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Study Issue:
Consider Allowing Expansions/Modifications for Existing Legal Non-Conforming Single-Family Uses in Non-Residential Zoning Districts

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City Council – December 13, 2022

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Study Issue Background

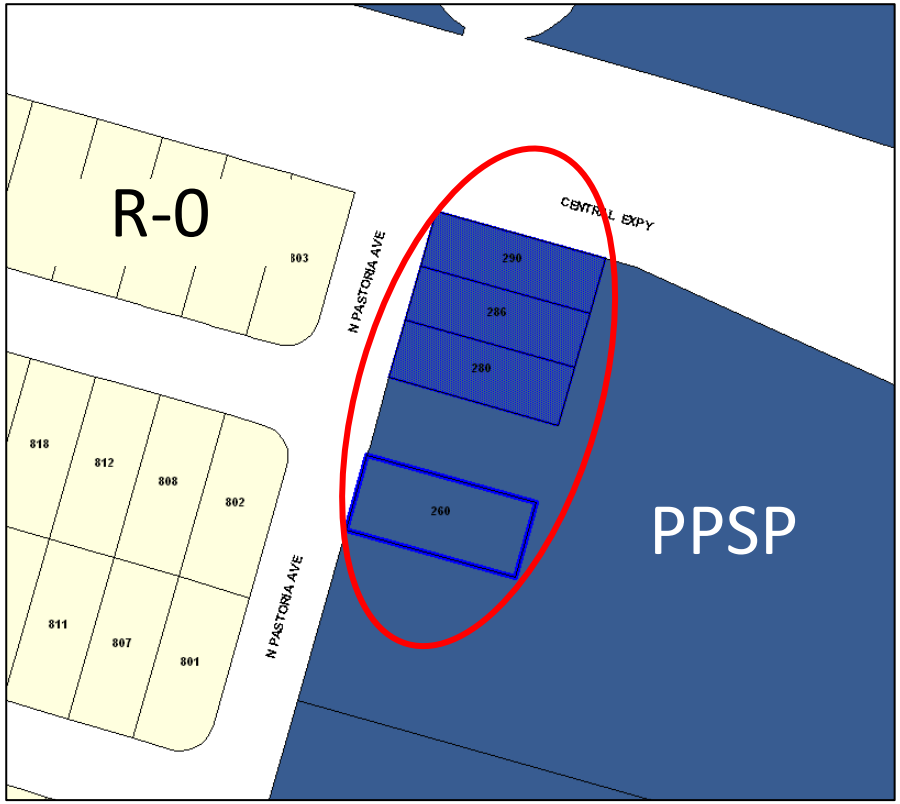
Origins of Study Issue

- 2019: Prior to effective date of Senate Bill 330:
  - City eliminated the UP/SDP process for residential uses in most commercial & industrial zoning districts
  - Allowed City to maintain control of land use in these zoning districts
- 2019 Action: left some parcels legal non-conforming
- City's primary concern was multi-family development in non-residential zoning districts

Origin of Study Issue (cont.)

- **2020**: Council initiated study issue after input from owner of legal non-conforming home on Pastoria Avenue

  PPSP Mixed Industry Core zoning district



Study Issue Paper Potential Outcomes

1. General Plan Amendment & Rezoning of sites
   - Would allow Residential Uses to be Conforming

2. **Modifications to the Non-conforming Use section of the Zoning Code**
   - Would enable expansion of a non-conforming single-family home

3. No Changes to Zoning Code, General Plan or Zoning District
   - Would leave properties as Legal Non-conforming

Staff Suggested Study Issue Amendment

- Study Issue paper only referenced single-family dwellings;
  - However, 26 legal non-conforming two-family dwellings exist & would benefit from the recommended code modifications



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Discussion

Existing Conditions

- In non-residential zoning districts (predominant zoning is Office) there are:
  - **12** legal non-conforming **Single-family Dwellings**
  - **26** legal non-conforming **Two-family Dwellings**
- Owners of these parcels have no legal ability to expand existing dwelling(s)
  - **Exception**: Streamlined ADUs
- Many legal non-conforming dwellings are currently developed at a low FAR

