

13. The impact the proposed amendment has with regard to the natural environment, including the quality and quantity of water and other natural resources, flooding, and wildlife management; and
14. Any other factors which shall substantially affect the public health, safety, morals, or general welfare.

(Ord. No. 2020-60, 9-1-2020)

DIVISION 2: APPLICATION FOR OVERLAY DISTRICT

Section 2.5.2.1 Purposes and Effect

- A. **Purpose.** An overlay district is a district for which there are established regulations that combine with the regulations of an underlying base district. The purposes of an overlay district shall be to prohibit uses otherwise allowed in the base district, to establish additional or different conditions for uses, or to authorize special uses, together with standards for such uses, not otherwise allowed in the base district.
- B. **Effect.** Adoption of an overlay district does not repeal the base district, and all regulations in the base district shall remain applicable to the uses allowed in the overlay district, except as expressly modified by the regulations for the overlay district. In addition, any special standards set forth in the adopting ordinance shall apply to all development within the overlay district.

Section 2.5.2.2 Establishment of Overlay Districts

- A. **Creation.** An overlay district, other than an existing neighborhood regulating plan, shall be established as an amendment to the text of the zoning regulations in Chapter 4 and Chapter 5 of this Land Development Code in accordance with procedures in Section 2.4.1.1. Overlay zoning districts shall also be established on the Zoning Map in accordance with the procedures governing petitions for zoning map amendments in Section 2.5.1.1.
- B. **Enacting Ordinance.** In creating an overlay district other than an existing neighborhood regulating plan, the City Council shall specify the following standards:
 1. The intent and purpose of the district;

2. The types of base districts with which the overlay district may be combined;
3. Uses allowed by the overlay district which are not allowed in the base district and standards and conditions applicable to such uses;
4. Uses otherwise permitted within the base district, which are prohibited, limited or restricted within the overlay district, and the standards and conditions constituting such limitations or restriction;
5. Standards to be applied in the overlay which are intended to supersede conflicting standards in the base district; and
6. Special standards to be applied in the overlay district.

DIVISION 3: APPLICATION FOR AN EXISTING NEIGHBORHOOD REGULATING PLAN

Section 2.5.3.1 Purpose, Applicability and Effect

- A. **Purpose.** The purpose of an existing neighborhood regulating plan shall be to authorize a special overlay zoning district to ensure compatibility of the development with the surrounding neighborhood.
- B. **Applicability.** An approved existing neighborhood regulating plan shall be required for any property owner requested zoning map amendment to any of the Neighborhood Density Districts described under Section 4.1.2.4
- C. **Effect.** Approval of an existing neighborhood regulating plan authorizes the approval or issuance of subsequent requests and permits for the property subject to the regulating plan.

Section 2.5.3.2 Application Requirements

- A. An application for approval of an existing neighborhood regulating plan shall be submitted in accordance with the universal application procedures in Section 2.3.1.1 except as otherwise provided in this Division.

(Ord. No. 2019-45, 12-17-19)

- B.** Existing neighborhood regulating plans shall consist of one or more maps including the following elements where applicable:
1. The location of proposed base zoning districts;
 2. The location and number of proposed lots.
 3. The location of existing zoning districts surrounding the subject property;
 4. The type, location, and number of units of all proposed building types under Section 4.4.5.1;
 5. The type, location, and number of units of all existing building types surrounding the subject property;
 6. The location of any required and proposed transitional protective yards under Section 7.2.2.1;
 7. The location of any required or proposed residential infill compatibility standard under Section 4.4.2.6;
 8. The location and type of all required and proposed street types under Section 3.7.1.1;
 9. The location of all proposed parking in accordance with Section 7.1.1.1;
 10. The location and type of all proposed and existing streetscape types under Section 3.8.1.1; and
 11. The location and type of all proposed and existing parkland under Section 3.10.1.1.

Section 2.5.3.3 Approval Process

- A.** The approval process for an existing neighborhood regulating plan follows the procedures established for approval of a zoning map amendment under Section 2.5.1.3.

Section 2.5.3.4 Criteria for Approval

- A.** The following criteria shall be used to determine whether the application for an existing neighborhood regulating plan shall be approved, conditionally approved or denied:
1. The proposed regulating plan conforms with the compatibility of uses and density standards in Section 4.1.2.5.

2. The existing neighborhood regulating plan is consistent with all applicable standards and requirements of the base zoning district and this development code;
3. The existing neighborhood regulating plan is consistent with any adopted small area plan or neighborhood character study for the area.
4. The proposed provision and configuration of roads, electric, water, wastewater, drainage and park facilities conform to the Comprehensive Plan and any approved City Master Plans or Capital Improvement Plans;

Section 2.5.3.5 Amendments

- A.** The Responsible Official may permit the applicant to make minor amendments to the existing neighborhood regulating plan without the necessity of amending the ordinance that established the existing neighborhood regulating plan.
- B.** If the Director determines that proposed amendments substantially impact the nature of the approval, whether individually or cumulatively, the Director will deny the request for approval of the modifications and provide the applicant with the opportunity to revise the proposed amendments to bring them into compliance with the existing neighborhood regulating plan.
- C.** If an applicant wishes to make any amendments other than minor amendments approved by the Responsible Official, the amendments will be submitted for review and approval as a revised existing neighborhood regulating plan.
- D.** Minor amendments shall be as follows:
1. Corrections in spelling, distances and other labeling that do not affect the overall development concept;
 2. Changes in building position or layout that are less than ten feet or ten percent of the total building project or area; and
 3. Changes in proposed property lines as long as the original total project acreage is not exceeded, and the area of any base zoning district is not changed by more than five percent.
 4. Changes in parking layouts as long as the general original design is maintained.