

Article 4: Cass Street Commercial Planned District

(“Cass Street Commercial Planned District” added 3-27-2007 by O-19597 N.S.; effective 4-26-2007.)

Division 2: Permits and Procedures

(“Permits and Procedures” added 3-27-2007 by O-19597 N.S.; effective 4-26-2007.)

§154.0201 Activities Regulated

No building, structure or improvement or portion thereof shall be erected, constructed, converted, demolished, established, altered or enlarged, nor shall the use of any building or structure be changed, nor shall any building, structure or improvement be used or occupied unless it shall comply with the requirements of this Planned District.

(“Activities Regulated” added 3-27-2007 by O-19597 N.S.; effective 4-26-2007.)

§154.0202 Approval Required Before Issuance of Permit

- (a) The City Manager shall not issue any permit for the installation of fixtures or equipment, or for the erection, construction, conversion, demolition, establishment, alteration or enlargement of any building, structure or improvement, or for the occupancy of any building or structure in the Cass Street Commercial Planned District until approval of the appropriate decision-maker has been obtained by the applicant or owner. Each application for a planned district permit shall state therein the purpose for which the proposed building, structure or improvement is intended to be used.
- (b) A permit is not required for interior modifications or repairs, nor any exterior repairs or maintenance for which a building permit is not required, unless otherwise specified by the provisions of this planned district.

(“Approval Required Before Issuance of Permit” added 3-27-2007 by O-19597 N.S.; effective 4-26-2007.)

§154.0203 Procedures and Fees

An application for the permits listed in Section 154.0204 shall be filed in accordance with Land Development Code Chapter 11, Article 2, (Required Steps in Processing). The contents of application shall include the following:

- (a) The purpose for which the proposed building, structure or improvement, or portion thereof, is intended to be used. The proposed uses shall be specified according to each building level;

- (b) Fully dimensioned plans and specifications (plot plan) indicating dwelling unit density, uses and gross square footage, lot area, lot coverage, floor area, lots, landscaping and surfaced or paved areas (existing and proposed, on-site and on public right-of-way), off-street parking areas, and traffic circulation. The plans shall include any proposals that will require an encroachment permit on the public right-of-way;
- (c) Fully dimensioned plans and specifications for the buildings and improvements showing the exterior elevations, height, architectural detailing, roof designs, materials and color and existing adjacent structures, including exterior treatments, materials and colors;
- (d) Fully dimensioned plans and specifications for any accessory buildings, court yards, fences/walls, setbacks, view corridors, grading, signs, outdoor lighting, pedestrian areas, street furniture, and traffic and/or pedestrian circulation;
- (e) Any other information deemed necessary by the City Manager to judge compliance with the regulations contained herein and other applicable laws and regulations; and
- (f) No building or improvement, or portion thereof, shall be erected, constructed, converted, established, altered or enlarged, except in accordance with such plans as have been submitted and approved in accordance with these regulations.

(“Procedures and Fees” added 3-27-2007 by O-19597 N.S.; effective 4-26-2007.)

§154.0204 Decision Process

- (a) Administrative Review
 - (1) Projects that meet these Planned District regulations, and are not subject to other discretionary decisions, may be approved or denied by the City Manager in accordance with Process One. Projects that require the issuance of variations from the regulations contained in this Division, or require discretionary review, are subject to Section 154.0204(b).
 - (2) Improvements requiring an encroachment permit shall be reviewed by the City Manager and the encroachment permit may be approved or denied, in accordance with Process One, by the City Engineer.
 - (3) The City Manager may conduct further review and approve or deny an application for an exception from the provisions of the Cass Street Commercial Planned District in accordance with Process Two, when

the application is for limited relief in the case of new construction or remodeling which would result in a finished project (all structures on the premises) deviating 20 percent or less from applicable development regulations pertaining to: required yards or setbacks, or facade offsets. However, the City Manager shall require additional landscaping that may be feasible placed on the site or parkway according to City-wide landscape standards, and/or other architectural features or improvements. The City Manager shall in no case provide Administrative Review or approve an application for an exception from floor area ratio, height, density, amount of parking, or use. The decision of the City Manager shall be based upon substantial conformance with the regulations and the Purpose and Intent of the Cass Street Commercial Planned District. The granting of a deviation shall be for the purpose of providing design flexibility resulting in a project which benefits surrounding properties and the community. The City Manager's decision may be appealed to a Hearing Officer in accordance with Land Development Code Section 112.0504.

(b) Cass Street Commercial Development Permit

- (1) Except as set out in Section 154.0204(b)(3), requests for variances, conditional use permits, Special Use Permits, other special permits, final or parcel maps, or other City discretionary permits, shall be acted upon in accordance with the applicable provisions of the Land Development Code.
- (2) The decisionmaker may approve the request if a set of specific written findings can be made that the request is consistent with this Planned District's purpose and intent and is the basis for his/her decision. The written findings shall identify the benefits and impacts to the community.
- (3) Public improvements and encroachment permits shall be reviewed by the City Manager and City Engineer for consistency with this Planned District. These permits are subject to approval by the City Engineer and may be appealed under the provisions of the Land Development Code.

("Decision Process" added 3-27-2007 by O-19597 N.S.; effective 4-26-2007.)

§154.0205 Special Use Permits

A Special Use Permit (SUP) is required for certain specified uses in the Cass Street Commercial Planned District, and for all other applicable discretionary development permits required by this Code such as conditional use and planned commercial development permits located within the boundaries of the Cass Street Commercial Planned District. An application for a SUP may be approved, conditionally approved or denied by a Hearing Officer in accordance with Process Three. The Hearing Officer's decision may be appealed to the Planning Commission in accordance with Land Development Code section 112.0506. The Hearing Officer may approve the application for a SUP if the following specific findings can be made:

- (a) The project is consistent with the purpose and intent of the Cass Street Commercial Planned District;
- (b) The project is consistent with the property and building development regulations of the Cass Street Commercial Planned District; and
- (c) The project is consistent with all of the standards of the Planned District.
(“Special Use Permits” added 3-27-2007 by O-19597 N.S.; effective 4-26-2007.)

§154.0206 Permit Time Limits and Time Extension

- (a) A valid permit approved under this Planned District shall expire and become void 36 months after the Date of Final Action of the permit if the permit is not utilized in the manner set forth in Land Development Code Sections 126.0108 and 126.0109.
 - (1) The applicant shall submit documentation showing that due to an unusual economic hardship beyond his/her control, the project could not be financed, and therefore the permit option could not be exercised in a timely fashion; and
 - (2) Development regulations have not changed, so that the prior approval is still consistent with existing regulations.
- (b) The expiration date of a valid permit approved under this Planned District may be extended in accordance with Land Development Code section 126.0111.
(“Permit Time Limits and Time Extension” added 3-27-2007 by O-19597 N.S.; effective 4-26-2007.)