

Proposed Resilient City Development Measures Ordinance Amendment

- I. Add Sections 20-16.060 through 20-16.090 to Zoning Code Chapter 20-16, Resilient City Development Measures.

The following identifies proposed changes to the aforementioned sections (identified in strike-out and underline format), based on Council direction:

“20-16.060 Reduced Review Authority for Certain Uses.

- A. Notwithstanding any other provision of this Code, the following uses shall be allowed by right within the zones identified and described herein and shall therefore not require any prior use permit:
1. “Agricultural Employee Housing – 7 or more residents” is hereby a permitted use within the Medium Density Multi-Family Residential (R-2), Multi-Family Residential (R-3), and Transit Village-Residential (TV-R) Districts and associated multi-family residential Planned Development Districts, without requirements of a use permit.
 2. “Community Care Facility – 7 or more clients” is hereby a permitted use within the Medium Density Multi-Family Residential (R-2), Multi-Family Residential (R-3), Transit Village-Residential (TV-R), Office Commercial (CO), General Commercial (CG), Downtown Commercial (CD) and Transit Village-Mixed (TV-M) Districts and associated multi-family residential and non-residential Planned Development Districts, without requirements of a use permit.
 3. “Child Day Care – large family day care home” is hereby a permitted use within the Rural Residential (RR), Single-Family Residential (R-1), Medium Density Multi-Family Residential (R-2), Multi-Family Residential (R-3), Mobile Home Park (MH), Transit Village-Residential (TV-R), Office Commercial (CO), Neighborhood Commercial (CN), General Commercial (CG), Downtown Commercial (CD), Community Shopping Center (CSC), and Transit Village-Mixed (TV-M) Districts and associated residential and non-residential Planned Development Districts, without requirements of a use permit.
 4. Duplexes (two-unit), which are defined in Section 20-70.020 (Definitions of Specialized Words and Phrases) as “multi-family dwellings” are hereby permitted uses within the Rural Residential (RR), Single-Family Residential (R-1) Districts and associated single-family and rural residential Planned Development Districts, without requirements of a use permit.

All other “multi-family dwellings”, including triplexes, fourplexes and apartments shall require the approval of a Minor Use Permit within the Rural Residential (RR), Single-Family Residential (R-1) Districts and associated single-family and rural residential Planned Development Districts.

5. “Mobile Home Park” is hereby a permitted use within the Mobile Home Park (MH) District, without requirements of a use permit.
6. “Multi-Family Dwelling” is hereby a permitted use within the General Commercial (CG) and Downtown Commercial (CD) Districts and associated residential and non-residential Planned Development Districts, without requirements of a use permit.
7. “Residential Component of a Mixed-Use Project” is hereby a permitted use within the Rural Residential (RR), Single-Family Residential (R-1), Medium Density Multi-Family Residential (R-2), Multi-Family Residential (R-3), Transit Village-Residential (TV-R), Office Commercial (CO), General Commercial (CG) and Downtown Commercial (CD) Districts and associated multi-family residential and non-residential Planned Development Districts, without requirements of a use permit.
8. “Single-Family Dwelling” is hereby a permitted use within the single-family and rural residential Planned Development Districts, without requirements of a use permit.

B. Notwithstanding any other provision of this Code, the following uses shall be allowed with the approval of a Minor Use Permit within the zones identified and described herein:

