

O-19-18

**2018 Zoning Code Updates and Amendments**

**Rules and City Government Proposed Amendments  
11/13/18**

**Amendment No. 1:**

Page 3, line 1 unstrike paragraph B.; line 3-4 strike sentence beginning with “Suitability.”; line 5 unstrike paragraph “C.”; line 5, after “Surrounding Properties.” strike “The proposed adjustment”; substitute with “If a specific use is proposed, the applicant shall demonstrate that the proposed use”; line 8 after “neighborhood.” insert “If a specific use is not proposed, the applicant shall demonstrate the suitability of the property in question to the uses permitted under the proposed zoning classification.”; restore sequential lettering of D and E accordingly.

**As Amended:**

**21.20.030 - Review criteria and findings.**

The Board of Appeals may grant a zoning district boundary adjustment based upon the following findings:

- A. Unique Conditions. Owing to conditions peculiar to the property and not because of any action taken by the applicant, a literal enforcement of the zoning law would result in ~~unnecessary hardship or~~ practical difficulty as specified in the zoning law.
- B. Public Welfare and Safety. The granting of the district boundary adjustment will not be detrimental to the public welfare or injurious to other property or improvements in the neighborhood in which the property is located. ~~Suitability. The suitability of the property in question to the uses permitted under the proposed zoning classification.~~
- C. Surrounding Properties. ~~The proposed adjustment~~ If a specific use is proposed, the applicant shall demonstrate that the proposed use will not impair an adequate supply of light and air to adjacent property, or substantially increase the congestion of the public streets, or increase the danger of fire, or endanger the public safety, or substantially diminish or impair property values with the neighborhood. If a specific use is not proposed, the applicant shall demonstrate the suitability of the property in question to the uses permitted under the proposed zoning classification.
- D. Property Size. The granting of a zoning district boundary adjustment shall be limited to parcels of one acre or less in size.
- E. Location. The zoning district boundary adjustment is for a property located in Ward 8.

### **Amendment No. 2:**

Page 3, line 23 after “or lots” insert “for a building or structure erected prior to August 10, 1970”; line 23-24 unstrike “However, for buildings or structures erected after August 10, 1970, the respective area and width of the lot or lots shall not be less than eighty percent of the required area and width.”; line 23 after “However,” insert “for buildings or structures erected after August 10, 1970,”

### **As Amended:**

- B. To permit the use of a lot or lots for a use not otherwise allowed solely because of the insufficient area or width of the lot or lots for a building or structure erected prior to August 10, 1970. However, for buildings or structures erected after August 10, 1970, the respective area and width of the lot or lots shall not be less than eighty percent of the required area and width. ~~Lot area and lot width variances for existing legally established religious institutions may exceed eighty percent of the applicable lot area and width requirements.~~

### **Amendment No. 3**

Page 4, lines 12-22, unstrike paragraph E; line 23 unstrike “F.”; Page 6, remove underlining and strikeout in Illustrations; Page 6, line 2 strike “F.” unstrike “G.”; Page 7, line 14 strike “G.” and unstrike “H.”; Page 7, unstrike lines 31-34.

**Rationale:** Restore original language for Sections 21.38.030 and 21.44.030 (from page 3, line 40 to page 9, line 30). These sections will not be amended by this ordinance at this time.

### **Amendment No. 4**

Page 10, unstrike lines 20-23; line 23, after “wall,” insert, “Where there are practical difficulties, such as the particular physical surroundings, shape, or topographical conditions of the specific property or other existing conditions where strict compliance with the standard is unreasonable, the Director of Planning and Zoning may waive this requirement.” Restore sequential lettering of H. through L. accordingly.

### **As Amended:**

- G. All fences and walls shall be installed with the finished side facing out, so that posts and lateral supports are not on the side of the fence or wall which faces an adjacent property or public right-of-way, unless such supporting members are exposed on both sides due to the specific design of the fence or wall. Where there are practical

difficulties such as the particular physical surroundings, shape, or topographical conditions of the specific property or other existing conditions where strict compliance with the standard is unreasonable, the Director of Planning and Zoning may waive this requirement.

### **Amendment No. 5**

Page 11, unstrike lines 34-36, restore subsequent subparagraph numbering; Page 11, line 36 after “floor” insert “if there is direct access and frontage along a principal arterial, minor arterial, or collector road. If there is no access and frontage along such a road, retail and/or office use is not required.”

### **As Amended:**

#### A. BCE District.

1. Retail and/or Office Use Required. Retail and/or office use shall be required as an integral component of a multi-family residential project and the project design shall allow for such uses on the ground floor if there is direct access and frontage along a principal arterial, minor arterial, or collector road. If there is no access and frontage along such a road, retail and/or office use is not required.

### **Amendment No. 6**

Restore original language for Sections 21.70.030, 21.70.060, and 21.70.080 (from page 15, line 29 to page 25, line 18). These sections will not be amended by this ordinance at this time.