

MEMORANDUM



TO: Zoning Board of Appeals
FROM: Jon Barrett, Zoning Coordinator
DATE: June 26, 2024
SUBJECT: Alteration to Nonconforming Structure Proposed Text Amendment

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 will allow for residential nonconforming properties to make interior improvements to existing nonconforming properties without going through the ZBA process. This will assist in streamlining the process for both applicants, property owners and the ZBA.

Historically, these types of petitions have been approved as presented. Over the past xx years, xx% 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
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.