

## **CHAPTER 2.12 LOT DEVELOPMENT OPTION**

### **Section 2.12.10 - BACKGROUND**

A Lot Development Option provides a means to obtain minor variations from clearly measurable, numerically quantifiable development standards. The option exists for those circumstances where uniform, unvarying rules would prevent a more efficient use of a lot, prevent better preservation of significant natural features, and/or prevent innovation in site planning and architectural design. A typical example is the permitting of a structure to be located closer to a property boundary than normally allowed by the zone regulations. A Lot Development Option also may provide a means to obtain major variations from required setbacks on lots with existing residential structures constructed prior to December 31, 2000, or to modify the use size limitations contained in Chapter 3.19 - Mixed Use Community Shopping (MUCS) Zone.

A Lot Development Option applies only to existing individual lots or to individual lots that are approved (or requested for approval) as part of a Tentative Subdivision Plat or Minor Land Partition process. Proposed modifications that exceed the allowed scope of a Lot Development Option (as outlined in this chapter) need to be sought through the Planned Development process described in Chapter 2.5 - Planned Development.

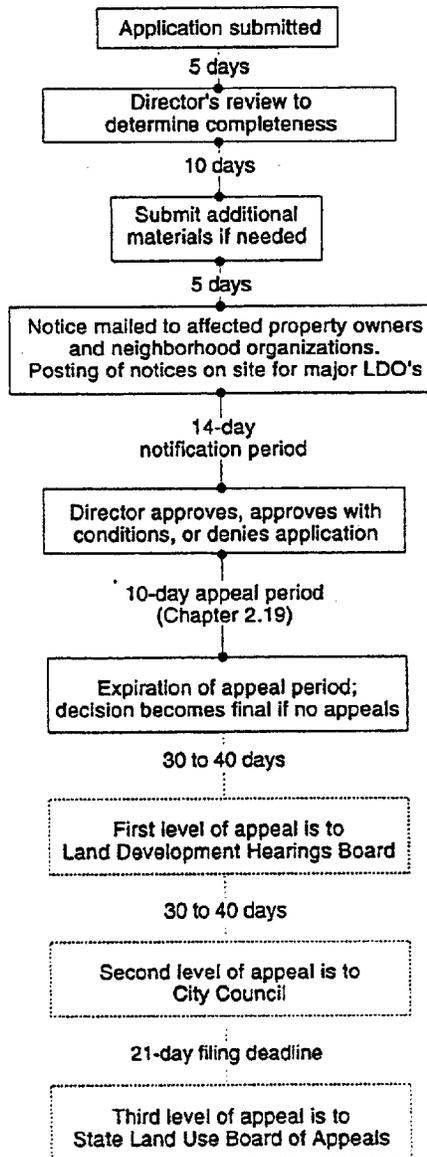
### **Section 2.12.20 - PURPOSES**

Procedures and standards for the review of Lot Development Options are established in this chapter for the following purposes:

- a. Permit efficient use of land;
- b. Provide flexibility and innovation in site planning and architectural design on individual lots;
- c. Encourage construction techniques and allow building locations that conserve energy;
- d. Minimize procedural delays and ensure due process in the review of unique development situations;
- e. Provide an avenue for better preservation of significant natural features; and
- f. Provide benefits within the development that compensate for the variations from development standards such that the intent of the development standards is still met.

## Timeframe for Lot Development Options (LDO's)

(Showing maximum length of time;  
process typically requires less time)



**Section 2.12.30 - PROCEDURES**

An application filed for a Lot Development Option shall comply with the following requirements.

**2.12.30.01 - Application Requirements**

When the Director deems any requirement below unnecessary for proper evaluation of a proposed application, it may be waived.

An application for a Lot Development Option shall be made on forms provided by the Director and shall include the following, where applicable:

- a. Description of the land (address, lot, block, tract, or similar description) on which the proposed development is to take place;
- b. Narrative addressing all aspects of the requested variation(s) and describing how the application meets the review criteria in section 2.12.30.06 below; and
- c. Site plan(s) no larger than 11- by 17-in., suitable for photocopy reproduction. The site plans shall be drawn to scale and show the following:
  - 1. Relationship of the site to adjoining properties, streets, alleys, structures, public utilities, and drainageways;
  - 2. Identification of all requested variations;
  - 3. Lot line dimensions;
  - 4. Existing and proposed structures;
  - 5. Structures on adjacent property(ies) affected by the request;
  - 6. Vehicle and pedestrian access points and accessways;
  - 7. Drainageways and any other prominent features;
  - 8. Location of trees and shrubs over 3 ft. in height;
  - 9. Fences and walls;
  - 10. Off-street parking facilities; and
  - 11. Any other information relevant to the proposal.

