



PLANNING COMMISSION

Department of Urban Planning & Design • P.O. Box 27210 • Tucson, AZ 85726-7210

DATE: March 4, 2009

TO: Planning Commission

Albert Elias

FROM: Albert Elias, AICP
Executive Secretary

SUBJECT: Update on Amendments to the City of Tucson's Land Use Code Pertaining to the Modification of Development Regulations in the Downtown Area Infill Incentive District and the Planned Area Development Ordinance

Issue – This is an information item. Two text amendments to the *Land Use Code* are proposed.

1. *Downtown Area Infill Incentive District.* This amendment creates a Downtown Area Infill Incentive District (IID) overlay that allows applicants to request a modification of development regulations.
2. *Planned Area Development.* This amendment to the existing Planned Area Development ordinance (PAD) proposes the following:
 - A. To exempt projects within the IID from the 40-acre minimum site area requirement; and,
 - B. To allow Mayor and Council initiated projects and projects within the IID to modify the PAD submittal requirements.

Project Description and Analysis

Downtown Area Infill Incentive District. The modification of development regulations (MDR) attempts to implement the Downtown Area Infill Incentive District Plan by allowing certain modifications in development regulations. These modifications encourage the development of urban infill projects with enhanced streetscapes that are transit and pedestrian-oriented.

The proposed MDR emulates the modification provisions in the RND, with the exception that the proposed MDR requires urban infill streetscapes and appropriate transitional design when next to existing residential areas.

The current draft text amendment establishing the MDR in the Infill Incentive District has been prepared and is included in your packets for informational purposes only. Staff continues to work with the Commission's Infill Subcommittee on editing the draft. The provisions in the draft text amendment are based on the policy direction proposed in the revised Downtown Area Infill Incentive District Plan.

In addition to addressing the direction given by the Mayor and Council on June 10th, the draft text amendment facilitates the adaptive reuse of older buildings and removes barriers to infill development consistent with the Mayor and Council direction provided on July 8th.

The revised policy recommends specific provisions for the MDR including:

- *Purpose* – The MDR is expected to help projects that promote pedestrian-oriented urban neighborhoods.
- *Applicability* – Projects proposing a comprehensive development or redevelopment, change of use, or expansion of an existing use or structure may request an MDR.
- *Modifiable development regulations* – Among those regulations that may be modified include building height, setbacks and parking.
- *Limits of MDR* – An MDR may be no greater than a 25% increase or decrease, with certain exceptions, from the regulations of the underlying zoning.
- *Transition criteria* – MDRs will be reviewed to ensure that the modification will not adversely effect adjacent properties.
- *Enhanced streetscape* – Comprehensive development or redevelopment projects requesting an MDR must provide streetscape improvements. The streetscape improvements must be pedestrian- and transit-oriented.
- *Focus on neighborhood uses* – The type of uses that may use an MDR are pedestrian scale neighborhood compatible land uses.

Planned Area Development. The following amendments to the PAD attempt to further encourage and facilitate development of urban infill projects.

1. *Exemption from 40-acre requirement.* Applications for projects under 40 acres in site area currently have to get approval from the Mayor and Council prior to submittal. The proposed amendment exempts projects within the IID from this requirement.
2. *Modification of submittal requirements.* Currently, PAD applications must include maps, text, or both documenting the following elements: Introduction and Policy, Site Analysis, and PAD District Proposal. The proposed amendment allows applicants with projects initiated by the Mayor and Council or located in the IID to request a modification to the submittal requirements. The applicant must provide a rationale for the change. The Director of Urban Planning and Design will determine whether to accept the request.

Background – A.R.S. 9-499.10 authorizes the City of Tucson, among other cities in the State, to establish an infill incentive district where expedited zoning or rezoning procedures, expedited processing of plans and proposals, waivers of municipal fees for development activities, and relief from development standards may be permitted.

The City of Tucson's General Plan recommends investigating the creation of Infill Incentive Districts as permitted by Arizona law (Element 1, Growth Areas and Population; Policy 9).

On June 27, 2006, the Mayor and Council amended the Rio Nuevo and Downtown (RND) Zone to allow a Modification of Development Regulations process in the Land Use Code to provide design flexibility for infill development.

The Mayor and Council approved the Downtown Area Infill Incentive District on October 24, 2006. The Downtown Area Infill Incentive District Plan includes a map defining the boundaries of the district (see Attachment A) and outlines broad policy guidance related to development goals and incentives within the district.

On June 10, 2008, the Mayor and Council directed staff to draft a modification of development regulations that address relief to development standards in the Downtown Area Infill Incentive District. The purpose is to encourage densification, transit and pedestrian oriented development, and urban neighborhoods that serve downtown and the University of Arizona while upholding sustainable design principles.

On July 8, 2008, the Mayor and Council directed staff to develop medium and long term solutions to encourage and facilitate adaptive reuse of older buildings and revise regulations in the Land Use Code to achieve this.

Conclusion – The establishment of an MDR process within the IID and the amendments to the PAD are necessary for two reasons:

- Balances the need for neighborhood preservation created by the recently adopted Neighborhood Preservation Zone ordinance with a mechanism that facilitates infill in an area near regional job centers like the U of A and the Downtown area; and,
- Attempts to implement the Downtown Area Infill Incentive District Plan.

Next Steps – Staff will continue to work on the draft IID and PAD with community stakeholders and the Infill Subcommittee. Staff anticipates bringing this item to the Planning Commission in April for a study session.

