

CITY COUNCIL

Removing Special Exceptions From the Zoning Code

Or

Making Zoning Easier

Or

Streamlining Zoning Processes

Or

Removing Inequities in the Allocation of Planning Resources

Or

Removing Barriers



WHAT IS A SPECIAL EXCEPTION

Allowed variations from a zoning requirement

- Minor in nature (although code does not cap degree of variation)
- Most often dimensional
- Can be ancillary uses
- Sometimes legalizes past actions



MOST COMMON EXAMPLES

Over-height fences

Additions to buildings that don't meet setbacks

Mechanical equipment size

Grade changes

Historic districts

Additional garage height/size



HOW MANY DO WE PROCESS?

42 authorized special exceptions

HLC can modify any lot or bulk standard

Average 156 per year

2021: 120 through end of June

- Projected 240



KEY ISSUES

Fence height

- Part of companion proposal/separate transmittal
- 7/14/2021: in council office



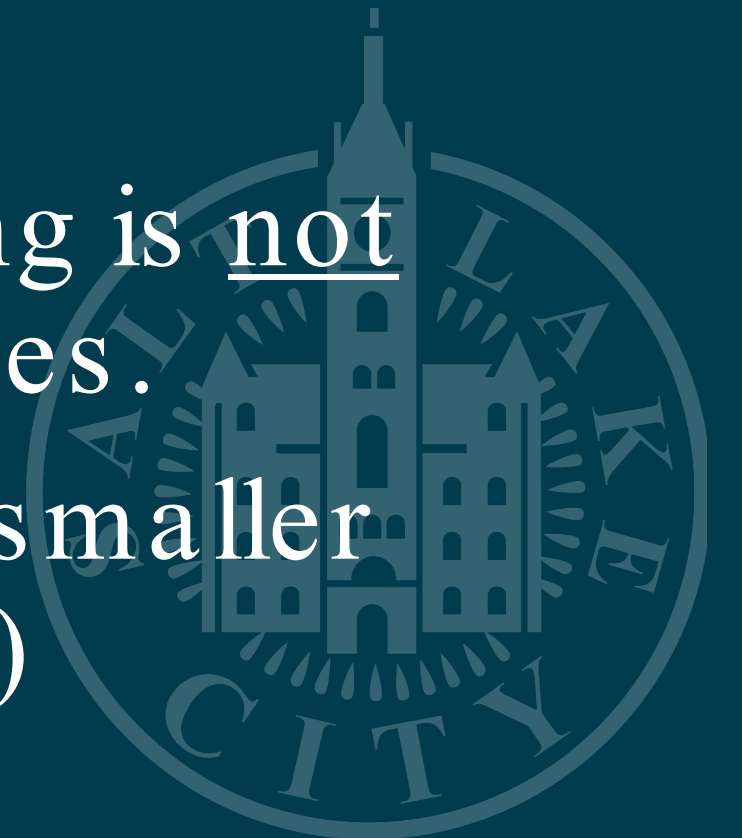
KEY ISSUES

Outdoor Dining

- Adjacency to residential uses
- Noise

Qualifying provisions

- Requires setback
- No music between 9 pm and 9 am
- Typo on pg. 16 of transmittal: should say outdoor dining is not considered an expansion of the use for parking purposes.
- Some want an approval process for outdoor dining in smaller zoning districts adjacent to residential(conditional use)



KEY ISSUES

HLC Authority

- Bulk/lot modifications through H Overlay
- Eliminates the need for multiple applications
- Supports preservation goals



KEY ISSUES

Grade Changes

- Requires a “step” between tiers
- Sets max height of each tier



KEY ISSUES

Extra building height

- Based on characteristics of block face
- HLC can still approve taller



KEY ISSUES

Inline Additions

- Allows by right up to a certain extent
- Public input: may be too restrictive
- Second story must meet setbacks
- Addressed in noncomplying chapter



KEY ISSUES

Accessory building height

- Increases allowed height
 - up to 75% of principal building with a cap
 - R-1 zones and multi-family/mixed use zones
 - Flat roof: from 12 to 15 ft
 - Pitched: from 17 to 21 ft
 - *typo multi family zones: says max of 15 for pitched, should be 21. (pg. 14, section 25, C.1.b)
 - SR-1 zones
 - Flat roof: 9 to 11 ft
 - Pitched: 14 to 15 ft
- Requires additional setback on a 1:1 basis if going up to 75% of principal height



KEY ISSUES

Use of Accessory Buildings

- Stand alone buildings, over garages
- Allows home office, hobby shop, fitness room
- No special approval



