

## CHAPTER 250 ADJUSTMENTS

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**250.001. Purpose.** The purpose of this Chapter is to provide a process to allow deviations from the development standards of the UDC for developments that, while not meeting the standards of the UDC, will continue to meet the intended purpose of those standards. Adjustments provide for an alternative way to meet the purposes of the code and provide for flexibility to allow reasonable development of property where special conditions or unusual circumstances exist. (Ord No. 12-12)

### **250.005. Adjustments.**

#### **(a) Applicability.**

##### **(1) Classes.**

**(A)** A Class 1 adjustment is an adjustment to any numerical development standard in the UDC that increases or decreases the standard by not more than 20 percent.

**(B)** A Class 2 adjustment is an adjustment to any development standard in the UDC other than a Class 1 adjustment, including an adjustment to any numerical development standard in the UDC that increases or decreases the standard by more than 20 percent.

**(2) Prohibition.** Notwithstanding paragraph (1) of this subsection, an adjustment shall not be granted to:

**(A)** Allow a use or activity not allowed under the UDC;

**(B)** Change the status of a use or activity under the UDC;

**(C)** Modify a definition or use classification;

**(D)** Modify a use standard;

**(E)** Modify the applicability of any requirement under the UDC;

**(F)** Modify a development standard specifically identified as non-adjustable;

**(G)** Modify a development standard that contains the word “prohibited”;

**(H)** Modify a procedural requirement under the UDC;

**(I)** Modify a condition of approval placed on property through a previous planning action;

**(J)** A design review guideline or design review standard; or

**(K)** The required landscaping in the Industrial Business Campus (IBC) zone.

**(b) Procedure Type.** Class 1 and Class 2 adjustments are processed as a Type II Procedure under SRC Chapter 300.

**(c) Submittal Requirements.** In addition to the submittal requirements for a Type II application under SRC Chapter 300, an application for a Class 1 or Class 2 adjustment shall include the following:

**(1)** A site plan, of a size and form and in the number of copies meeting the standards established by the Planning Administrator, containing all information necessary to establish satisfaction with the approval criteria. By way of example, but not of limitation, such information may include the following:

**(A)** The total site area, dimensions, and orientation relative to north;

**(B)** The location of all proposed primary and accessory structures and other improvements, including fences, walls, and driveway locations, indicating distance to such structures from all property lines and adjacent on-site structures;

- (C) All proposed landscape areas on the site, with an indication of square footage and as a percentage of site area;
  - (D) The location, height, and material of fences, berms, walls, and other proposed screening as they relate to landscaping and screening required by SRC Chapter 807;
  - (E) The location of all trees and vegetation required to be protected pursuant to SRC Chapter 808; and
  - (F) Identification of vehicle, pedestrian, and bicycle parking and circulation areas, including handicapped parking stalls, disembarking areas, accessible routes of travel, and proposed ramps.
- (2) An existing conditions plan, of a size and form and in the number of copies meeting the standards established by the Planning Administrator, containing the following information:
- (A) The total site area, dimensions, and orientation relative to north;
  - (B) The location of existing structures and other improvements on the site, including accessory structures, fences, walls, and driveways, noting their distance from property lines;
  - (C) The location of the 100-year flood plain, if applicable; and
  - (D) The location of drainage patterns and drainage courses, if applicable.
- (d) Criteria.**
- (1) An application for a Class 1 adjustment shall be granted if all of the following criteria are met:
- (A) The purpose underlying the specific development standard proposed for adjustment is:
    - (i) Clearly inapplicable to the proposed development; or
    - (ii) Clearly satisfied by the proposed development.
  - (B) The proposed adjustment will not unreasonably impact surrounding existing or potential uses or development.
- (2) An application for a Class 2 adjustment shall be granted if all of the following criteria are met:
- (A) The purpose underlying the specific development standard proposed for adjustment is:
    - (i) Clearly inapplicable to the proposed development; or
    - (ii) Equally or better met by the proposed development.
  - (B) If located within a residential zone, the proposed development will not detract from the livability or appearance of the residential area.
  - (C) If more than one adjustment has been requested, the cumulative effect of all the adjustments result in a project which is still consistent with the overall purpose of the zone.
- (e) Transfer of Adjustments.** Unless otherwise provided in the final decision granting the adjustment, an adjustment shall run with the land. (Ord No. 12-12; Ord No. 31-13)

**250.010. Modification of Adjustment Approval.**

- (a) Applicability.** An adjustment may be modified after its effective date if the proposed modification meets the criteria in this section. Proposed modifications that do not meet the criteria in this section require submittal of a new application for adjustment.
- (b) Procedure Type.** Modification of a Class 1 or Class 2 adjustment approval is processed as a Type II procedure under SRC Chapter 300.
- (c) Submittal Requirements.** In addition to the submittal requirements for a Type II application under SRC Chapter 300, an application for modification of a Class 1 or Class 2 adjustment approval shall include the information required under SRC 250.005(c).

**(d) Criteria.** An application for modification of a Class 1 or Class 2 adjustment approval shall be granted if all of the following criteria are met:

**(1)** The proposed modification is not substantially inconsistent with the conditions of the original approval; and

**(2)** The proposed modification will not result in significant changes to the physical appearance of the development, the use of the site, and the impacts on surrounding properties.

**(e) Expiration.** The effect of a modification upon the expiration period of the original approval, if any, shall be established in the modification decision. (Ord No. 12-12)

