33.805 Adjustments

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33.805.010 Purpose

The regulations of the zoning code are designed to implement the goals and policies of the Comprehensive Plan. These regulations apply city-wide, but because of the city's diversity, some sites are difficult to develop in compliance with the regulations. The adjustment review process provides a mechanism by which the regulations in the zoning code may be modified if the proposed development continues to meet the intended purpose of those regulations. Adjustments may also be used when strict application of the zoning code's regulations would preclude all use of a site. Adjustment reviews provide flexibility for unusual situations. They also allow for alternative ways to meet the purposes of the code, while allowing the zoning code to continue to provide certainty and rapid processing for land use applications.

33.805.020 Procedure

Requests for an adjustment are processed through a Type II procedure.

33.805.030 Regulations Which May and May Not Be Adjusted

A. Eligible regulations. Unless listed in Subsection B. below, all regulations in this Title and in Chapters 32.32 and 32.34 of the Sign Code may be modified using the adjustment review process.

B. Ineligible regulations. Adjustments are prohibited for the following items:

1. To allow a primary or accessory use that is not allowed by the regulations;
2. As an exception to any restrictions on uses or development which contain the word "prohibited";
3. As an exception to a threshold for a review. An example is 33.140.100.B.3 in the Employment and Industrial Zones chapter. It states that a single Office use 3,000 square feet or less is allowed by right, but larger ones require a conditional use review. An adjustment could not be granted to allow an Office use of 3,200 square feet; the conditional use review is mandatory;
4. As an exception to a qualifying situation for a regulation, such as zones allowed or items being limited to new development. An example of this is 33.251.030.C, which says that manufactured dwelling parks are allowed only in the R3 and R2 zones. An adjustment could not be granted to allow a manufactured dwelling park in any other R zone;
5. As an exception to a definition or classification. An example is a convenience store, which is defined as being under 4,000 square feet in area, requiring a package store

liquor license, and being open more than 15 hours a day. An adjustment could not be granted to change the amount of square feet, the package store liquor license, or the hours a convenience store is open;

6. As an exception to the procedural steps of a procedure or to change assigned procedures;

7. To allow an increase in density in the RF through R1 zones.

33.805.040 Approval Criteria

The approval criteria for signs are stated in Title 32. All other adjustment requests will be approved if the review body finds that the applicant has shown that either approval criteria A. through F. or approval criteria G. through I., below, have been met.

A. Granting the adjustment will equally or better meet the purpose of the regulation to be modified; and

B. If in a residential zone, the proposal will not significantly detract from the livability or appearance of the residential area, or if in an OS, C, E, or I zone, the proposal will be consistent with the classifications of the adjacent streets and the desired character of the area; and

C. If more than one adjustment is being requested, the cumulative effect of the adjustments results in a project which is still consistent with the overall purpose of the zone; and

D. City-designated scenic resources and historic resources are preserved; and

E. Any impacts resulting from the adjustment are mitigated to the extent practical; and

F. If in an environmental zone, the proposal has as few significant detrimental environmental impacts on the resource and resource values as is practicable; or

G. Application of the regulation in question would preclude all reasonable economic use of the site; and

H. Granting the adjustment is the minimum necessary to allow the use of the site; and

I. Any impacts resulting from the adjustment are mitigated to the extent practical.

(Amended by: Ord. No. 167127, effective 12/17/93; Ord. No. 169987, effective 7/1/96; Ord. No. 171740, effective 11/14/97; Ord. No. 175204, effective 3/1/01; Ord. No. 175837, effective 9/7/01; Ord. Nos. 175965 and 176333, effective 7/1/02; Ord. No. 177028, effective 12/14/02; Ord. No. 182429, effective 1/16/09; Ord. No. 183598, effective 4/24/10; Ord. No. 185915, effective 5/1/13; Ord. No. 187216, effective 7/24/15.)