

§ 14-16-2-23 SU-2 SPECIAL NEIGHBORHOOD ZONE.

This zone allows a mixture of uses controlled by a Sector Development Plan which specifies new development and redevelopment which is appropriate to a given neighborhood, when other zones are inadequate to address special needs.

- (A) **Permissive Uses and Control.** Any use specified by a duly adopted Sector Development Plan for a given location is permitted. Specifications contained in the Sector Development Plan shall control. However, if a matter controlled in the RC zone is not mentioned in the plan, then the provisions of the RC zone shall be applicable.
- (B) **Procedure.** Procedure, in addition to that specified in § 14-16-4-3 of this Zoning Code, shall be as follows:
- (1) An application for SU-2 shall include a proposed Sector Development Plan.
 - (2) If the application or decision would impose or eliminate SU-2 zoning or amend an SU-2 Sector Development Plan for an area over one block or for any City-owned property that has primarily been used for a municipal purpose, including parks or properties that contains a structure such as a fire station, police substation, community center, or other facility out of which a City service has been provided, and been deemed non-essential for municipal purposes, the City Council shall have the authority to amend the plan and zoning map. City Council approval is not required when establishing or changing the zoning of excess rights-of-way that have been vacated. The City Council shall follow the procedures of § 14-16-4-1(C). The Council shall hear the zone change and the Sector Development Plan or plan amendments simultaneously. The zone shall not be approved without approving a Sector Development Plan.
 - (3) If the application or decision would amend an SU-2 Sector Development Plan for an area of one block or less, the Planning Commission shall have the authority to amend the plan and zoning map, except as provided in § 14-16-2-23(B)(2) above. The Planning Commission shall follow the procedures of § 14-16-4-1(C).
- (C) **Appropriateness.** The SU-2 zone is appropriate to map where it is applied to an entire neighborhood or a major segment of a neighborhood, which area meets at least one of the following criteria:
- (1) The area is developed such that the requirements of other available zones do not promote the conservation of special neighborhood characteristics which the city desires to preserve;
 - (2) The area has developed or should develop with a pattern of mixed land uses, which will need careful control and coordination of development at a sub-area scale in order to insure a desirable inter-mixture of uses;
 - (3) There are factors which substantially impair or arrest the sound growth and economic health and well-being of the area, or the area constitutes an economic or social burden and is a menace to the public health, safety, or welfare in its present condition and use, and as regulated by zoning; or
 - (4) The area is particularly appropriate for development, on a pilot basis or otherwise, for residential construction under special regulations designed to make housing more affordable; the City Council shall make a specific finding if the SU-2 zoning is based upon this criterion. Such a Sector Development Plan may authorize variances to the requirements of the

Subdivision Regulations and § 6-5-7-1 et seq., Sidewalks, as they relate to the Sector Plan area. This division (4) shall terminate and be repealed effective January 1, 1993; variances granted under the terms of this division (4) shall remain in force for the duration provided in the specific variance.

- (D) **Large Retail Facility Regulations.** Any site containing a large retail facility, as defined in § 14-16-1-5 of the Zoning Code, is subject to the special development regulations for large retail facilities as provided in § 14-16-3-2 of the Zoning Code unless the site is governed by a Rank III Plan that contains design regulations or other similar standards applicable to retail development, as determined by the Planning Director, then the regulations of the Rank III Plan shall apply.

('74 Code, § 7-14-31) (Ord. 80-1975; Am. Ord. 45-1977; Am. Ord. 7-1981; Am. Ord. 78-1986; Am. Ord. 14-1989; Am. Ord. 23-2007; Am. Ord. 7-2008; Am. Ord. 2012-036)