

Discretion to deviate from development standards 3/27/24 JML

Here's some draft language for the "development standards" of each zone where you want to allow flexibility for special circumstances deviations from dimensional standards without requiring a variance application:

The Planning Director may, on a case-by-case basis, ministerially authorize deviations of up to 20% from the dimensional Development Standards applicable to a parcel's zone if all of the following apply:

- The request is to modify existing development on the parcel;
- The modification is not being requested to accommodate a change in the parcel's existing use;
- The modification to the development on the parcel is required for one of the following reasons:
 - Absent the deviation from dimensional standards, the existing use will not comply with current laws or regulations intended to ensure access for disabled persons; or
 - Absent the deviation from dimensional standards, a minor modification that 1) would typically be allowed by right on other parcels in the same zone, and 2) would typically be associated with the existing use of the property, cannot be physically accommodated due to the property's unique characteristics.
- The circumstances giving rise to the current legal non-compliance, or the current inability to enjoy a typical modification to an established use on the property, do not result from any action, inaction, or non-compliance by the applicant or property owner.
- The Director has no evidence that authorizing the deviation will negatively impact existing permitted uses on neighboring properties.
- The Director has no evidence that authorizing the minor deviation from dimensional standards will negatively impact the physical environment or the public health, safety, or welfare.