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# ZONING CODE REVISIONS PT.1 PRIMER

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Summary Prepared for the March 19th, 2018 Planning Commission Hearing



FEBRUARY 12, 2018  
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# CITY OF HOOD RIVER

PLANNING DEPARTMENT

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Date: February 12, 2018  
To: Chair Rohan and Members of the Hood River Planning Commission  
From: Dustin Nilsen, AICP; Director of Planning  
Re: Part One of 2018 Zoning Code Revisions Primer

The following document includes summaries of proposed revisions to Titles 16 (subdivision) and Title 17 (Zoning) of the Hood River Municipal Code. Please note this list does not constitute a comprehensive “clean up” ordinance, nor staff findings for legislative changes, but rather a list of revisions that target workability and clarity of Hood River’s Municipal Code.

The amendments reflect previously discussed issues, initiatives from City Council, changes in state law, and should remain consistent with existing goals of the Comprehensive Plan. Based on subsequent Comprehensive Plan hearings, consideration of the Westside report, and work over the course of the year, staff anticipates additional code revisions to materialize.

As required by state law, all property owners within the City and its Urban Growth Boundary were sent notice of proposed changes to the zoning code (commonly referred to a Measure 56 notice). The Measure requires cities and counties provide affected property owners with notice of a change in zoning classification; adoption or amendment of a comprehensive plan; or adoption or change of an ordinance in a manner that limits or prohibits previously allowed uses.

The notice has been provided as an attachment to the agenda and is intentionally broad in its application. It includes the Comprehensive Plan, Zoning Code, and Subdivision Code. This wide application will allow for changes across various portions of the code with the intent to avoid ambiguity and inconsistencies.

Staff has included a strikes and underlines version of code sections within this summary to identify and place into context the initial proposed changes. We hope this will allow for a thorough and expeditious hearing of the first amendment.

These legislative changes are of general applicability meaning that they apply to the City-at-large. In the next round of correspondence staff will expand the summary and provide additional details and findings.

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## **Expedited Land Division.**

What is an Expedited Land Division?

The expedited land division process has existed in Oregon since 1995; however, the 2015 Oregon Legislature required that all land division applicants be notified of the expedited land division option and how to apply. Since this change was made at the state-level, Hood River has not amended its code to reflect the changes. The amendment to the Hood River Municipal Code would include the provision for Expedited Land Divisions.

The expedited land division process provides an alternative to the standard procedures for certain land division requests. An applicant may choose to use the expedited land division process if their land division request meets all of the applicable requirements specified in Oregon Revised Statute (ORS) 197.360 (included). The steps in this procedure differ from the regular subdivision procedure, but still include a public review and opportunity for appeal. The steps are described in ORS 197.365-375.

The expedited land division process is intended to streamline the regular land use process that land divisions normally follow under state law, which allows up to 120 days for final city approval. In Hood River, however, the typical processing time for a land division application (subdivision, partition, or replat) that meets city standards and is complete when submitted, is less than the 120 days that state law allows. Therefore, in many cases there is no difference in processing time between a regular land division and expedited land division. An expedited land division as described in this section is not a land use decision or a limited land use decision. It is considered a ministerial action and its appealable to the Court of Appeals rather than the Land Use Board of Appeals.

According the Seventy-Eighth Oregon Legislative Assembly - 2015 Regular Session MEASURE: HB 3223 A STAFF MEASURE SUMMARY:

*“Land development, whether for housing or otherwise, usually requires a permit or approval from the city or county to ensure that the projects complies with standards in the zoning code. While most planning decisions are routine some decisions require a detailed review by the planning director or planning commission. Local planning decisions fall into one of four categories: ministerial review, expedited or limited review, quasi-judicial, and legislative. Expedited land divisions are subject to standards that require very little judgement on the part of the city or county staff”.*

In order to qualify for an expediated land division, the proposed land division (i.e. subdivision, partition, or replat):

1. Must be on residentially zoned land and must be solely for the purposes of residential use;
2. Must not create building lots that provide for dwellings or accessory buildings within areas that contain natural resource protections specifically mapped and designated in the comprehensive plan and land use regulations for full or partial protection of natural features under the statewide planning goals;
3. Must satisfy all City street standards and connectivity requirements; and
4. Must either:
  - a. Create enough lots or parcels to allow building residential units at 80 percent or more of the maximum net density permitted by the zoning designation of the site; or

b. Will be sold or rented to households with incomes below 120 percent of the median family income for the county in which the project is built.

**Chapter 16.08.010 Approval Process for Subdivisions and Partitions.**

a. Partitions. Review of a preliminary plat for a partition shall be processed by means of an Administrative action, as governed by Title 17 Administrative Actions in the Review Procedures chapter (Section 17.09.030).

b. Subdivisions. Review of a preliminary plat for a subdivision shall be processed by means of a Quasi-Judicial action, as governed by Title 17 Quasi-Judicial Actions in the Review Procedures chapter (Section 17.09.040). All preliminary plats shall be reviewed using approval criteria for preliminary plats contained in this Title. An application for subdivision may be reviewed concurrently with an application for a Planned Development or site plan under Title 17.

c. An expedited land division as described in Oregon Revised Statute (ORS) 197.360 is not a land use decision or a limited land use decision under ORS 197.015 and may be processed as a ministerial application\*. \*Associated land use decisions such as conditional uses, site plans, and variances cannot be concurrently reviewed as an expedited land division.