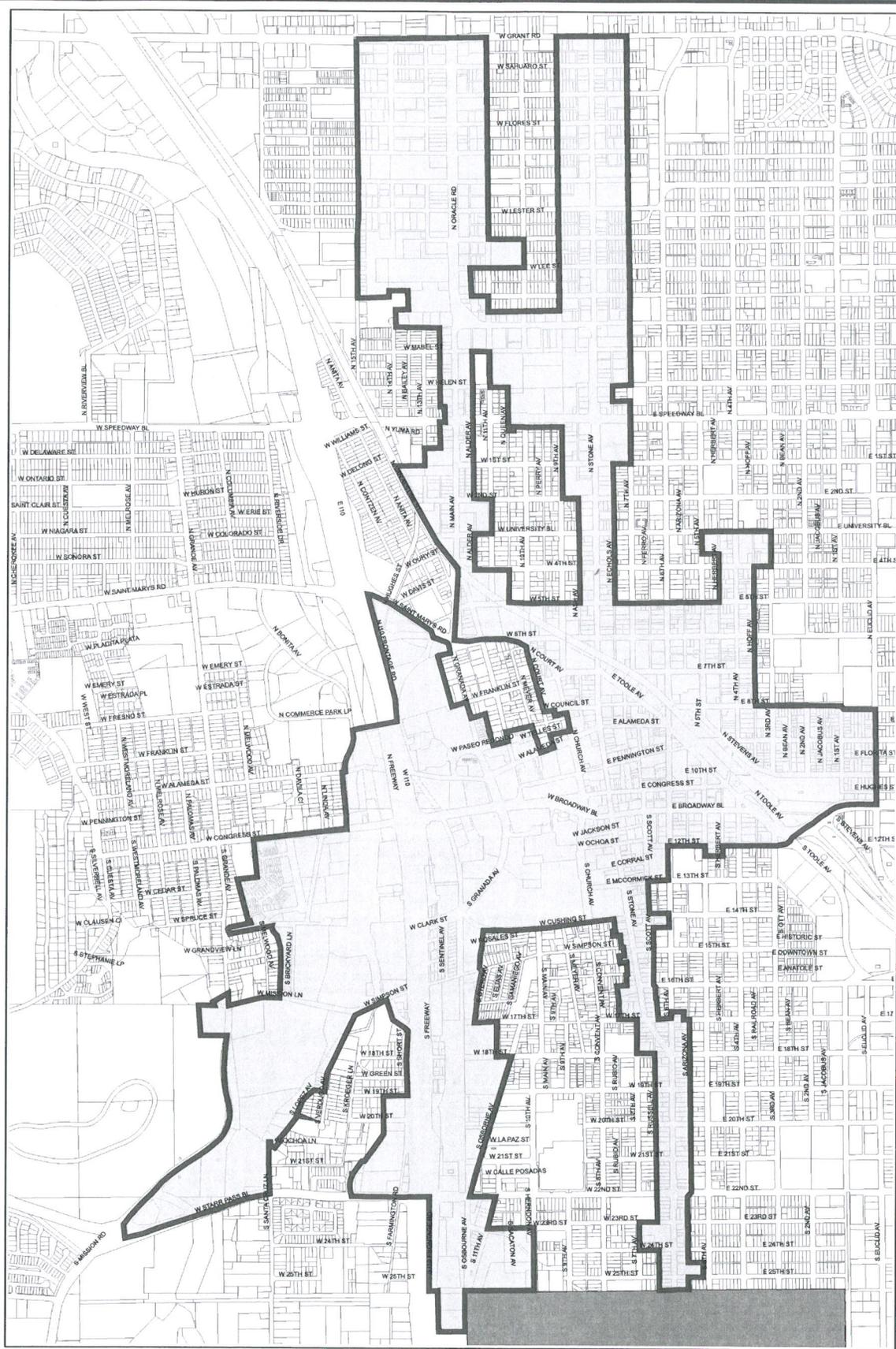
Attachments:

Attachment A: Map of the Infill Incentive District

Attachment B: February 17, 2009 Draft Downtown Area Infill Incentive District text amendment

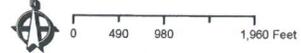
Attachment C: February 17, 2009 Draft amendments to the Planned Area Development ordinance

ATTACHMENT A



- Legend**
-  Infill Incentive District
 -  South Tucson

Downtown Area Infill Incentive District



This map and other information have been compiled for preliminary and general purposes only. They are not intended to be complete and accurate for any other purposes. Please refer to officially adopted Ordinances and Maps.

**ATTACHMENT B: DRAFT TEXT AMENDMENT CREATING THE
DOWNTOWN AREA INFILL INCENTIVE DISTRICT**

SECTION 1. The Tucson Code, Chapter 23, Land Use Code, Article II, Division 8, is hereby amended by adding a new section 2.8.12, Downtown Area Infill Incentive District (IID) to read as follows:

2.8.12 DOWNTOWN AREA INFILL INCENTIVE DISTRICT (IID)

2.8.12.1 *Purpose.* The primary purpose of the Downtown Area Infill Incentive District (IID) is to encourage redevelopment to aid a distressed urban area in the following ways:

- A. Encourages sustainable infill development that supports the creation of urban neighborhoods that are pedestrian- and transit-oriented and benefits the IID, the major activity centers in the area, and the City as a whole.
- B. Addresses barriers to infill development in the Downtown Area Infill Incentive District such as incompatible development standards, and associated development barrier issues; and,
- C. Identify at least two different “Parking Tiers” within the IID in which existing and future parking needs may be less than the current parking requirements.
- D. Effectuate the IID purposes by offering development incentives permitting a modification of development regulations (MDR) as provided herein.

2.8.12.2 *Establishment.* The Downtown Infill Incentive District (IID) is an overlay zone as defined in Sec. 6.2.4-D. The provisions of the IID zone apply to properties within its boundaries.

- A. Development regulations may be modified within the IID zone. This process shall be known as the modification of development regulations (MDR). Upon a recommendation of the Director of the Department of Urban Planning and Design, the Mayor and Council may approve a MDR as noted below.

2.8.12.3 *Boundaries.* The boundaries of the IID and MDR parking tiers are described in Sec. 6.2.4-D (Downtown Area Infill Incentive District and Downtown Area Infill Incentive District – Parking Tiers).

2.8.12.4 *MDR Applicability.* The MDR process applies to the following Land Use Code regulations, development types, land uses, and specific development criteria.

