

LU 15-0017 SUBSTANDARD LOTS - CODE AMENDMENTS

LOC 50.01: GENERAL PROVISIONS

50.01.006 NONCONFORMING USES, STRUCTURES, LOTS AND SITE FEATURES

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5. Non-Conforming (Substandard) Lots

a. Development Permitted

A nonconforming substandard lot in a residential zone that does not meet the minimum size or dimensional requirements of the zone in which it is located may be developed as permitted in that zone; provided it complies with all applicable code provisions, including but not limited to setbacks, height limits, floor area and lot coverage requirements, as modified by the following: provided that (i) the structure complies with all applicable Code standards or (ii) the applicant obtains a variance pursuant to LOC 50.08, Variances.

- (1) Only one dwelling unit is permitted (no secondary dwelling unit);
- (2) Two off-street parking spaces are required;
- (3) The additional floor area allowance per residential unit providing a garage is 400 sf;
- (4) The standard for additional height for Roof forms or architectural features shall not be utilized (LOC 50.04.001.1.g.ii; 50.04.001.2.g.ii; LOC 50.04.001.3.f.iv); and
- (45) Design variances and Major variances may not be approved to any of the zone dimensional standards; eligibility for Minor variances is limited (LOC 50.08.001.2).

b. Lot Line Adjustment

Lot lines may be adjusted provided that the degree of any existing nonconformity is not increased and no new nonconformity is created on any of the lots involved as a result of the adjustment.

LOC 50.03: USE REGULATIONS AND CONDITIONS

50.03.002 USE TABLE

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2. RESIDENTIAL USE TABLE

TABLE 50.03.002-1: RESIDENTIAL DISTRICTS USE TABLE												
P = Permitted Use Blank = Not Permitted C = Conditional Use												
[x] Table notes located at the end of the table												
Use Cat.	Use Type	Residential										Use Specific Standards
		R-15 [9]	R-10 [9]	R-7.5 [9]	R-6 [9]	R-5 [9]	R-DD [9]	R-W [9]	R-3 [8,9]	R-2	R-0 [8]	
RESIDENTIAL USES												
Household Living	Dwelling unit, any type					P			P		P	
	Single-family detached dwelling	P [one per lot]				P	P	P	P	P	P	50.03.003.1
///	////	////			///	///	//	///	///	///	///	
Notes:	<p>///</p> <p>[8] If lot has multiple zones, e.g., R-0/EC, see LOC 50.02.002.2.e.</p> <p>[9] If lot is substandard, see LOC 50.01.006.5.a</p>											

LOC 50.04: DIMENSIONAL STANDARDS

Table 50.04.001-1

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1. RESIDENTIAL LOW DENISTY ZONES

a. Dimensional Standards

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TABLE 50.04.001-1: RESIDENTIAL LOW DENSITY ZONES DIMENSIONS					
		R-7.5	R-10	R-15	Comments/Additional Standards
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MAX. FLOOR AREA					50.04.001.1.d
Base Calculation: 3,000 sq. ft. + [(actual lot size – 5,800 sq. ft.) x 0.19]		Additional floor area allowance per residential unit providing a garage (sq. ft.) [7]			
		600	750	850	
<p>////</p> <p>[6] Building height exceptions shall not exceed the building height of the primary structure.</p> <p>[7] Substandard Lot: See LOC 50.01.006.5.a</p>					

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Table 50.04.001-3

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2. RESIDENTIAL MEDIUM DENSITY ZONES

a. Dimensions

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TABLE 50.04.001-3: RESIDENTIAL MEDIUM DENSITY ZONES DIMENSIONS				
	R-6	R-5	R-DD	Comments/Additional Standards
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MAX. FLOOR AREA				50.04.001.2.d
	2,750 sq. ft. + [(actual lot size – 6,000 sq. ft.) x 0.19]	Lot ≥ 5,000 sq. ft.	—	R-5 and R-6 districts: + 500 sq. ft. floor area allowance per residential unit providing a garage [6]
		2,850 sq. ft. + [(actual lot size – 5,000 sq. ft.) x 0.28]		
		Lot < 5,000 sq. ft.		

TABLE 50.04.001-3: RESIDENTIAL MEDIUM DENSITY ZONES DIMENSIONS

	R-6	R-5	R-DD	Comments/Additional Standards
		2,850 sq. ft. + [(actual lot size – 5,000 sq. ft.) x 0.48]		
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<p>[5] Lots with sloping topography – Maximum base height across the site shall be established by a flat plane measured at 28 ft. above the highest point of the natural grade within the building envelope. The base height shall not exceed 32 ft. above the natural grade. See Figure <u>50.04.001-A: Height Adjustment for Sloping Topography.</u></p> <p>[6] <u>Substandard Lot: See LOC 50.01.006.5.a</u></p>				

50.04.003 EXCEPTIONS, PROJECTIONS, AND ENCROACHMENTS

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2. GENERAL EXCEPTION TO LOT AREA AND DIMENSION REQUIREMENTS

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b. Substandard Lots or Dimensions

A **substandard** lot ~~which does not comply with the minimum lot area or dimensional requirements required by this Code at the time of application for development~~ may be occupied by a permitted use in the zone in which the lot is located **subject to the limitations of LOC 50.01.006.5.a**. Any proposed use of the lot must comply with all other applicable code provisions ~~including but not limited to setbacks, height limits, and lot coverage requirements. The lot lines of a lot which does not comply with the minimum lot area or dimensional requirements of this Code at the time of application may be adjusted as long as the adjustment does not increase the degree of noncompliance.~~

