council Appeal Procedure*. An appeal stays all processing until the appeal is heard and decided.

3.5.5. PLANNED AREA DEVELOPMENT (PAD) ZONE

E. Initiation of a PAD District.

A PAD District is initiated by filing an application with the Planning and Development Services Department. The application may be filed by the owners of the subject property, an agent for the property owners, or the Mayor and Council. The application will be accepted for processing only if the following requirements are met:

1. The site is under single ownership or control except when initiated by the Mayor and Council;
- ~~2. The site's land area is a minimum of forty (40) acres, or if located in the Downtown Area Infill Incentive District as defined in Section 5.12.10, the Downtown Parking District as defined in Section 11.4.5, or in the Rio Nuevo District as defined in Figure 5.11-A, there is no minimum site area. The Mayor and Council may authorize the initiation of a PAD District of less than the size required by this Section if the proposed PAD District is consistent with the intent of the PAD zone; and,~~
- 32.** The PAD District shall be configured to accommodate a well-integrated project. A PAD District may include existing rights-of-way provided the district is planned and developed on a unified basis.

UNIFIED DEVELOPMENT CODE ARTICLE 5., GENERAL PROCEDURES SECTION 5.4, MAJOR STREETS AND ROUTES SETBACK ZONE (MS&R)

5.4.7 MAJOR STREETS AND ROUTES PLAN (MS&R) RIGHT OF WAY USE MODIFICATION REQUEST

A. Purpose

This section provides an administrative process allowing improvements in privately and publicly owned MS&R right of way areas. This procedure is intended to allow flexibility in using right of way areas where no negative impact is created for surrounding property or the City's major streets and routes planning and where there is a finding that the subject right of way area will not be used for road expansion or similar uses in the future.

B. Applicability

The following improvements may be considered under this Major Streets & Routes Plan Right of Way Modification Request (MSMR): buildings, signs, required parking and landscaping and any other improvement deemed similar by the PDSD Director.

C. Application

Applications must include property ownership information, a site plan, and other information as required by the PDSD and Department of Transportation Directors as necessary to evaluate the request. Except as provided herein, review of an MSMR is processed in accordance with Section 3.3.3, PDSD Director Approval Procedure.

D. Findings for Approval

The PDSD Director may approve a MSMR as provided by this section if all of the following applicable criteria are met and documented in findings.

1. There is a written finding by the Department of Transportation Director that the subject right of way area will not be used for road, drainage or other needed expansions in the future and any other special condition required for approval has been met, and
2. The modification is not a request previously denied as a variance, and
3. The modification is not to a condition of approval for a rezoning, Special Exception Land Use, variance, or Individual Parking Plan, and
4. The modification does not adversely impact adjacent properties or development, and
5. The modification does not impede sight visibility at points of ingress into, egress from, or within the vehicular use area for either vehicular or pedestrian traffic or otherwise create or increase a safety hazard, and
6. The modification provides an improvement that is better integrated into the design character of the immediate neighborhood, and
7. The MSMR does not replace the need for an approval as a Parking Design Modification Request per Sec.7.4.10.
8. The MSMR may include a street setback reduction if all the criteria D.1-7above are met.