KEY ISSUES

Noncomplying Buildings

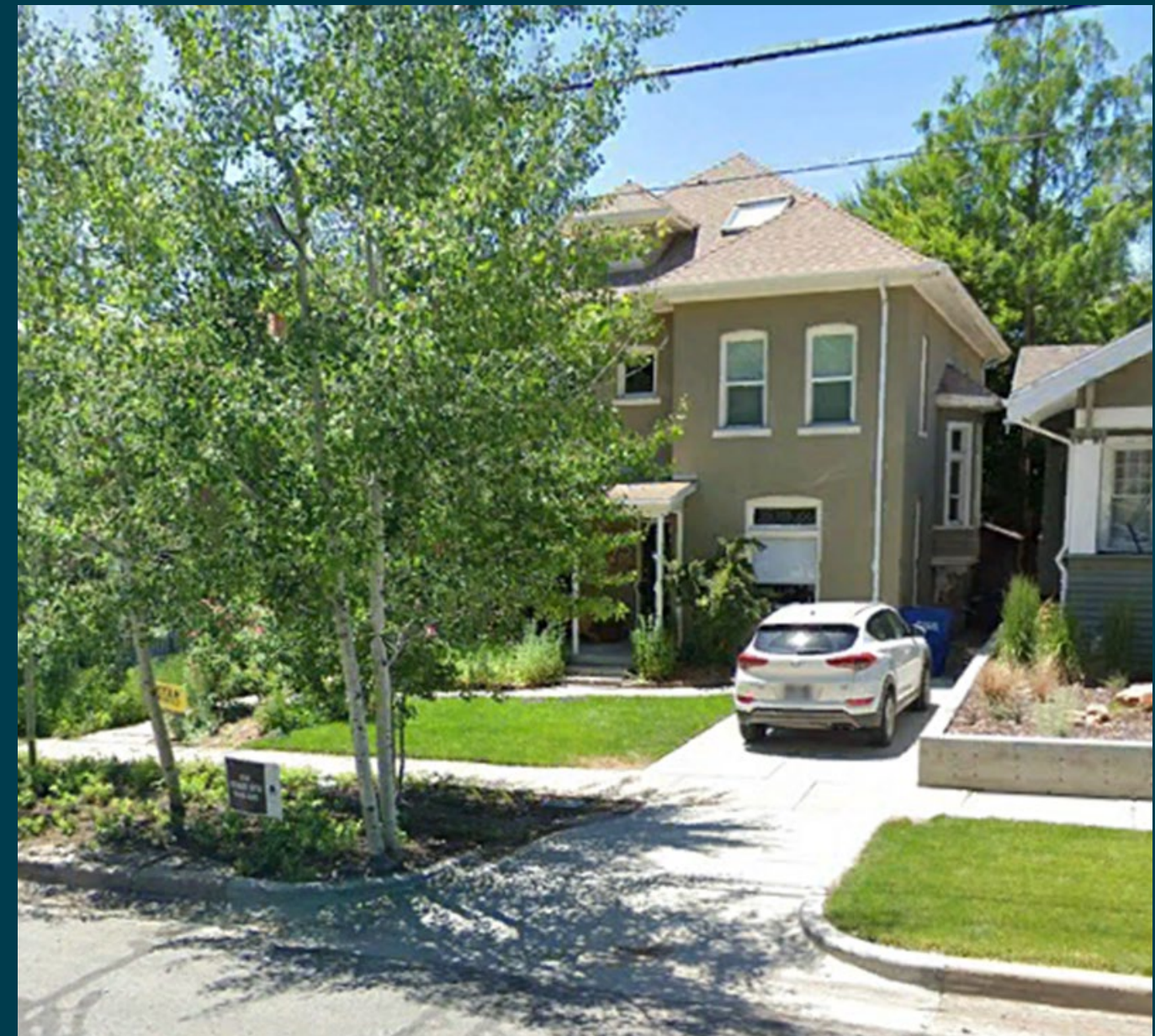
- Allowed to be rebuilt, expand meeting current standards
- Retains property rights
- Most pre-1950s buildings are noncomplying
- Unit legalizations are noncomplying issues, legalizing based on facts.



KEY ISSUES

Front Yard parking

- Properties without access to off street parking
 - Allowed in certain instances
 - Historic approval required in historic districts



KEY ISSUES

Ground Mounted Utility Boxes

- Individual developments
 - Not allowed in ROW
 - Setback requirements (for access to service provider)
 - Screening required in front or corner side yard
 - Exception
 - Adaptive reuse when there are not private property alternatives



KEY ISSUES

Ground Mounted Utility Boxes

- When serving the neighborhood:
 - Allowed in ROW with standards
 - Spacing from trees
 - Cannot impact other infrastructure
 - Cannot impede future planned ROW needs (bike lanes, wider sidewalks, etc.)



KEY ISSUES

Ground Mounted Utility Boxes

- Dimensional Standards:
 - Removed from Zoning Code
 - Title 14 regulates objects in the ROW (other than street trees)
 - Subjects ROW permits to land use appeals process
 - Limits flexibility when boxes are beneficial or required
 - Approval establishes a property right in ROW





WHAT DOES IT COST?

Application fee: \$265

Average staff hours: 52 hours

- Zoning review
- Review by other depts
- Noticing
- Findings
- Staff reports

Fee covers between 10-40% of staff cost



WHAT ARE THE IMPACTS OF SUBSIDIZING SPECIAL EXCEPTION

Geographic inequities: 85% of applications are east of I-15

Staff resources forced towards expand property rights of individual property rights, not on city goals.



OTHER REASONS FOR THE PROJ

Simplify the zoning code

Remove uncertainty

Neighbor vs Neighbor



KEY POINTS

Deletes the special exception process

Authorized special exceptions will be:

- Allowed by right
- Allowed by right with qualifying provisions
- No longer allowed

