

## Excerpted Provisions: Design Concept Development District

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### Section 2.04. Zoning districts; purposes.

#### 2.04.04. DCD, Design concept development district.

The purpose of a design concept development is to encourage the best possible site plans and building arrangements under a unified plan of development, rather than under lot-by-lot regulation. The developer benefits from better land utilization, economy in the provision of roads and utilities and flexibility in design. Approval of an overall concept plan by the City Council provides an opportunity to assure that the development will be in accordance with the land use plan and the character of the neighborhood in which the development is located.

The design concept development district is intended to encourage ingenuity and resourcefulness in land planning and to assure the provision of park and recreation land and facilities for the use of the occupants of the development in order to obtain a more desirable environment. A design concept development is required to include at least two types of land use that are not otherwise allowed together in another zoning district in order to promote unique solutions to land development issues. A design concept development is intended to be a relatively large-scale project on a site of 10 acres or more, except that a design concept development district contained entirely within a historic site or historic district may be located on a site of not less than 5 acres.

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### Section 3.03. Special provisions for design concept development projects.

In furtherance of the purposes for which the DCD district is established, the following shall apply:

#### 3.03.01. Character of land use.

A DCD must contain at least two types of land use that are not otherwise allowed together in another zoning district or two types of residential density.

#### 3.03.02. Concept plan required, development standards.

- a. Development of the DCD shall be guided by a graphic concept plan that designates the land uses of the DCD. The concept plan may be accompanied by a development standards text, which may be approved as a condition of zoning or special use, providing development standards and uses for the project which vary, augment or limit. the requirements of this zoning ordinance and the development code.

- b. To the extent that the approved concept plan and development standards for a DCD contradict the development code and the zoning ordinance, the contradictory provisions of the development code and the zoning ordinance are inapplicable to that DCD. For properties zoned to DCD before November 21, 2000, to the extent that development standards are not stated with regard to a particular land use or area, then the standards in the development code or zoning ordinance applicable to the zoning district most consistent with the DCD approval for that land use or area shall apply, provided such standards do not contradict the concept plan for the DCD. For properties zoned to DCD on or after November 21, 2000, to the extent that development standards are not stated with regard to a particular area, then the standards and land uses required and permitted in the area shall, be those allowed for the zoning district designated on the concept plan.

#### **3.03.03. Concept plan as a condition of zoning.**

No changes in land use or density shall be allowed in any approved and incorporated concept plan or development standards text, except as subsequently approved pursuant to a rezoning of the property. For properties zoned to DCD concurrent with adoption of the Official Zoning Map on July 6, 1999, and for which development has commenced but is not complete on July 6, 1999, the individual land use plan for any such property shall serve as a concept plan, and such property shall continue to be developed in accordance with development standards applicable at the time of adoption of the land use plan, unless and until new individualized development standards are approved for such property by the mayor and council. For all properties zoned to DCD subsequent to July 6, 1999, the land uses permitted within a DCD and the development standards applicable to each, by location, shall be established as a condition of approval by the city council at the time that the property is rezoned to DCD.

#### **3.03.04. Open space required.**

- a. Within the DCD, 20 percent of the gross land area must be set aside as common open space, half of which must be usable for active or passive recreation.
- b. The open space areas and facilities shall be held in common by a legally constituted association of property owners with the financial capability to maintain the open space.
- c. For the purposes of calculation, common open space does not include any streets or public rights-of-way, or yard areas or landscape areas located on private property. Common open space does include land and water areas that are available to all occupants of the DCD on a continuing and permanent basis, such as walking trails, community centers or clubhouses, golf courses and other recreation areas, protected flood plains or wetlands.
- d. Lands dedicated to public use, such as a school or fire station, shall be credited as part of the 20 percent common open space requirement.

#### **3.03.05. Compatibility.**

Land uses developed at the perimeter of the site shall be developed in a manner that is compatible with adjacent off-site land uses or zoning, or a 100-foot wide buffer shall be provided between the uses in the DCD and the perimeter of the site. Compatibility shall be judged on the basis of similar land uses, average lot sizes, setbacks, and other development standards.

**3.03.06. Maximum area and density for residential uses.**

- a. Except as provided in, paragraph b. of this subsection, no concept plan shall be approved for any DCD development of 500 acres or less which exceeds the following limits for residential use:
  - (1) Maximum acreage area for residential use: 75 percent of total land area.
  - (2) Maximum. acreage area for multi-family (attached residential units at R-6 density or greater) residential use: Ten percent of total land area.
  - (3) Maximum overall residential density (calculated based on property designated for residential base zones): Five and three-tenths units per acre.
  - (4) Maximum residential density within the multi-family (attached units at R-6 density or greater) land use area: 14 units per acre.
- b. Exception: The Council may waive the requirements of this subsection upon an express binding of special circumstances where any DCD adjoins property of equal or greater acreage which. is developed as commercial, office, industrial or any combination thereof.