- A. The MDR process applies to the following sections of Article III of the Land Use Code:

1. Division 1, General Provisions, Division 2, Development Criteria, Division 3, Motor Vehicle & Bicycle Parking Requirements, Division 4, Off-Street Loading, and, Division 7, Landscaping and Screening Regulations.
- B. A MDR may apply to the following development categories located on property, including public or private rights-of-way, any portion of which is located within the IID zone: a change of use; expansion of an existing use or existing structure; or new development or a redevelopment project.
- C. *MDR Land Uses.*
1. A MDR application is limited to proposals with one or more of the following uses: Administrative and Professional Office, Alcoholic Beverage Service, Civic Assembly, Craftwork, Cultural, Educational Use: Instructional School, Educational Use: Postsecondary Institution, Entertainment, Attached and Multifamily Residential, Food and Beverage Sales, Food Service, General Merchandise Sales, Mixed Use (a combination of the uses listed in this section and residential), Personal Service, and Travelers' Accommodation, Lodging.
 2. A use not listed above may be allowed if the Mayor and Council deem the use to be in accordance with the purposes of the IID described in Sec. 2.8.12.1.
 3. If drive-through service is provided, it may not interfere with pedestrian access to the site from the roadway.
- D. *MDR Development Criteria.* The regulations provided in Section 2.8.12.4.A may be modified up to twenty-five percent (25%) of the dimension or amount permitted by the underlying zoning with the following exceptions where modifications may exceed this amount:
1. *Building height.* Building height may be increased up to sixty (60) feet unless the current zoning allows a greater height or where in compliance with the MDR Conceptual Plan's Development Transition Element of requires less.
 2. *Street perimeter yard.* Street perimeter yard requirements may be reduced or waived when the Development Services Department determines that there is adequate sight visibility, no traffic safety issue created, and no privacy intrusion into existing residential property created as provided in accordance with the MDR Conceptual Plan's Development Transition Element described in Sec 2.8.12.5.C.
 3. *Parking.* Parking may be modified as provided in this section. The IID is comprised of two Parking Tiers and is described in Sec. 6.2.13-M.
 - a. *Parking Tier 1.* MDR Conceptual Plans for projects located in Parking Tier 1 are not required to provide off-street parking.
 - b. *Parking Tier 2.* MDR Conceptual Plans for projects located in Parking Tier 2:
 - i. May reduce off-street parking up to 50% or use an individual parking plan in accordance with Sec. 3.3.8.7; and,

- ii. Must provide a MDR Conceptual Plan's Development Transition Element described in Sec. 3.3.8.6.B (Development Adjacent to Residential Uses) when located adjacent to an existing residential use.
- 4. *Loading*. Off-street loading zone requirements may be reduced or waived when the Development Services Department determines that no traffic safety issue is created.
- 5. *Solid Waste Collection*. On-site refuse collection container requirements governing access, type, and location may be modified when the Department of Environmental Services determines that no public health or traffic safety issue is created.

2.8.12.5 *MDR Conceptual Plan Requirement*. An MDR application must include an MDR Conceptual Plan that contains a Streetscape Element and a Development Transition Element (if adjacent to existing residential uses).

A. *Streetscape Element*. The MDR Conceptual Plan shall include the following streetscape elements as provided below.

- 1. *Required Streetscape Elements*. The MDR Conceptual Plan shall contain the following:
 - a. A pedestrian-oriented streetscape using documented best urban design addressing:
 - i. Pedestrian proximity to buildings – using sidewalk and building relationships such as build-to lines;
 - ii. Pedestrian amenities – using such techniques such as public seating and display areas;
 - iii. Appropriate sidewalk width – using appropriate width for the property that creates effective connectivity to adjoining properties' pedestrian ways and are consistent with the City's sidewalk width policies;
 - iv. Shade for pedestrians – using landscaping, colonnaded building, or other shading devices.
 - b. Parking areas shall be located at the rear or the side of the building.
 - c. Buildings shall provide ground floor display windows along street frontages and pedestrian entrances from the street.
 - d. The project should reflect a historically compatible design when there are historically designated buildings within its Development Zone.
- 2. *Optional Streetscape Elements*. The MDR Conceptual Plan shall contain at least one of the following features:
 - a. Shade trees and pedestrian lighting along the sidewalk facing an arterial or collector street. City endorsed streetscape plans shall be used as a guideline.
 - b. Green wall or green roof design are integrated into the building construction to reduce heat generation from building surfaces that

otherwise would raise urban atmospheric temperature due to potential building's solar heat absorption as approved by the Director of Urban Planning and Design. Green wall and green roof design refers to a wall or roof that is partially or completely covered with vegetation and, in some cases, soil or inorganic growing medium.

- c. Other design features that are documented in writing as a best practice of transit/pedestrian oriented development.

B. *Development Transition Element.* When the project is adjacent to existing residential development, a Development Transition Element is required as part of the MDR Conceptual Plan.

1. Windows on second or higher stories shall be treated to reduce views into the buildings of adjacent residential property. This feature may be waived where the angle of view from the project's building into the adjacent residential building is obstructed by screening or the slope of the angle.
2. Balconies shall be oriented away from residential property or positioned so that screening or the slope of the angle obstructs the view angle into the adjacent residential building.
3. Landscaping transitions shall be used between any new development and existing residential. The landscaping bufferyard must be of a vegetative type and size, setback, and width to reduce view intrusion into the adjacent residential property. A six foot masonry wall is required as part of a landscape transition.
4. Architectural transitions shall be used when the project building exceeds two stories and the adjoining residential development contains one or two story single family residences. Architectural transitions should include design features that are compatible with the scale and form of the lower density development.

C. *Utilities.* An MDR Conceptual Plan shall include information on the layout and availability of utilities such as water, wastewater, natural gas, electric and telecommunication utilities.

D. *Alternative.* A City approved urban design plan within the IID may substitute for an MDR conceptual plan. The Director may request additional information from the applicant where details may be lacking to adequately review the conceptual plan for compliance with Sections 2.8.12.5.A, B, and C.

2.8.12.6 *MDR Conceptual Plan Content.*

A. *Requirement.* A MDR Conceptual Plan must be prepared in compliance with Development Standard 2-02.2.0. Additionally, applicants are required to provide elevations demonstrating compliance with Secs. 2.8.12.5.A and B.

