

CHAPTER 3.32

NONRESIDENTIAL PLANNED DEVELOPMENT (PD) OVERLAY

The Nonresidential Planned Development (PD) Overlay can be applied to a site in conjunction with any other nonresidential zone. Once a property is designated with a Nonresidential PD Overlay designation, it shall be developed in accordance with the provisions of Chapter 2.5 - Planned Development, unless the Nonresidential PD Overlay Zone designation has been removed in accordance with the provisions of Section 3.32.50.

Section 3.32.10 - PURPOSES

This Overlay is intended to:

- a. Promote flexibility in design and permit diversification in location of structures;
- b. Promote efficient use of land and energy and facilitate a more economical arrangement of buildings, circulation systems, land uses, and utilities;
- c. Preserve to the greatest extent possible existing landscape features and amenities, and utilize such features in a harmonious fashion;
- d. Provide for more usable and suitably located recreation facilities and other public and common facilities than would otherwise be provided under conventional land development procedures;
- e. Combine and coordinate architectural styles, building forms and building relationship within the site with the Nonresidential PD Overlay designation;
- f. Provide the applicant with reasonable assurance of ultimate approval before expenditure of complete design monies, while providing the City with assurances that the project will retain the character envisioned at the time of approval;
- g. Promote and encourage energy conservation; and
- h. Provide greater compatibility with surrounding land uses than what may occur with a conventional project.

Section 3.32.20 - PERMITTED USES

Permitted Uses consist of any Uses listed in the underlying zone.

Section 3.32.30 - IMPLEMENTATION

Property may be designated with a Nonresidential PD Overlay in any of the following ways:

- a. Upon Annexation in accordance with Chapter 2.6 - Annexation;

- b. In conjunction with a Comprehensive Plan Map Amendment in accordance with Chapter 2.1 - Comprehensive Plan Amendment; or
- c. In conjunction with a Zone Change in accordance with Chapter 2.2 - Zone Changes.

A Nonresidential PD Overlay can also be applied through the use of the provisions in Chapter 2.5 - Planned Development, which allow such an Overlay in conjunction with approval of a Conceptual and/or Detailed Development Plan. However, Nonresidential PD Overlay established in accordance with Chapter 2.5 only remain as long as there is an active Conceptual Development Plan on the site (active defined in Section 2.5.40.09) or an active Detailed Development Plan on the site (active defined in Section 2.5.50.09).

Section 3.32.40 - INITIATION

A Nonresidential PD Overlay may be initiated in any of the following ways:

- a. An application filed by a property owner on property(ies) with a nonresidential land use designation, in conjunction with an Annexation, Comprehensive Plan Map Amendment, or Zone Map Change; and under circumstances when the property owner states and the hearing authority finds the applicable underlying zone standards are not adequate to do address the following concerns:
 - 1. Circulation or other common facilities issues;
 - 2. Resolution of issues related to an unusual site configuration, steep topography, or Significant Natural Feature;
 - 3. Assuance of comprehensive planning and coordinated development where the property is large and/or has mixed uses; or
 - 4. Compatibility issues where it is desirable to locate more intensive land uses next to less intensive residential land uses.
- b. By the hearing authority, on property(ies) with a nonresidential land use designations(s), in conjunction with an Annexation, Comprehensive Plan Map Amendment, or Zone Map Change when the hearing authority finds the applicable underlying zone standards are not adequate to address any of the concerns in Section 3.32.40.a.1-4, above.

Section 3.32.50 - REMOVAL

All Nonresidential PD Overlay designations that exist on sites without an active Conceptual Development Plan or active Detailed Development Plan on any portion of the site, may be requested to be removed by use of the provisions for a Quasi-judicial Zone Map Change involving a public hearing and outlined in Section 2.2.40 of Chapter 2.2 - Zone Changes.