

17.70.090 Notice of decision. Not later than ten days following the commission's decision to grant or deny the variance, the applicant shall be notified in writing of the commission's decision. (Ord. 963 §39(part), 1995; Ord. 822 §1(part), 1989)

17.70.100 Effective date and appeal. No variance authorized or granted by the commission shall become effective until after an elapsed period of fourteen days from the date the determination is made, during which time a written appeal from the decision may be taken to the council by the applicant or any person aggrieved or affected by such determination. (Any appeal of a decision, by the commission, must be made in accordance with the provisions of Chapter 17.74 of these regulations.) (Ord. 963 §39(part), 1995; Ord. 822 §1(part), 1989)

17.70.110 Continuation of existing variances. Variances granted by the commission prior to the effective date of the adoption of these regulations or of any amendment thereto may be continued provided all conditions of such variances continue to be met. (Ord. 963 §39(part), 1995; Ord. 822 §1(part), 1989)

## Chapter 17.72

### MODIFICATION OF DEVELOPMENT STANDARDS

#### Sections:

- 17.72.010 Purpose.
- 17.72.020 Authority.
- 17.72.030 Extent of modification of development standards.
- 17.72.040 Application and fee.
- 17.72.050 Plans required and plot plan review.
- 17.72.060 Required showing by the applicant.
- 17.72.070 Conditions of approval.
- 17.72.080 Notice of decision.
- 17.72.090 Expiration.
- 17.72.100 Appeal.
- 17.72.110 Final review of plans.

17.72.010 Purpose. The purpose of the modification of development standards is to permit a property owner or tenant to deviate from the strict application of property development standards of the zone district in which his property is located in cases of demonstrable hardships not warranting the granting of a variance. Such deviations

shall be minor in nature. (Ord. 963 §39(part), 1995; Ord. 822 §1(part), 1989)

17.72.020 Authority. All modifications of development standards must be approved by the planning commission who shall have the authority to modify standards as they apply to yard and setback requirements, building height, sign height or area, parking and landscaping. (Ord. 963 §39(part), 1995; Ord. 822 §1(part), 1989)

17.72.030 Extent of modification of development standards. Property development standards may be modified only as shown in this chapter and modification of standards other than those permitted by Section 17.72.020, or a deviation greater than that permitted by this chapter shall require a variance in accordance with the provisions of Chapter 17.70 of these regulations.

A. Yard and setback standards may be modified by ten percent of the zone district requirements.

B. Building height standards may be modified by ten percent of the zone district requirements.

C. Maximum sign height requirements may be modified by ten percent and maximum sign area requirements may be modified by twenty percent.

D. Parking requirements may be modified by:

1. Ten percent; or

2. Twenty percent with an approved valet parking plan.

E. Landscaping requirements may be modified by ten percent of the zone district and parking ordinance requirements. (Ord. 963 §39(part), 1995; Ord. 925 §1, 1993; Ord. 822 §1(part), 1989)

17.72.040 Application and fee. A request for modification of development standards shall be filed on forms prescribed by the planning commission and shall be accompanied by a plot plan(s) and a fee, as established by written resolution of the city council. (Ord. 963 §39(part), 1995; Ord. 822 §1(part), 1989)

17.72.050 Plans required and plot plan review. A plot plan shall be submitted to the director of planning and community development for any use requiring a modification of development standards. The plot plan shall include, but shall not be limited to, location of building and structures, areas designated for off-street parking and loading, circulation, landscaping, trash enclosures and the location of mechanical equipment. The planning commission shall review the plot plan and requested modification of standards to insure that the intent and purpose of the zone district in which the property is located is implemented, that the requested modification is within the limits of

Section 17.72.030 that the required showings have been made. (Ord. 963 §39(part), 1995; Ord. 822 §1(part), 1989)

17.72.060 Required showing by the applicant. Before any modification of standards will be granted, the applicant shall be required to make the following showing:

A. That the modification requested is warranted by conditions applicable to the subject property;

B. That the modification, if granted, would not be detrimental to the property owners in the area or to the general public. (Ord. 963 §39(part), 1995; Ord. 822 §1(part), 1989)

17.72.070 Conditions of approval. Any modification of development standards granted shall be subject to such conditions as will insure that the adjustment thereby authorized shall not constitute a grant of special privileges inconsistent with the limitations upon other properties in the vicinity and in the zone district within such property is located. (Ord. 963 §39(part), 1995; Ord. 822 §1(part), 1989)

17.72.080 Notice of decision. Following the action by the planning commission, in granting or denying the request for a modification of development standards, a letter shall be mailed to the applicant at the address shown on the application form and to any other person requesting a copy, advising of the decision made. (Ord. 963 §39(part), 1995; Ord. 822 §1(part), 1989)

17.72.090 Expiration. Unless otherwise specified in the action granting the modification of development standards, any modification which has not been utilized within six months from the effective date of approval shall be null and void. The abandonment or nonuse of a modification for any period of six consecutive months shall terminate the modification and any privileges granted thereunder shall become null and void. A six-month extension may be granted by the planning commission. (Ord. 963 §39(part), 1995; Ord. 822 §1(part), 1989)

17.72.100 Appeal. An appeal of a decision of the planning commission may be made to the city council in accordance with the provisions of Chapter 17.74 of these regulations. (Ord. 963 §39(part), 1995; Ord. 822 §1(part), 1989)

17.72.110 Final review of plans. Before a building permit may be issued, the director of planning and community development, or his representative, shall sign the plot plan certifying that it complies with the conditions established and with the intent and purpose of the zone district

in which the property is located. (Ord. 963 §39(part), 1995; Ord. 822 §1(part), 1989)

## Chapter 17.74

### PUBLIC HEARINGS--PROCEDURE AND CONDUCT

#### Sections:

- 17.74.010 Setting the public hearing.
- 17.74.020 Notice of public hearing.
- 17.74.030 Conduct of the public hearing.
- 17.74.040 Announcement of commission decision.
- 17.74.050 Appeals--Council review.
- 17.74.060 Required information--Appeal.
- 17.74.070 City council public hearing--Notice.

17.74.010 Setting the public hearing. When an application requiring a public hearing has been filed, the matter shall be set for public hearing before the planning commission. The date of such hearing shall be not less than ten days nor more than sixty days from the date an application requiring a public hearing is filed. (Ord. 963 §39(part), 1995; Ord. 822 §1(part), 1989)

17.74.020 Notice of public hearing. A. Notice of a scheduled public hearing shall be prepared not less than ten days prior to the date set for the hearing. As a minimum the notice shall include:

1. The matter under consideration;
2. The date, time, place and body before which the hearing will be held;
3. An invitation to proponents and opponents to give testimony on the matter under consideration.

B. The notice of a scheduled public hearing shall be posted, not less than ten days prior to the date set for the hearing, in the locations prescribed in Chapter 1.20 of this code.

C. Except for text amendments, a copy of the notice of public hearing shall be sent to all owners of property located within a radius of three hundred feet of the exterior boundaries of the property to which the public hearing applies. The list of property owners shall be taken