B. *Revisions.* An applicant may request to omit or modify the MDR Conceptual Plan submittal requirements of this section subject to the following:

- a. The applicant must identify which submittal requirement(s) is requested for omission or modification and provide a rationale for the change.
- b. The Director of the Department of Urban Planning and Design shall determine whether to accept the request. In his decision, the director shall consider the purpose statements of the Downtown Area Infill Incentive District Plan and applicable General Plan policies. Approval of the request does not represent the department's endorsement or approval of a rezoning request or the project design.

2.8.12.7 *Review and Approval Procedures.* The Department of Urban Planning and Design shall administer the review procedures of the MDR conceptual plan process.

A. Requests for MDRs shall be processed according to the Development Compliance Code, Sections 23A-50 and 23A-51, with the following exception:

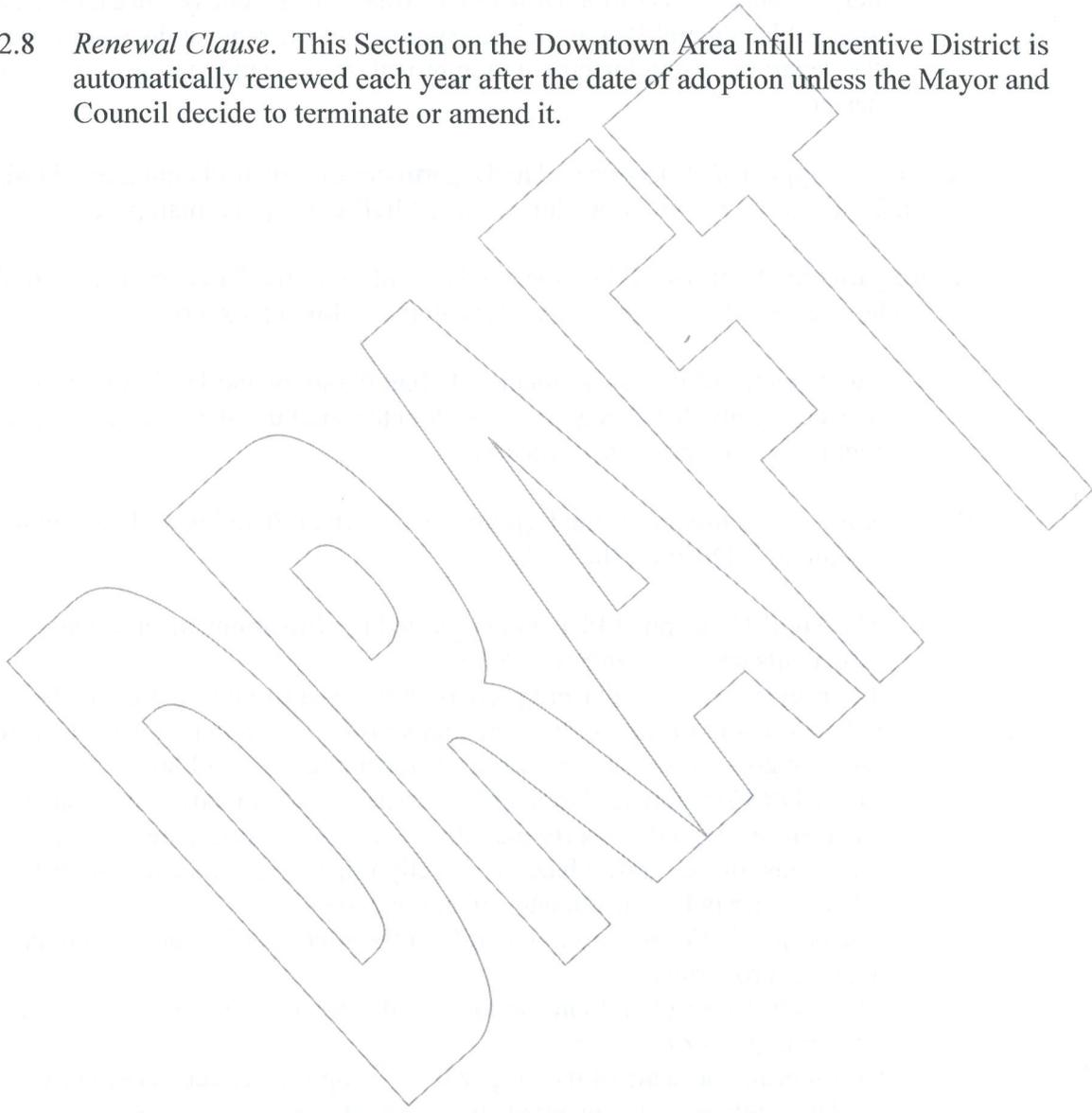
1. The Director of the Department of Urban Planning and Design will render a decision on the MDR request. The director shall use the findings in this section when making his decision.

B. *Findings.* The Director of the Department of Urban Planning and Design may only grant an MDR if he/she finds:

1. The MDR Conceptual Plan and requested modifications meet the purpose statements described in Sec. 2.8.12;
2. The project benefits adjacent property and the surrounding area by the redevelopment of the existing site and surrounding area in a way consistent with the goals of the Downtown Infill Incentive District Plan;
3. The MDR Conceptual Plan does not create significant adverse effects on adjacent residential property including excessive noise, glare, odors, vibrations, fumes, traffic hazards directly impacting adjacent property, and other similar public health and safety concerns.
4. The project building does not significantly impede solar energy options to adjacent properties;
5. The MDR Conceptual Plan supports a safe streetscape coordinated with adjoining properties;
6. Considering the scale of the property, the proposal reflects an effective implementation of documented streetscape design best practices;
7. The MDR Conceptual Plan is reflective of City objectives concerning the use of drought tolerant and native landscaping;
8. The development is in a form and scale consistent with urban surroundings;
9. For an MDR Conceptual Plan that involves a parking reduction, the project will not cause excessive drive through traffic or habitual parking within an adjacent residential neighborhood.

- C. An amendment or revision to an approved MDR Conceptual Plan shall be subject to the same procedure as the initial approval.
- D. The City may accept a concurrent submittal of the MDR Conceptual Plan and corresponding development plan or subdivision plat if the applicant signs a waiver.