Modifications to SMC Chapter 19.50 (Nonconforming Buildings and Uses)

- Code modifications would enable property owners to:
  - Enlarge or replace dwelling(s) in accordance w/ R-0 & R-2 standards
  - Add Streamlined ADUs



- Code modifications would not:
  - Create consistency between use & underlying zoning district/land use designation
  - Enable property owners to:
    - Propose non-streamlined ADUs
    - Utilize DUO development provisions



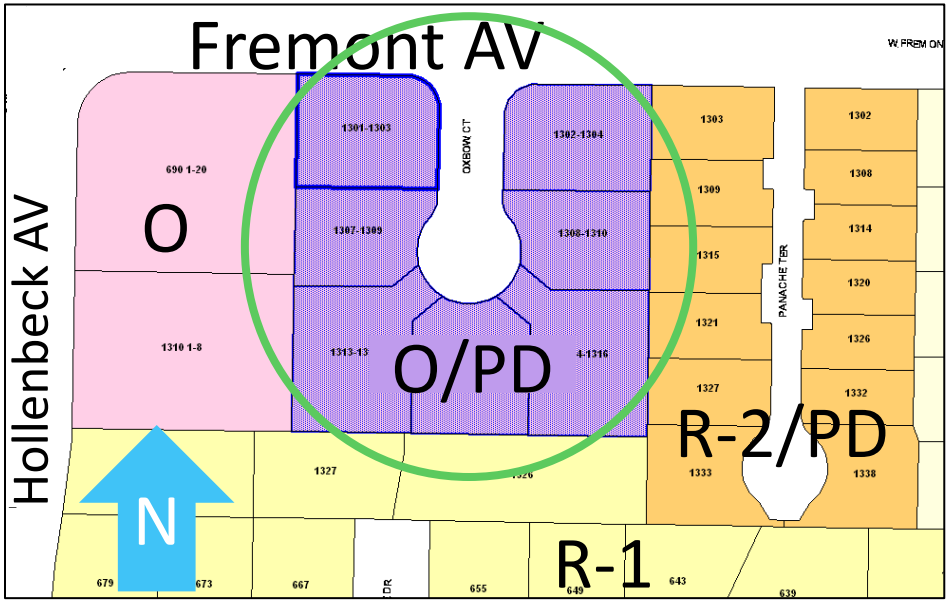
R-0 and R-2 General Development Standards

Zoning District	R-0 (Single-Family dwelling)	R-2 (Two-family dwelling)
Maximum Floor Area Ratio	45% (or 3,600 sf)	55%
Maximum Lot Coverage	45% (1-story) 40% (2-story)	45% (1-story) 40% (2-story)
Minimum Setbacks	20’ (front) 4’ (side minimum) 10’ (side combined) 20’ (rear)	20’ (front) 4’ (side minimum) 10’ (side combined) 20’ (rear)
Maximum Building Height	30’	30’