LOC 50.07: REVIEW AND APPROVAL PROCEDURES

50.07.001 SUMMARY PROCEDURES TABLE

TABLE 50.07.001-1: SUMMARY PROCEDURES TABLE										
Type of Decision	Code Section	Pre-App. Conference Required?	Neighborhood Meeting Required?	Notice Required?	Public Hearing Required?	Authority R = Recommendation; D = Decision; A = Appeal				
						City Manager	PC	DRC	HRAB	City Council
Ministerial Development	50.07.003.13	No	No	No	No	D				
Minor Development [2]	50.07.003.14									
<i>Subdivision or Planned Development</i>		Yes	Yes	Yes	Yes	R		D		A
<i>Development Review (Ed. Note)</i>		Yes	[1]	Yes	Yes [3]	R/D		D/A		A
<i>Development in the R-DD Zone</i>		Yes	[1]	Yes	Yes	R		D		A
<i>Historic Reviews:</i>										
<ul style="list-style-type: none"> • <i>Designation or removal of a historic resource or district;</i> • <i>Establishment, modification or abolishment of a historic district; and</i> • <i>Demolition or moving of a landmark [4]</i> 		No	No	Yes	Yes	R		D		A
<ul style="list-style-type: none"> • <i>Alterations of historic resources defined as a minor development (historic preservation) in LOC 50.10.003.2;</i> 			[1]	Yes	No	D		A		A

TABLE 50.07.001-1: SUMMARY PROCEDURES TABLE

Type of Decision	Code Section	Pre-App. Conference Required?	Neighborhood Meeting Required?	Notice Required?	Public Hearing Required?	Authority R = Recommendation; D = Decision; A = Appeal				
						City Manager	PC	DRC	HRAB	City Council
<ul style="list-style-type: none"> Moving or demolition of a contributing resource; Alterations or additions of 30% or more floor area to noncontributing resources; and Minor developments on or to a landmark or within a historic district [4] 		Yes								
<u>Development on Substandard Lot</u>		Yes		Yes	Yes			D		
Minor Variance	50.08.002	Yes	[1]	Yes	No [2]	R/D		D/A		A
Design Variance										
<ul style="list-style-type: none"> R-DD Design 	50.08.003.2.a	Yes	[1]	Yes	Yes	R		D		A
<ul style="list-style-type: none"> Downtown Redevelopment Design District 	50.08.003.2.b	Yes	[1]	Yes	Yes	R		D		A

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50.07.002 LIST OF DECISION-MAKERS

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4. DEVELOPMENT REVIEW COMMISSION

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d. Minor development; in the R-DD zone

i. In the R-DD zone, or

ii. On a substandard lot; and

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50.07.003 REVIEW PROCEDURES

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13. MINISTERIAL DEVELOPMENT DECISIONS

a. Ministerial Development Classification

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ii. Ministerial Development Types

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- (2) Construction or exterior modification of a detached single-family dwelling, a single duplex on a lot, zero lot line dwelling or a structure accessory to such structures which:

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(e) Does not require special design review by the zone, design district, prior development approval or Overall Development Plan and Schedule (ODPS) for the development in which the subject property is located; ~~or~~

(f) Is not located in the Greenway Management Overlay District, as identified in LOC 50.05.009-; and

(g) Is not located on a substandard lot.

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- (4) Lot line adjustments which that: do not increase the allowable density on a site.

(a) Do not increase the allowable density on a site, and

(b) Do not involve a substandard lot

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14. MINOR DEVELOPMENT DECISIONS

a. Minor Development Classification

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ii. "Minor development" under subsection a.i.(1) of this section includes:

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(2) Construction or exterior modification of a detached single-family structure, duplex, zero lot line dwelling or a structure accessory to such structures which:

(a) Does not qualify as a ministerial decision pursuant to LOC 50.07.003.13.a.ii(1) or (2); or

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(7) Lot line adjustments which ~~that would increase allowable density on the site.~~

(a) Increase allowable density on the site, or;

(b) Involve a substandard lot

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LOC 50.08 VARIANCES

50.08.001 INTRODUCTION

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2. VARIANCES NOT ALLOWED

No variance shall be granted for the following:

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f. To zone dimensional standards on a substandard lot.

Exceptions:

~~i. Minor Variance based on:~~

~~(1) i. Survey errors (LOC 50.08.002.02.1.)~~

~~(2) ii. State or federal law based on the rights of the occupant (LOC 50.08.002.2.o.)~~

~~ii. Major Variances (LOC 50.08.004.2.)~~

50.08.004 MAJOR VARIANCES

3. MAJOR VARIANCE CRITERIA

a. Major Variance Criteria

The reviewing authority may grant a major variance from the requirements of this Code if:

i. The request is necessary to prevent unnecessary hardship based on the following considerations:

(1) The physical circumstances of the property involved **(excluding substandard lot size or dimensions)**;

(2) Whether a hardship was created by the person requesting the variance;

(3) The economic impact on the applicant if the variance is denied; and

(4) Other factors deemed relevant by the reviewing authority.

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LOC 50.10: DEFINITIONS AND RULES OF MEASUREMENT

50.10.003 DEFINITIONS

2. DEFINITION OF TERMS

Lot

A unit of land created in compliance with all legal requirements in effect and applicable at the time of creation.

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Lot, Substandard

A lot that does not meet the minimum lot size or dimension of the zone at the time of development, except lots that were created as part of a Planned Development Overlay.