2.8.12.8 *Renewal Clause.* This Section on the Downtown Area Infill Incentive District is automatically renewed each year after the date of adoption unless the Mayor and Council decide to terminate or amend it.

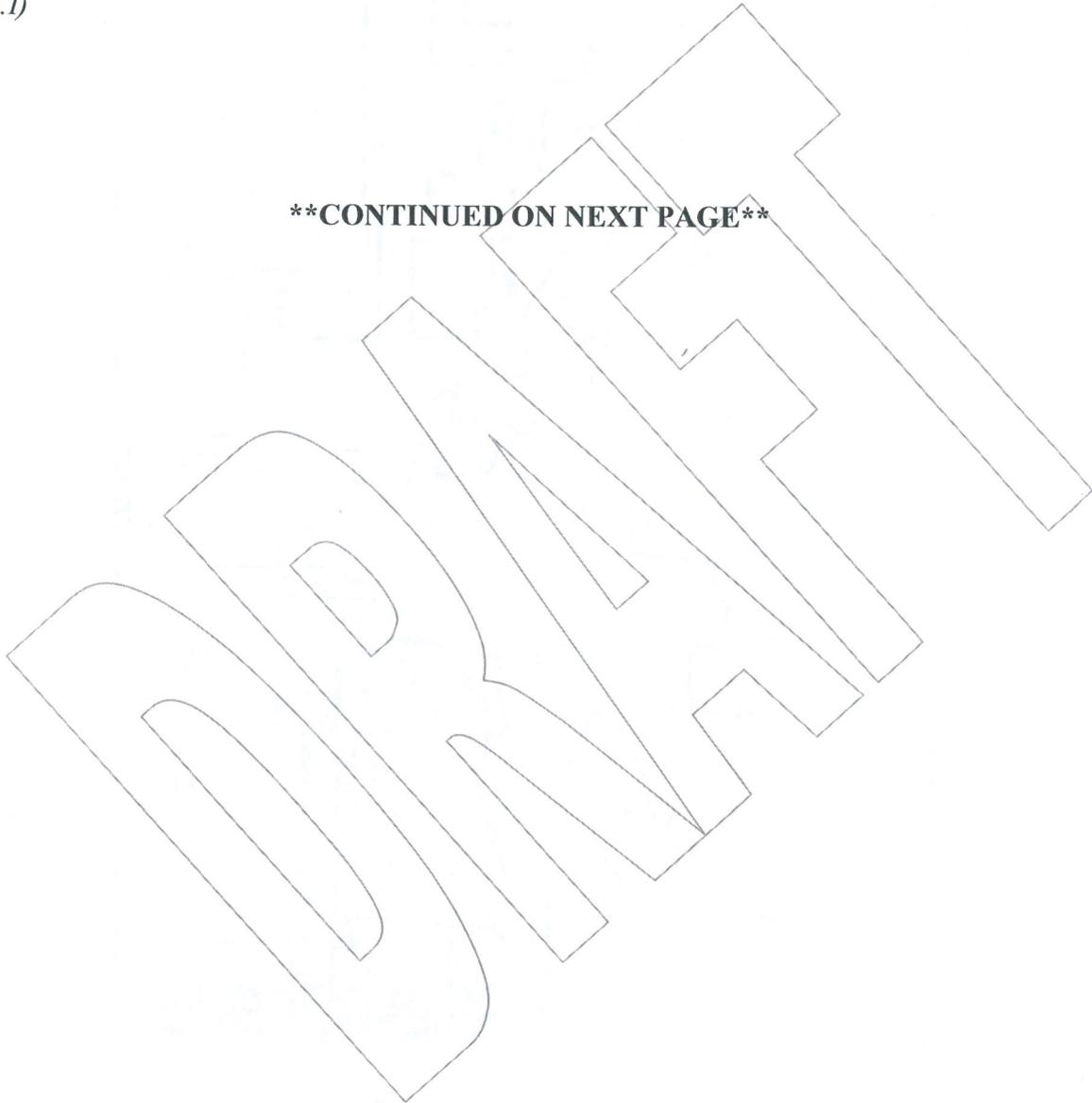


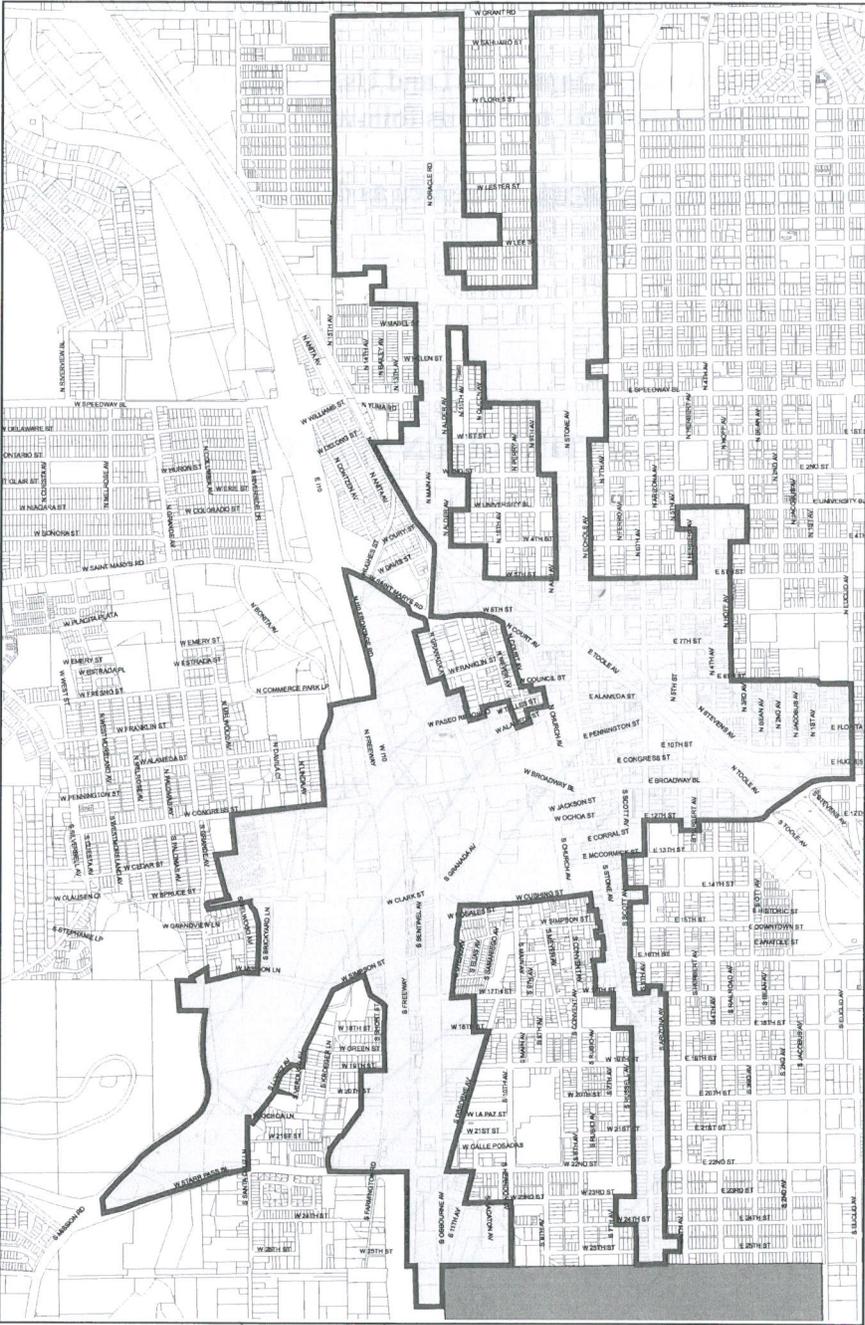
**ARTICLE VI DEFINITIONS
DIVISION 2. LISTING OF WORDS & TERMS**

SECTION 2. The Tucson Code, Chapter 23, Land Use Code, Article IV, Division 4, Sec. 6.2.4 is hereby amended to a new definition, to read as follows:

Downtown Area Infill Incentive District. That area as delineated by Map 6.2.4-I. (*See Map 6.2.4.I*)

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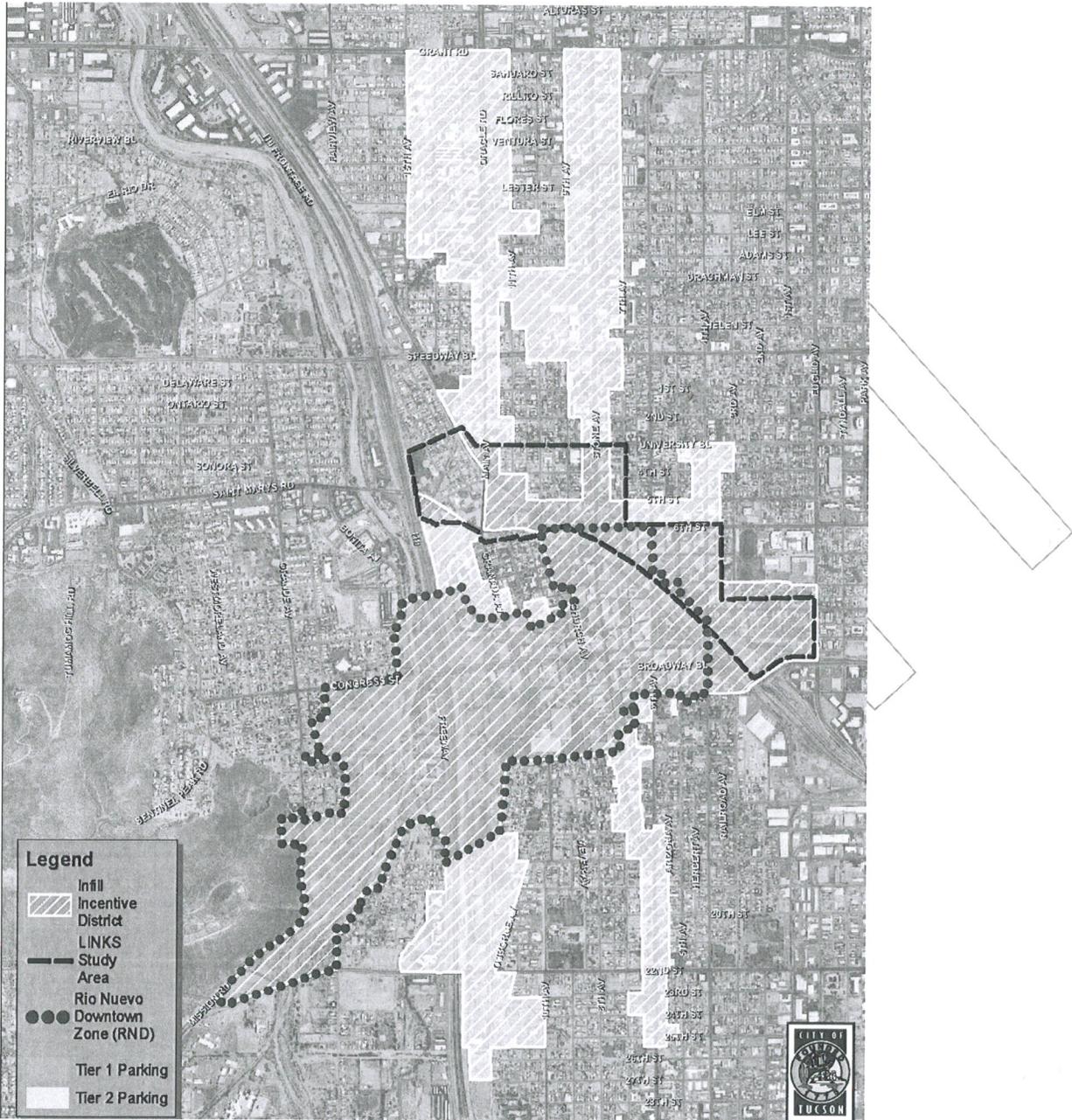




For exact boundaries, please see the official zoning maps

Map 6.2.4-I Downtown Area Infill Incentive District

Downtown Area Infill Incentive District – Parking Tiers. That area as delineated by Map 6.2.4-II. (See Map 6.2.4.II)



For exact boundaries, please see the official zoning maps

Map 6.2.4-II Downtown Area Infill Incentive District – Parking Tiers

Downtown Redevelopment District. That area as delineated by Map 6.2.4-III. (See Map 6.2.4.III)

ATTACHMENT C: DRAFT AMENDMENTS TO THE PLANNED AREA DEVELOPMENT ZONE

2.6.3 PLANNED AREA DEVELOPMENT (PAD) ZONE.

2.6.3.1 Purpose. The purpose of the Planned Area Development (PAD) zone is to enable and encourage comprehensively planned development in accordance with adopted plans and policies.

