

Sec. 18-198. Preservation/Revitalization District (residential and/or commercial).

(a) Purpose. There exist in the City areas where the future development pattern is going to be one of preservation and revitalization as compared to total redevelopment or traditional development that involves conversion of raw land to developed land. In some of these areas, the zoning regulations contained in the categorical districts in Sections 18-186 to 18-197 may not provide for the orderly preservation and revitalization of these areas. In order to be able to implement the Comprehensive Plan and other City development goals and objectives, a Preservation and Revitalization District is provided as a special district that may be used in these instances.

(b) General provisions.

(1) Each Preservation and Revitalization (P/R) District shall be established by a separate ordinance. Before adopting a separate ordinance for a P/R District, the Council shall approve a conceptual plan for the district in accordance with this section. Each P/R ordinance shall be consistent with the conceptual plan approved for each district by the Council.

(2) Within established P/R Districts, Development Permits shall be required as in all other districts. In reviewing and approving Development Permits, the Board shall use the zoning regulations and performance criteria and standards contained in the P/R District ordinance adopted by the Council.

(3) No Preservation/Revitalization District may be established for an area in which more than 50 percent of the land area, excluding streets and rights-of-way, is vacant.

(c) Initiation.

(1) In order to form a Preservation/Revitalization District, a person or a group of persons shall collectively own more than 50 percent of the following:

- a. Land, excluding streets and rights-of-way, within the area of request; and
- b. Building sites within the area of request.

(2) An agent of a group that satisfies the requirements of Subsection (c)(1) of this section may file an application for a P/R District plan with the Director on a form furnished by the Department. Each person or agent for an owner in the group shall sign the application.

(3) An application for a P/R District plan shall include the following:

- a. The application fee as established by resolution of the City Council.
- b. Maps showing the existing zoning and land uses on all of the land in the area of request, and on all land within 300 feet, including streets and alleys, measured from the boundary of the area of request.
- c. A list of the names and addresses of all property owners, residents, and/or occupants in the area of request.
- d. A list of all neighborhood associations or other organizations representing the interests of property owners in the area of request. This list should include information as to the number of members and the officers' names, mailing addresses, and phone numbers.
- e. A statement of purpose for establishing a P/R District in the area of request and how it would implement the Comprehensive Plan and development objectives of the City and be in the best interest of the City as a whole.

f. Any other information the Director determines is needed to evaluate the feasibility of establishing a P/R District in the requested location and initiate the development of a P/R conceptual plan.

(4) A Preservation/Revitalization District plan may also be initiated by the Council without the approval required in Subsection (b)(1) of this section.

(d) Determination of eligibility.

(1) When a Preservation/Revitalization District plan is initiated under Subsection (c) of this section, the Director shall determine the eligibility of the area for classification as a P/R District in accordance with this subsection.

(2) The Director's determination of eligibility shall be based on a consideration of the standards in this subsection. An area is not eligible for classification as a P/R District unless it satisfies all of the following criteria:

a. The area shall contain at least one block face.

b. The area shall be either "stable" or "stabilizing" as those terms are defined below.

1. Stable means that the area is expected to remain substantially the same over the next 20 years with continued maintenance of the property. While some changes in structure, land uses, and densities may occur, all such changes are expected to be similar to existing development within the area.

2. Stabilizing means that the area is expected to become stable over the next ten years through continued and increased reinvestment, maintenance, and remodeling.

(e) Draft Conceptual Plan formulation and review.

(1) If the area is determined to be eligible for classification as a P/R District, the Director shall schedule a public meeting for the purpose of informing property owners in the proposed district of the nature of the pending request. The Director shall send notice of the time and place of the meeting by mail to all addresses of property owners and residents shown on the application and to any additional addresses of properties in the proposed district shown on the last equalized assessor's roll.

(2) The Director or applicant shall prepare a draft conceptual plan for the proposed district and schedule a public hearing before the Council to receive public comment regarding the plan. The Director shall send proper notice of the public hearing to all owners of real property in the proposed district and within 300 feet of its boundaries. The measurement of the 300 feet includes streets and alleys.

(3) The draft conceptual plan shall include but not be limited to:

a. Specification of permitted land uses;

b. Development standards; and

c. Any performance criteria or standards necessary for achievement of the plans goals and objectives.

(4) The Council shall hold a public hearing before it makes a decision regarding the plan.

(5) No P/R District may be established in the City unless the Council first approves a draft conceptual plan for the district in accordance with this subsection.

(f) Preservation/Revitalization District ordinance preparation and review.

(1) The Director shall hold public meetings as necessary for the purpose of receiving input from the property owners, residents, and/or occupants regarding the content of the proposed P/R District ordinance.

(2) The City Attorney shall prepare a P/R District ordinance based on the approved or proposed draft conceptual plan, the reports and recommendations of the City staff, and input received from property owners, residents, and/or occupants at the public meetings held by the Director. The ordinance shall contain regulations governing permitted uses, heights of buildings and structures, lot size, floor area requirements, density, coverage, setbacks, off-street parking and loading, landscaping, and design requirements, and may further contain any additional regulations, special exceptions, or procedures that the Council considers necessary to achieve the preservation or revitalization objectives of the area, or to minimize potential adverse impacts which could result from the creation of the district.

(3) The Director shall forward the ordinance to the Council for further action. The Council shall hold a public hearing before taking any action on the ordinance. If the Council so desires, it may hold this public hearing on the same day that it holds the public hearing on the draft conceptual plan. Notice of this public hearing shall be given in the same manner as a public hearing for a change in zoning district classification.

(Code 1975, § 58-2.501; Ord. No. 2183, § 1, 8-10-92; Ord. No. 2815, § 10, 2-24-04)