7.5.525: DEVELOPMENT STANDARDS ADJUSTMENT

Review Criteria

A. Purpose: The Development Standards Adjustment process provides a mechanism for the Planning Commission to authorize deviations from certain development standards in Article 7.4 (Development Standards and Incentives), allowing development to occur in a manner that meets the intent of this Code, yet through an alternative design that does not strictly comply with the Code's standards. This Section authorizes a site-specific development alternative that is equal to or better than the strict application of the standards of this UDC.

B. Applicability: The Planning Commission shall have the authority to authorize adjustments to standards in the following Sections of this UDC pursuant to this Section 7.5.525:

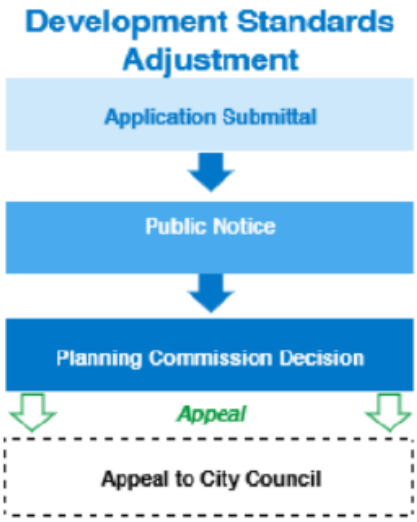
1. Part 7.4.2 (Dimensional Standards);

2. Part 7.4.10 (Parking and Loading); and

3. Part 7.4.11 (Building Design and Site Features).

C. General: A Development Standards Adjustment shall apply only to the specific site for which it is requested and shall not establish a precedent for approval of other requests.

D. Development Standards Adjustment Process:



1. Application:

a. A separate application for a Development Standards Adjustment shall be submitted to the Planning Department and shall include a written justification for the type of Development Standards Adjustment being requested.

b. Each approved Development Standards Adjustment shall be indicated on the final associated application if required.

2. Decision by Planning Commission: The Planning Commission shall decide whether to approve, approve with conditions, or deny a request for a Development Standards Adjustment pursuant to the criteria in Section 7.5.416 (Appeals). Conditions may include entering into an agreement that specifies how the applicant will provide the compensating benefits. If approved or approved with conditions, the approved Development Standards Adjustment and any conditions shall be noted on the Development Plan or Final Plat.

E. Criteria for Approval: The Planning Commission may approve or approve with conditions a Development Standards Adjustment if the Planning Commission determines that the proposed alternative design meets the following criteria:

1. The alternative design achieves the intent of the subject standard to the same or better degree than the standard for which a waiver is requested;

2. When considered together with compensating benefits, the alternative design advances the goals and policies of this UDC to the same or better degree than the standard for which a waiver is requested;

3. The alternative design imposes no greater impacts on adjacent properties that would occur through compliance with the specific requirements of this UDC; and

4. The alternative design provides compensating benefits that are reasonably related to the proposed waiver and would not otherwise be required by this UDC or State law. Compensating benefits may include one or a combination of the following:

a. Benefits to the general public:

(1) Parks, trails, or other similar public or cultural facilities;

(2) Public landscape buffers or beautification areas;

(3) Public art;

(4) Permanent conservation of natural areas or lands;

(5) Increased building setbacks;

(6) Decreased building height; or

(7) Other benefits as agreed upon by the Planning Commission.

b. Benefits the users, customers, or residents of the proposed development:

(1) Green space or public open space, trails, or other similar recreational amenities;

(2) Upgrades in architectural design;

(3) Increased landscaping;

(4) Increased buffering;

(5) Permanent conservation of natural areas or lands;

(6) Secure bicycle facilities, where appropriate; or

(7) Other benefits as agreed upon by the Planning Commission or City Council.

F. Post-Approval Actions and Limitations:

1. Each approved Development Standards Adjustment and any conditions on the approval shall be indicated on the final associated application.

2. All requested amendments to the originally approved Development Standards Adjustment shall be processed in the same manner as the original Waiver request.

3. The Manager shall negotiate any agreement required as a condition of approval. (Ord. 23-03)