2.6.3.2 Land Use Regulations.

- A. A PAD zone is a zoning classification which provides for the establishment of zoning districts with distinct regulations as adopted by Mayor and Council. A PAD zone shall be identified as a Planned Area Development (PAD) District and may have land use regulations different from the zoning regulations applicable to other zoning districts in this Chapter and any other PAD District.
- B. PAD Districts are identified on the City Zoning Maps by the letters "PAD" followed by a number and the name of the District, such as "PAD-1, Williams Addition Planned Area Development (PAD) District," signifying the set of regulations adopted and applicable to that District.
- C. Where a provision in a PAD District varies from the *Land Use Code (LUC)*, the provisions in the PAD District shall govern.

2.6.3.3 Establishment of a PAD District.

- A. A PAD District is established through a Zoning Examiner Legislative Procedure, Sec. 5.4.1 and Sec. 5.4.3 (Ord. No. 9967, §2, 7/1/04)
- B. Each PAD District must be in compliance with the adopted *General Plan* and applicable subregional, area, and neighborhood plans. (Ord. No. 9517, §2, 2/12/01)
 - 1. A separate PAD zone shall be adopted for each PAD District.
 - 2. A PAD District must have the same boundaries as the applicable PAD zone.

2.6.3.4 Districts Established. The following PAD Districts are established. The list shall be administratively updated, upon adoption of additional PAD Districts, through the appropriate procedure.

- A. "PAD-1" Williams Addition. Adopted on June 1, 1981, by Resolution No. 11533.

- B. "PAD-2" La Entrada. Adopted on February 22, 1982, by Resolution No. 11761.
- C. "PAD-3" Gateway Center. Adopted on January 17, 1983, by Resolution No. 12133.
- D. "PAD-4" Rio Nuevo. Adopted on January 12, 1987, by Resolution No. 13903.
- E. "PAD-5" Tucson Community Center. Adopted on August 3, 1987, by Resolution No. 14130.
- F. "PAD-6A" Civano. Adopted on October 20, 1997, by Ordinance No. 8970.
- G. "PAD-7" La Estancia. Adopted on October 11, 1999, by Ordinance No. 9298.
- H. "PAD-8" Jewish Community Campus. Adopted on February 28, 2000, by Ordinance No. 9345.

2.6.3.5 Initiation of a PAD District. A PAD District is initiated by filing an application for a Zoning Examiner Legislative Procedure in conformance with Sec. 5.4.1 and 5.4.3, with the 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. (Ord. No. 9967, §2, 7/1/04)

- A. The site is under single ownership or control except when initiated by the Mayor and Council.
- B. 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 Sec. 6.2.4, the Downtown Redevelopment District as defined in Sec. 6.2.4, ~~or in~~ the Rio Nuevo and Downtown (RND) Zone as defined in Sec. 6.2.18, 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. (Ord. No. 9780, §2, 10/14/02)
- C. The PAD District shall be contiguous and in such configuration as to accommodate a well-integrated project.

2.6.3.6 Application.

- A. PAD District documents shall include the following elements in the form of either a map(s), text, or both, as applicable with the following exception:-
 - 1. For projects initiated by the Mayor and Council or located in the Downtown Area Infill Incentive District as defined in Sec. 6.2.4 and the

Rio Nuevo and Downtown (RND) Zone as defined in Sec. 6.2.18, an applicant may request to omit or modify the submittal requirements of this section subject to the following:

- a. The request must be made prior to submittal of the PAD application.
- b. The applicant must identify which submittal requirement(s) is requested for omission or modification and provide a rationale for the change.
- c. The Director of the Department of Urban Planning and Design shall make the final determination on whether to accept the request. In his decision, the director shall consider the purpose statements of the PAD and the Downtown Area Infill Incentive District and applicable General Plan policies. Approval of the request does not represent the department's endorsement or approval of the rezoning request or project design.
- d. The Zoning Examiner and the Mayor and Council may request additional information concerning omitted or modified sections during the review of the rezoning request.

AB. Introduction and Policy. A description of the purpose, scope, main concepts, and goals of the PAD District, indicating the following.

1. Substantial conformance with the *General Plan* and City land use plans which encompass all or part of the proposed PAD District. (Ord. No. 9517, §2, 2/12/01)
2. The rationale for the use of a PAD zone rather than the use of other zones.
3. The benefits to the community and the applicant by the use of a PAD District.
4. The suitability of the PAD District to significant environmental factors if applicable.
5. The compatibility of the PAD District with adjoining land uses.
6. The physical and economic suitability and feasibility of the PAD District with existing infrastructure and services.

BC. Site Analysis.

1. Significant natural and built constraints of the site and surroundings.
2. Major transportation and circulation elements intended to serve the PAD District.

3. Existing zoning of the PAD District site and parcels within one hundred fifty (150) feet.
4. Adjacent parcels and structures within one hundred fifty (150) feet of the PAD District boundary.
5. Off-site open space, recreational facilities, parks, and trails within one (1) mile of the PAD District site.
6. Public, educational, community, and cultural facilities on site and within one (1) mile off site.
7. Existing drainage.
8. PAD District site affected by any overlay zone ordinances and the Major Streets and Routes (MS&R) Ordinance.
9. Inventory of existing structures, roads, and other development.
10. Location and extent of existing provisions for sewage disposal, effluent use, stormwater drainage, and utilities.
11. Inventory of existing infrastructure and public services.
12. Hydrology and water resources.
13. Topography and slope.
14. Vegetation and wildlife.
15. Geology and soils.
16. Viewsheds and visual analysis.
17. Paleontological and cultural (archaeological and historical) sites, structures, and districts.