### **2.12.30.02 - Acceptance of Application**

- a. The Director shall review the Lot Development Option application for compliance with the application requirements in section 2.12.30.01. If the application is incomplete, the Director shall notify the applicant within five days and state what information is needed to make the application complete. The applicant shall have 10 days from this notification to submit additional materials.
- b. Any revisions to an accepted application that result in the need for an additional public notice to be mailed shall be regarded as a new application. Such new application shall require additional filing fees.

### **2.12.30.03 - Determination of Lot Development Option Type**

The Director shall determine whether an application is for a Lot Development Option Type A or Type B, as follows:

- a. **Type A Lot Development Option** - A Lot Development Option shall be considered "Type A" when the requested variations involve residential uses on an undeveloped lot or underdeveloped lot within a developed portion of the City zoned RS-3.5 as of December 31, 2000, or involve a lot containing existing residential structures in any residential zone constructed prior to December 31, 2000. Type A Lot Development Option requests shall involve clearly measurable, numerically quantifiable development standards that shall not exceed the thresholds listed below:
  1. Reducing by up to 40 percent any setback for residential uses on an undeveloped or underdeveloped lot within developed areas zoned RS-3.5, or reducing by up to 100 percent any setback on a lot containing existing residential structures constructed prior to December 31, 2000, with the following exceptions:
    - (a) Requests for variations to development standards in Chapter 4.0 - Improvements Required with Development shall be processed through the Planned Development process outlined in Chapter 2.5;
    - (b) For new structures on undeveloped lots, side and/or rear yard setbacks for accessory structures that are more than 60 ft. from streets (other than alleys) may be reduced by up to 70 percent;
    - (c) For new structures, interior side yards on corner lots may be reduced by up to 70 percent; and

- (d) For lots with existing residential structures, side and/or rear yard setbacks for accessory structures that are more than 60 ft. from streets (other than alleys) may be reduced by up to 100 percent.
- 2. Increasing by up to 10 percent the height of a structure;
- 3. Decreasing by up to 5 percent the required lot area (applies only to lots created through the land partition or minor replat process described in Chapter 2.14 - Partitions, Minor Replats, and Lot Line Adjustments);
- 4. Decreasing by up to 5 ft. the required lot width, excluding accessway widths required for flag lots created through the land partition or minor replat process;
- 5. Increasing by up to 5 percent more than what is permitted in the zone the total ground area proposed to be covered by structures, parking spaces, or vehicular circulation areas;
- 6. Decreasing by up to 10 percent the area reserved for private outdoor space and/or usable green area;
- 7. Decreasing by up to 10 percent the project site amenities such as screening and/or landscaping;
- 8. Decreasing by up to 50 percent the required number of parking spaces or increasing by up to 50 percent the number of compact parking spaces;
- 9. Increasing by up to 33 percent the fence height outside of vision clearance areas; and
- 10. Decreasing by up to 20 percent the designated solar access, except as provided in Chapter 4.6 - Solar Access.

The Director may allow as a Type A Lot Development Option similar types of modifications to development standards to those listed above using the procedures in Chapter 2.16 - Request for Interpretation. Part of this interpretation shall consist of determining whether the modification is a Type A or Type B Lot Development Option.

- b. Type B Lot Development Option** - A Lot Development Option shall be considered "Type B" when the requested variations involve residential or nonresidential land uses within the portions of the City not covered in "a" above.

Type B Lot Development Option requests shall involve clearly measurable, numerically quantifiable development standards that shall not exceed the thresholds listed below:

1. Adjusting by a maximum of 20 percent the clearly measurable development standards, with the following exceptions:
  - (a) Requests for variations to development standards in Chapter 4.0 - Improvements Required with Development shall be processed through the Planned Development process outlined in Chapter 2.5;
  - (b) Side and/or rear yard setbacks for accessory structures that are more than 60 ft. from streets (other than alleys) may be reduced by up to 70 percent; and
  - (c) For new structures, interior side yards on corner lots may be reduced by up to 70 percent.
2. Ensuring that no more than a total of three variations occurs. For example, if a single lot is involved, variations of up to three different development standards may occur. If a development site includes plans for multiple lots (via a Minor Land Partition or Tentative Subdivision Plat), and multiple variations are needed, up to three lots may be involved in variations (from the same development standard or different development standards).
3. Variations exceeding the thresholds described in "1" and "2" above shall be sought through the Planned Development process described in Chapter 2.5.

