

**Title 16 - ZONING AND COMMUNITY DEVELOPMENT CODE**  
**Division IV. – PLANNING PROCEDURES**  
**Chapter 16.72 PROCEDURES FOR PROCESSING DEVELOPMENT PERMITS**  
**Exhibit A9**

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## **Chapter 16.84 - VARIANCES**

[...]

### 16.84.030 - Types of Variances

As provided in this Section, there are three types of variances: Adjustments, Class A variance and Class B variance; the type of variance required depends on the extent of the variance request and the discretion involved in the decision making process.

#### A. Adjustments

1. Generally and Approval Process: The following Adjustments and Residential Design Checklist with Adjustment are reviewed using a Type I procedure, as governed by Chapter 16.72, using the approval criteria in Subsection 2, below:
  - a. Front yard setbacks Up to a 105 percent change to the front yard setback standard in the land use district.
  - b. Rear yard setbacks Up to a 105 percent reduction of the dimensional standards for the rear yard setbacks required in the base land use district so long as the three foot setback is maintained based on Building Code requirements where applicable.
  - c. Interior side yard setbacks: Adjustments to interior side yard setbacks for all residential housing types are not allowed.
  - d. Landscape area up to a 105 percent reduction in landscape area (overall area or interior parking lot landscape area).
  - e. A 5 percent increase or decrease in other Code standards or dimensions not otherwise specifically identified in this section and not applicable at the time of the subdivision or partition approval.
  - f. Up to a 5 percent adjustment to one or more of the residential design standards of Section 16.14, Table 16.14-1.A-C (no adjustments to the Detailed Design standards in 16.14, Table 16.14-1.D are permitted).
2. Approval Criteria: Adjustments subject to the provisions of this section shall be granted if the applicant demonstrates compliance with all of the following criteria:
  - a. The adjustment requested is required due to the lot configuration, or other conditions of the site;

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- b. The adjustment does not result in the removal of trees, or it is proposed in order to preserve trees, if trees are present in the development area;
  - c. The adjustment will not result in violation(s) of any other adopted ordinance or code standard; each code standard to be modified shall require a separate adjustment request.
  - d. An application for an adjustment is limited to one lot or parcel per application.
  - e. No more than three adjustments may be approved for one lot or parcel in 12 months.
- B. Class B Variances
1. Generally
    - a. The Class B variance standards apply to individual platted and recorded lots only.
    - b. A variance shall not be approved that would vary the "permitted uses" or "prohibited uses" of a land use zoning district.
    - c. Front yard setbacks: Up to a ~~20~~10 percent change to the front yard setback standard in the land use district.
    - d. Rear yard setbacks: Up to a ~~20~~10 percent reduction of the dimensional standards for the rear yard setbacks required in the base land use district so long as the three foot setback is maintained if required by the Building Code requirements.
    - e. Interior side yard setbacks: Variances to interior side yard setbacks for all residential housing types are not allowed.
    - f. A ~~20~~10% or less increase or decrease in other Code standards or dimensions not otherwise specifically identified in this section.
    - g. Between 5 percent and 10 percent adjustment to one or more of the residential design standards of Section 16.14, Table 16.14-1.A-C .
  2. Approval Process: Class B variances and Residential Design Checklist with Class B Variance shall be reviewed using a Type II procedure. In addition to the application requirements contained in Chapter 16.72.010, the applicant shall provide a written narrative describing the reason for the variance, why it is required, alternatives considered, and compliance with the criteria in subsection 3.
  3. Approval Criteria (subject to the provisions of this section): The City shall approve, approve with conditions, or deny an application for a Class B Variance based on the following criteria:
    - a. The variance requested is required due to the lot configuration, or other conditions of the site;
    - b. The variance does not result in the removal of trees, or it is proposed in order to preserve trees, if trees are present in the development area;
    - c. The variance will not result in violation(s) of any other adopted ordinance or code standard; each code standard to be modified shall require a separate variance request.
    - d. An application for a Class B variance is limited to three or fewer lots per application.
    - e. The variance will have minimal impact to the adjacent properties.

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- f. The variance is the minimum needed to achieve the desired result and the applicant has considered alternatives.

C. Class A Variances

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