ED. PAD District Proposal.

1. Illustrative site plan.
2. The general allocation and identification of major proposed land uses, including residential (by density range), nonresidential, open space, and recreational land uses.

3. Name, location, and extent of existing or proposed major streets located within the PAD District or needed for servicing the PAD District.
4. Typical street cross-sections.
5. A detailed listing of the permitted land uses in the PAD District.
6. A detailed listing of the regulations governing permitted uses, including, performance standards and standards for development, regulations for development densities, heights, floor area and floor area ratios (FARs), open space, lot area and coverage, parking, landscaping, and other site improvements.
7. Standards for the conservation, development, or utilization of natural resources, including surface water, soils, vegetation, and wildlife.
8. Where applicable, the methods of conservation for scenic natural and built features and viewsheds.
9. Standards and responsibilities for maintenance of infrastructure and whether the infrastructure is public or private.
10. Standards for the phasing and construction of streets proposed for the PAD District or needed for servicing the project as identified in the required study(ies) submitted with the PAD District proposal.
11. Standards for the phasing and construction of sewage disposal, effluent use, stormwater drainage, solid waste disposal, and public utilities as identified in the required study(ies) submitted with the PAD District proposal.
12. A phasing schedule for the following, as applicable.
 - a. The preservation of site features established by the PAD District.
 - b. The development of the PAD District.
 - c. The construction, dedication, and provision of public services.
13. A draft form of financial assurances to be recorded prior to ordinance adoption.
14. Specifications as to how and to what extent the PAD District is to supplement or supersede adopted City zoning regulations.

15. Standards for the interpretation of the PAD District regulations and requirements.
16. Development design guidelines.
17. General landscape program.
18. Drainage plan.
19. A traffic and transportation study which includes trip generation factors for various modes, estimated trips per day by land use, proposed vehicular access and circulation plan, and traffic impacts by mode on adjacent development.
20. Impacts on existing structures, roads, and other development.
21. Impacts on existing infrastructure and public services.
22. Location and extent of proposed provisions for sewage disposal, effluent use, stormwater drainage, and utilities.

DE. Other information as may be determined necessary by the Planning Director. |

2.6.3.7 PAD District Implementation and Assurances.

- A. *PAD District Implementation.* The implementation of PAD Districts shall be in accordance with the procedures of the *LUC*. PAD Districts may establish additional implementation procedures, provided such methods are not in conflict with required procedures and are fully described by the PAD District document.
- B. *Assurances.* The City may require financial or other assurances in accordance with Development Standard 1-04.0 for any PAD District and any individual phase of a PAD District to assure the installation of required street, sewer, electric and water utilities, drainage, flood control, and other improvements.

2.6.3.8 Development Plan Approval. No development shall occur within a PAD District unless and until a development plan is approved by the City in accordance with Sec. 5.3.8. The Development Services Director is granted the authority to approve PAD District development plans. (Ord. No. 9967, §2, 7/1/04)

2.6.3.9 Enforcement. Regulations adopted for each District are enforced in the same manner as provided in Article V, Administration, Division 5, of the *LUC*.

2.6.3.10 Interpretation. The Zoning Administrator shall interpret a PAD District per Sec. 1.2.1 and Sec. 23A-31. Interpretations of *LUC* provisions may be applied to similar PAD zone provisions. (Ord. No. 9967, §2, 7/1/04)

2.6.3.11 Amendment Procedures.

A. PAD District amendments shall be in substantial conformance with the objectives of the PAD District and in conformance with Sec. 5.4.3.10. (Ord. No. 9967, §2, 7/1/04).

B. Amendment Application.

1. An amendment to a PAD District may be initiated by the property owner, the owner's agent, or the Mayor and Council upon submittal of a written application to amend one (1) or more of the PAD District regulations.
2. The application shall be accompanied by a statement documenting the need for the amendment.
3. The Development Services Department Director shall determine if the amendment would result in a substantial change in the PAD District. A substantial change is one which: (Ord. No. 9967, §2, 7/1/04)
 - a. Allows uses not otherwise permitted in the PAD District or a section of the PAD District; or
 - b. Varies or changes a PAD District policy; or
 - c. Increases the number of proposed residences per acre by more than ten (10) percent or exceeds the maximum number of dwelling units permitted within the adopted PAD District; or
 - d. Changes designated buffers or perimeter landscaping, as delineated in the PAD District, which was established to adapt the PAD District to specific site characteristics or mitigate development impacts on the site and surrounding area; or
 - e. Varies the building height, FARs, lot coverage, or building setbacks by more than ten (10) percent of that delineated in the adopted PAD District; or
 - f. As a consequence of more than one (1) nonsubstantial change submitted concurrently, cumulatively results in a significant change in the objectives or goals of the PAD District; or

- g. Results in a significant change in pedestrian or traffic circulation within the PAD District or in the surrounding area.
4. If the request is determined to be a substantial change, the Development Services Department Director shall refer the request to the Zoning Examiner (Examiner) for public hearing and recommendation to the Mayor and Council. The procedure for considering the change shall be a Zoning Examiner Legislative Procedure, Sec. 5.4.1 and Sec. 5.4.3. (Ord. No. 9138, §1, 10/5/98; Ord. No. 9967, §2, 7/1/04)
 - a. A substantial change may require, as determined by the Development Services Department Director, submittal of amended items, such as a site analysis. (Ord. No. 9967, §2, 7/1/04)
 5. The Development Services Department Director may administratively approve nonsubstantial changes. (Ord. No. 9967, §2, 7/1/04)
 6. When requested in writing by the applicant, the Development Services Department Director may authorize a delay in the plan amendment process. (Ord. No. 9967, §2, 7/1/04)

(Ord. No. 9374, §1, 4/10/00)