#### **2.12.30.04 - Public Notice**

- a. The Director shall notify affected parties that an application for a Lot Development Option has been filed.
- b. "Affected parties" shall mean any owner and occupants of property within 100 ft. of the subject property and any other persons whom the Director determines are affected by the application. In addition, notice shall be provided to any neighborhood or community organization recognized by the City and whose boundaries include or are adjacent to the site.
- c. The notice shall state that all comments concerning the proposed Lot Development Option must be submitted in writing and received by the Director within 14 calendar days from the date of mailing the notice. The notice shall include the following:

1. Street address or other easily understood geographical reference to the subject property;
  2. Applicable criteria for the decision;
  3. Place, date, and time comments are due;
  4. Indicate that copies of all evidence relied upon by the applicant are available for review, and that copies can be obtained at cost;
  5. Name and phone number of staff contact person;
  6. State that notice of disposition shall be provided to the applicant and any person who submits comments;
  7. An explanation of appeal rights; and
  8. A summary of the local decision-making process.
- d. For both the Type A and Type B Lot Development Option, the development site shall be posted in conspicuous locations at least 10 days prior to the Director's decision. The posting shall contain the applicant's name and address, type of action requested, date by which comments concerning the action shall be received by the Director, date the Director shall render a decision concerning the requested Lot Development Option, deadline for appeals, and address and phone number of the City staff contact person.

#### **2.12.30.05 - Staff Evaluation**

The application and any comments that have been received shall be reviewed to ensure consistency with the review criteria in section 2.12.30.06 below.

#### **2.12.30.06 - Review Criteria**

A Lot Development Option shall be reviewed to determine if the following criteria have been met:

- a. The land use for the proposed development is allowed in the underlying zone;
- b. The proposed development falls within the minimum and maximum density requirements for the underlying zone;
- c. All structures comply with Uniform Building and Fire Codes, and with the vision clearance requirements in section 4.1.40.c of Chapter 4.1 - Parking, Loading, and Access Requirements;

- d. The proposal falls within the appropriate threshold for a Lot Development Option in accordance with section 2.12.30.03;
- e. The proposed development shall not be contrary to the background and purposes in sections 2.12.10 and 2.12.20, specific requirements contained in policies of the Comprehensive Plan, and any other applicable policies and standards adopted by the City;
- f. The proposed development shall not substantially reduce the amount of privacy enjoyed by users of neighboring structures when compared to development located as specified by this Code;
- g. The proposed development shall not adversely affect existing physical and natural systems, such as traffic, drainage, dramatic land forms, or parks, nor adversely affect the potential for abutting properties to use solar energy devices when compared to development located as specified in this Code;
- h. Where architectural features are involved, the proposed development shall be compatible with the design character of existing structures on adjoining properties;
- i. Where variations are proposed to the pedestrian oriented design standards of Chapter 4.10, the proposed development shall implement the purpose(s) of that chapter through inclusion of additional benefits to the pedestrian environment that compensate for the requested variations from development standards;
- j. Where significant natural features are involved, the proposed development shall not adversely impact significant natural features and wildlife habitat on the site to a greater extent than would occur if the development were located as specified in this Code; and
- k. The proposal shall not result in the applicant (original developer or individual property owner) receiving approval for more than three variations on the subject piece of property within a 2-year period.

#### **2.12.30.07 - Action on Application**

Based on the review criteria above and any comments received from affected parties, the Director shall review the proposed development and approve, conditionally approve, or deny the application at the completion of the 14-day comment period.

#### **2.12.30.08 - Notice of Disposition**

The Director shall provide the applicant with a notice of disposition that includes a written statement of the decision, a reference to the findings leading to it any

conditions of approval, and the appeal period deadline. The notice shall also be mailed to persons who provided written comment on the mailed notice. The notice of disposition and all applicable information shall be available in the Development Services Division of the Community Development Department.

**2.12.30.09 - Appeals**

The decision of the Director may be appealed to the Land Development Hearings Board in accordance with Chapter 2.19 - Appeals.

**2.12.30.10 - Effective Date**

Unless an appeal has been filed, the decision of the Director shall become effective 12 days after the notice of disposition is signed.

**2.12.30.11 - Effective Period of Approval**

Lot Development Option approval shall be effective for a 2-year period from the date of approval. If the applicant has not begun the development or its phases within the 2-year period, the approval shall expire.