1. “Child Day Care Center (15 or more clients)” is hereby permitted with the approval of a Minor Use Permit within the Rural Residential (RR), Single-Family Residential (R-1), Medium Density Multi-Family Residential (R-2), Multi-Family Residential (R-3) Districts and associated residential Planned Development Districts.
2. “Community Care Facility – 6 or fewer clients” is hereby permitted with the approval of a Minor Use Permit within the Public Institutional (PI) District and associated non-residential Planned Development Districts.
3. “Community Care Facility – 7 or more clients” is hereby permitted with the approval of a Minor Use Permit within the Public Institutional (PI) District and associated non-residential Planned Development Districts.
4. “Emergency Shelter” is hereby permitted with the approval of a Minor Use Permit within the Rural Residential (RR), Single-Family Residential (R-1), Medium Density Multi-Family Residential (R-2), Multi-Family Residential (R-3), Mobile Home Park (MH), Transit Village-Residential (TV-R), Business Park (BP), Light Industrial (IL), General Industrial (IG), ~~Open Space Recreation (OSR), Open Space Conservation (OSC)~~, and Public Institutional (PI) Districts and associated residential and non-residential Planned Development Districts.
5. “Emergency Shelter – 50 or fewer beds” is hereby permitted with the approval of a Minor Use Permit within the Office Commercial (CO), Neighborhood Commercial (CN), Motor Vehicle Sales (CV), Downtown Commercial (CD), Community Shopping Center (CSC), and Transit Village-Mixed (TV-M) Districts and associated non-residential Planned Development Districts.
6. “Emergency Shelter – 51 or more beds” is hereby permitted with the approval of a

Minor Use Permit within the Office Commercial (CO), Neighborhood Commercial (CN), General Commercial (CG), Motor Vehicle Sales (CV), Downtown Commercial (CD), Community Shopping Center (CSC), and Transit Village-Mixed (TV-M) Districts and associated non-residential Planned Development Districts.

7. “Mobile Home Park” is hereby permitted with the approval of a Minor Use Permit within the Rural Residential (RR), Single-Family Residential (R-1), Medium Density Multi-Family Residential (R-2), Multi-Family Residential (R-3) and associated residential Planned Development Districts.
8. “Mobile Home/Manufactured Housing” is hereby permitted with the approval of a Minor Use Permit within the Business Park (BP) and associated non-residential Planned Development Districts.
9. “Multi-Family Dwelling” is hereby permitted with the approval of a Minor Use Permit within the Office Commercial (CO), and Business Park (BP) Districts and associated non-residential Planned Development Districts.
10. “Single-Family Dwelling” is hereby permitted with the approval of a Minor Use Permit within the Business Park (BP) and associated non-residential Planned Development Districts.
11. “Single-Family Dwelling – Attached Only” is hereby permitted with the approval of a Minor Use Permit within the Office Commercial (CO), and General Commercial (GC) Districts and associated non-residential Planned Development Districts.
12. “Single room occupancy facility” is hereby permitted with the approval of a Minor Use Permit within the Rural Residential (RR), Single-Family Residential (R-1), Medium Density Multi-Family Residential (R-2), Multi-Family Residential (R-3), Transit Village-Residential (TV-R), General Commercial (GC), Downtown Commercial (CD), and Community Shopping Center (CSC) Districts and associated residential and non-residential Planned Development Districts.
13. “Small lot residential project” is hereby permitted with the approval of a Minor Use Permit within the Single-Family Residential (R-1), Medium Density Multi-Family Residential (R-2), Multi-Family Residential (R-3), and Transit Village-Residential (TV-R) Districts and associated residential Planned Development Districts.

20-16.070 Modifications to the Design Review Process.

- A. Design Review for Child Care, Lodging and Residential Development. Subsections 1 through 4, below, apply to the following uses: “child care day care”, “lodging – bed & breakfast inn (B&B)”, “lodging – hotel or motel”, “mixed-use development (that includes a residential component)”, “multi-family residential”, and “single-room occupancy facility”.
 1. Subject to the provisions of subsection A.2 below, Design Review approval for new development and major remodels, with the exception of projects located within the Historic (-H) Combining District, regardless of size or location, including visually

sensitive locations as defined by Section 20-52.030 (Design Review), Table 5-2 (Design Review Authority and Notice Requirements) that meet the following criteria, are hereby delegated to the Zoning Administrator, through the Minor Design Review process, on sites zoned for such uses:

- a. Projects that propose on-site affordable housing pursuant to City Code Chapter 21-02 (Housing Allocation Plan), and restricted by a recorded regulatory agreement; or
- b. Projects that are located within one of the City's Priority Development Areas.

