

## MEMORANDUM



TO: Zoning Board of Appeals  
FROM: Jon Barrett, Zoning Coordinator  
DATE: June 26, 2024 (Revised 7/17/2024)  
SUBJECT: Alteration to Nonconforming Structure Proposed Text Amendment

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### **Proposed Unified Development Code (UDC) Modification**

Staff presents ordinance revisions related to Nonconforming Structures in residential districts in Unified Development Code Section 5.32.2. This action is in response to a request by the Zoning Board of Appeals (ZBA) to eliminate the ZBA approval requirement for newly created habitable space in nonconforming structures in residential districts. The text amendment will allow the Planning Manager and/or their designee to approve modifications and changes to these structures via Residential Building Permit.

### **Analysis**

The proposed text amendment would extend staff authority to consider residential nonconforming properties to make interior and exterior improvements without going through the ZBA process. This will assist in streamlining the process for both applicants, property owners and the ZBA, but would be limited to solely residential properties, and establish clear standards.

Historically, these types of petitions have been approved as presented. Over the past 10 years, 95% of these petitions have been approved by the Zoning Board of Appeals. Several members of the Board have expressed concerns that the existing ordinance conflicted with the City Council goals and objectives that pertain to higher density, more housing options and addressing community need for affordable housing.

### **Scope of Changes**

The proposed changes (attached) will allow an alteration to a nonconforming structure if the alteration does not extend closer to a lot line, does not create any new nonconformities, and complies with the district height, setback, and all other dimensional standards. Lastly, the alteration is required to comply with all building code requirements.

### **Resolution**

Proposed Motion:

June 26, 2024 (Revised 7/17/2024)  
Nonconforming Structures

The Zoning Board of Appeals recommends that the Planning Commission consider modifications to Section 5.32.2 of Chapter 55 of the City Code – Unified Development Code to enable City Staff approval of expansion of non-conforming residential properties.