

## Chapter 16.80

### DEVIATIONS

#### Sections:

**16.80.010 Purpose.**

**16.80.020 Permitted District and Permitted Modifications.**

**16.80.030 Requirements for Application.**

**16.80.040 Review Procedures.**

**16.80.050 Findings.**

#### **16.80.010 Purpose.**

It is the purpose of this chapter to establish exceptions to the regulations of this Code that may be used to ensure that property, because of special circumstances such as size, shape, topography, location or surroundings, shall be accorded privileges commonly enjoyed by the other properties in the same district in the vicinity. (Ord. 606, 1999)

#### **16.80.020 Permitted District and Permitted Modifications.**

Applications for deviations may be accepted in all districts, unless otherwise specified. Applications for deviations may be considered for the following modifications only:

A. Setback Requirements. Setback requirements may be altered as follows:

1. Up to forty (40%) percent of the front yard setback requirement, but not closer to the property line than fifteen (15) feet;
2. Up to forty (40%) percent of the side yard setback requirement, but not closer to the property line than three (3) feet; or
3. Up to thirty (30%) percent of the rear yard setback requirement, but not closer to the property line than ten (10) feet;

B. Area, Width and Building Coverage Requirements. Area, width, and building coverage requirements may be altered as follows:

1. Up to thirty (30%) percent of area requirements for uses or use types; or

2. Up to ten (10%) percent of the lot area, lot width, or building coverage requirements.

C. Height Requirements. Height requirements may be altered up to thirty (30%) percent in excess of height limits, but not to exceed five (5) feet. (Ord. 606, 1999)

#### **16.80.030 Requirements for Application.**

A. Applications for deviations may be initiated by the property owner(s) or the property owner's authorized agent. Applications are filed with the Planning Department. A request for a deviation must include a site plan that clearly describes the location and the extent of the regulation to be modified.

B. A fee, as specified by resolution of the City Council is required with the application. (Ord. 606, 1999)

#### **16.80.040 Review Procedures.**

Deviations shall be reviewed by the planning commission using the Public Hearing Review Procedure in Section 16.08.040, with modifications as provided in this Section. (Ord. 606, 1999)

#### **16.80.050 Findings.**

Before approving an application for a deviation, the review authority shall find that all of the following are true:

A. Not Detrimental. The granting of the deviation will not be materially detrimental to other properties or land uses in the area;

B. Exceptional Circumstances. There are exceptional or extraordinary circumstances or conditions applicable to the property or the intended uses that do not apply to other properties in the same zoning district in the vicinity;

C. Denial of Privileges. The strict application of the regulation deprives the property of privileges enjoyed by other properties in the vicinity; and

D. Consistency. The proposed use is consistent

with the goals, policies, standards and maps of the  
General Plan and any other plans or agreements

adopted by the City. (Ord. 606, 1999)