2. Prior to submittal of an application for Design Review by the Zoning Administrator, Concept Design Review by the Design Review Board shall be required for new development and major remodels that involve 10,000 square-foot or more in total floor area, or are within a visually sensitive location as defined by Section 20-52.030 (Design Review), Table 5-2 (Design Review Authority and Notice Requirements), subject to City the requirements of Section 20-50.040 (Concept Review).

3. Pre-application neighborhood meeting. Prior to submittal of an application for Design Review by the Zoning Administrator, a pre-application neighborhood meeting shall be required in compliance with Section 20-50.050.D. (Pre-Application Neighborhood Meeting Required).

4. Review authority referral. The Zoning Administrator may defer any decision and refer the request to the Design Review Board, pursuant to Section 20-50.020 (Authority for Land Use and Zoning Decisions).

5. Projects located within the Historic (-H) Combining District. Any project located within the -H Combining District shall comply with the requirements of Section 20-58.060(C)(3), Design Review.

B. Final Design Review for all projects requiring review by the Design Review Board is hereby delegated to the Director of Planning and Economic Development, following Preliminary Design Review approval by the Design Review Board.

20-16.080 Changes to an Approved Residential, Lodging or Child Care Facility Project.

Development or a new land use related to single or multi-family residential projects, residential small lot subdivisions, lodging or child care facilities, authorized through a permit or approval granted in compliance with Chapter 20-52 (Permit Review Procedures) of this Zoning Code shall be established only as approved by the review authority and subject to any conditions of approval, except where changes to the project are approved as follows.

A. Application. An applicant shall request desired changes in writing, and shall also furnish appropriate supporting materials and an explanation of the reasons for the request. Changes may be requested either before or after construction or establishment and operation of the approved single or multi-family residential, residential small lot subdivision, lodging or child care facilities.

- B. Planning and Economic Development Director action. The Director of Planning and Economic Development may authorize one or more changes to an approved site plan, architecture, or the nature of the approved single or multi-family residential, residential small lot subdivision, lodging or child care land use where the Director first finds that the changes:
1. Are consistent with all applicable provisions of this Zoning Code;
 2. Do not involve a feature of the project that was a basis for findings in a negative declaration or environmental impact report for the project;
 3. Do not involve a feature of the project that was specifically addressed or was a basis for conditions of approval for the project or that was a specific consideration by the review authority (i.e., the Commission or Council) in the project approval; and
 4. Do not result in an expansion of the single or multi-family residential, residential small lot subdivision, lodging or child care land use and/or activity.

The Director may choose to refer any requested change to the original review authority for review and final action.

- C. Notification. At least ten (10) calendar days prior to taking action on any proposed changes to an approved single or multi-family residential, residential small lot subdivision, lodging or child care facility project, the Director of Planning and Economic Development shall notify, by mail, all persons or entities as set forth in Section 20.66.020(C)(1). No public hearing shall be required.
- D. Changes approved by original review authority. A proposed change that does not comply with the criteria in Subsection B, above, shall only be approved by the original review authority for the project through a new permit application processed in compliance with this Zoning Code.

20-16.090 Zoning Administrator Meetings.

Except as identified herein, the day and time of Zoning Administrator meetings shall be determined by the Director.

A. Meetings. Zoning Administrator meetings for projects submitted pursuant to this Chapter, shall be held, as needed, at or after 5:00 p.m., at City Hall.

- II. Add a note to Zoning Code Section 20-22.030, Table 2-2, Section 20-23.030, Table 2-6, Section 20-24.030, Table 2-10, and Section 20-26.030, Table 2-12, related to allowed land uses and permit requirements, to read and provide as follows:

“The land use and permit requirements set forth in this Table shall be waived for all land uses approved under the provisions of Chapter 20-16, Resilient City Development Measures.”