

Chapter 17.72

ZONE MODIFICATIONS

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- 17.72.01 PURPOSE AND APPLICATION. The purpose of this Chapter is to provide limited administrative relief from the application of development requirements specified in this Ordinance where the granting of the modification would promote uniform development or relieve an unreasonable hardship, but would not be detrimental to the public health, safety, or welfare or to property or residents in the area. A zone modification shall not be granted where the relief sought should more appropriately be sought through the variance procedure.
- 17.72.02 APPLICATION CONTENTS. An application for a modification shall include the following:
- A. Name and address of applicant.
 - B. Name(s) and address(es) of the property owner(s).
 - C. Assessor's parcel number(s)
 - D. Legal description of the property.
 - E. Site development plan drawn at a scale specified by the Planning Department, which includes the following information:
 - 1. Location of all existing buildings, structures, and improvements on the property.
 - 2. Location of all proposed buildings, structures, and improvements on the property.
 - 3. North arrow.
 - F. Elevations of all buildings or structures related to the variance sought.

G. A narrative description of the proposed use or development, including:

1. Description of the nature of the proposed use or development.
2. Identification of the applicable zoning district or districts and Section(s) of this Ordinance containing the standards from which variance is sought.
3. Explanation of the variance sought.
4. Reasons applicant feels justify the granting of the variance.

H Applicable application processing fees as established by the City Council.

17.72.03 REVIEW AND APPROVAL PROCEDURES. Applications which meet the criteria specified in 17.72.04 are permitted under the provisions of this chapter. All other applications for a modification shall be reviewed and approved, conditionally approved, or denied by the Planning Commission in accordance with the procedures set out in Chapter 17.71 of this Ordinance.

17.72.04 DEVELOPMENT STANDARDS SUBJECT TO MODIFICATION. The Planning Department may approve a reduction of up to 10 percent for any setback, height, or other dimension.

17.72.05 BASIS FOR APPROVAL. The Planning Department may approve or conditionally approve an application for modification if it finds all of the following:

- A. The modification does not exceed the limits specified in Section 17.72.04.
- B. The granting of the modification will not be materially detrimental to the public health, safety, or welfare or to property or residents in the vicinity.
- C. Either of the following:
 1. The modification would promote uniformity in development on the lot or in the area.
 2. The modification would alleviate an unreasonable hardship on the property owner or applicant by the strict application of the requirements of this Chapter.

17.72.06 TERMS AND CONDITIONS.

- A. Any zone modification granted may include such terms and conditions as deemed necessary or appropriate by the decision making authority to effect the purpose of this Chapter. If no additional terms or conditions are specified, the zone modification shall be considered unconditional and valid for an indefinite period.
- B. If the development for which a zone modification has been approved pursuant to this Chapter has not commenced, or permits for such development have not been issued, within one (1) year of the granting of the zone modification, the zone modification shall become null and void and of no effect, unless an extension has been granted by the decision making authority upon the written request for an extension before the expiration of the one (1) year period. This provision shall not apply to applications approved in conjunction with another discretionary permit. In such cases, the expiration period shall coincide with that of the associated permit.
- C. All conditions of approval shall be final, and a request to delete or to modify a condition to make it less restrictive shall only be considered at a properly noticed public hearing, unless said conditions are appealed pursuant to Section 17.75.

17.72.07 ZONE MODIFICATION REVOCATION AND MODIFICATION. Any zone modification issued pursuant to this Chapter may be revoked or modified pursuant to Section 17.75.05 of this Ordinance.