Rezoning/Land Use Designation Considerations

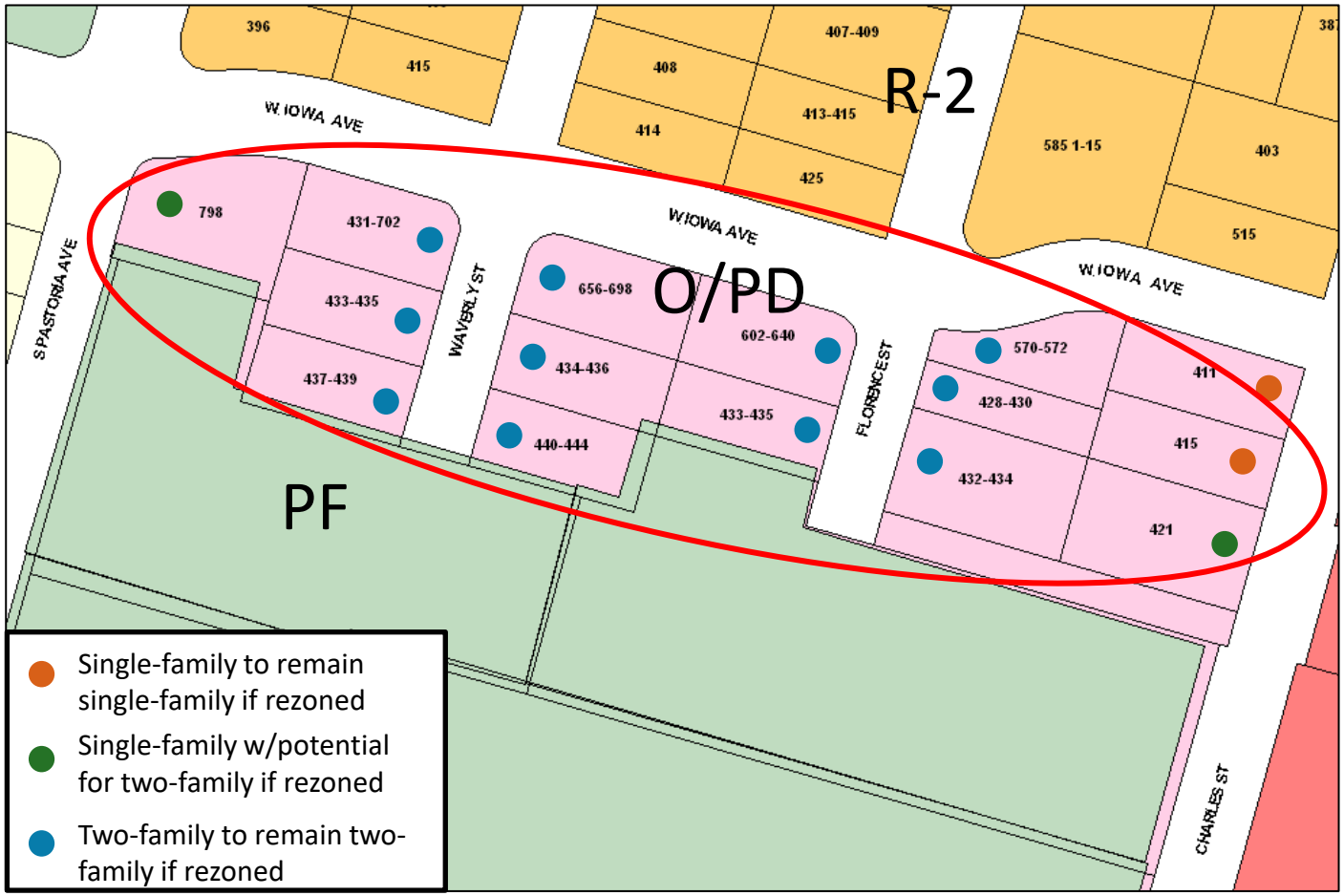
- Staff has identified 22 of the 38 legal non-conforming parcels as good candidates to consider for future rezoning & GP land use designation changes
  - Rezoning & GP land use designation changes require further outreach/study while code modification is a quick “fix”





Largest Potential Rezone Area - West Iowa Ave.

- Non-conforming single- & two-family dwellings



Rezoning/Land Use Designation Considerations

- Staff has prepared a 2023 Potential Study Issue paper for future General Plan and Zoning Amendments
  - Rezoning efforts would:
    - Create consistency between use & underlying General Plan and Zoning land use designations
    - Enable property owners to propose non-streamlined ADUs
    - Utilize DUO development code provisions



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Recommendation

Planning Commission & Staff Recommendation

Alternatives

1. Introduce an Ordinance to amend Chapter 19.50.
2. Introduce the Ordinance with modifications
3. Do not modify SMC Chapter 19.50

Planning Commission & Staff Recommendation

Alternative 1 – Forward a recommendation for the City Council to introduce an ordinance to amend Chapter 19.50 (Nonconforming Buildings and Uses) of Title 19 (Zoning) for single- and two-family dwellings.



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Questions?