

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

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., OVERLAY ZONES
SECTION 5.4, MAJOR STREETS AND ROUTES SETBACK ZONE (MS&R)**

5.4.7 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. The

MSMR does not apply to scenic routes. Permission to use MSMR shall not preclude any other necessary regulatory relief process, such as a Design Development Option or Variance.

C. Application

Applications must include property ownership information, a site plan, and other information as required by the PSDS 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, PSDS Director Approval Procedure.

D. Findings for Approval

The PSDS 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,

Formatted: Indent: Left: 1.25"

Formatted