EXPEDITED LAND DIVISIONS

**197.360 “Expedited land division” defined; applicability.** (1) As used in this section:

(a) “Expedited land division” means a division of land under ORS 92.010 to 92.192, 92.205 to 92.245 or 92.830 to 92.845 by a local government that:

(A) Includes only land that is zoned for residential uses and is within an urban growth boundary.

(B) Is solely for the purposes of residential use, including recreational or open space uses accessory to residential use.

(C) Does not provide for dwellings or accessory buildings to be located on land that is specifically mapped and designated in the comprehensive plan and land use regulations for full or partial protection of natural features under the statewide planning goals that protect:

(i) Open spaces, scenic and historic areas and natural resources;

(ii) The Willamette River Greenway;

(iii) Estuarine resources;

(iv) Coastal shorelands; and

(v) Beaches and dunes.

(D) Satisfies minimum street or other right-of-way connectivity standards established by acknowledged land use regulations or, if such standards are not contained in the applicable regulations, as required by statewide planning goals or rules.

(E) Will result in development that either:

(i) Creates enough lots or parcels to allow building residential units at 80 percent or more of the maximum net density permitted by the zoning designation of the site; or

(ii) Will be sold or rented to households with incomes below 120 percent of the median family income for the county in which the project is built.

(b) "Expedited land division" includes land divisions that create three or fewer parcels under ORS 92.010 to 92.192 and meet the criteria set forth in paragraph (a) of this subsection.

(2) An expedited land division as described in this section is not a land use decision or a limited land use decision under ORS 197.015 or a permit under ORS 215.402 or 227.160.

(3) The provisions of ORS 197.360 to 197.380 apply to all elements of a local government comprehensive plan and land use regulations applicable to a land division, including any planned unit development standards and any procedures designed to regulate:

(a) The physical characteristics of permitted uses;

(b) The dimensions of the lots or parcels to be created; or

(c) Transportation, sewer, water, drainage and other facilities or services necessary for the proposed development, including but not limited to right-of-way standards, facility dimensions and on-site and off-site improvements.

(4) An application for an expedited land division submitted to a local government shall describe the manner in which the proposed division complies with each of the provisions of subsection (1) of this section. [1995 c.595 §7; 2015 c.260 §1]

## Chapter 17.01.060 Definitions.

DWELLING UNIT means a single unit providing complete, independent living facilities for one (1) or more person, including ~~permanent~~ provisions for living, sleeping, eating, cooking, and sanitation. Buildings with more than one set of ~~cooking~~ kitchen facilities are considered to contain multiple dwelling units unless the additional ~~cooking~~ kitchen facilities are clearly accessory, such as an outdoor grill.

KITCHEN - A place where food is cooked or prepared as well as the place where the facilities and equipment used to cook, prepare or store food are located.

MULTI-FAMILY DWELLING means a building designed or used ~~exclusively~~ for the occupancy of four (4) or more families living independently of each other and having separate housekeeping facilities. Multifamily Dwelling development may include a structure or grouping of structures containing four or more dwellings on the same lot.

LAWFULLY ESTABLISHED UNIT OF LAND means:

(A) A lot or parcel created pursuant to ORS 92.010 (Definitions for ORS 92.010 to 92.192) to 92.192 (Property line adjustment); or

(B) Another unit of land created:

(i) In compliance with all applicable planning, zoning and subdivision or partition ordinances and regulations; or

(ii) By deed or land sales contract, if there were no applicable planning, zoning or subdivision or partition ordinances or regulations.

(b) "Lawfully established unit of land" does not mean a unit of land created solely to establish a separate tax account

NON-TRANSIENT RENTAL means to rent a dwelling unit or room(s) for compensation ~~on a month-to-month basis, or for a longer period.~~ for an occupancy period of not less than thirty consecutive calendar days, counting portions of calendar days as full days.

TRANSIENT RENTAL means to rent a dwelling unit or room(s) for compensation ~~on less than a month-to-month basis.~~ for an occupancy period of less than thirty consecutive calendar days, counting portions of calendar days as full days.

**Chapter 17.04.040 General Exceptions to Building Height Limitations.**

Vertical projections such as chimneys, spires, domes, towers, aerials, flagpoles, mechanical screens and parapets not more than 4 feet in height, and similar objects not used for human occupancy are not subject to the building height limitations of this title.

**Chapter 17.04.070 General Exceptions to Lot Area Requirements.**

1). Lots of record existing and lawfully established as of December 1999 that are less than the required lot area and or have less than the required frontage specified in this title may be utilized for permitted and conditional uses provided all other requirements of the zone are met. Parcels subject to this exception are subject to applicable Title 16 and 17 requirements.

(insert space)

2). In order to address lawfully established non-conforming lots, The Planning Director may waive, without variance, lot frontage, ~~and~~ lot area, site development standards for density, and townhome requirements on platted lots, ~~platted prior to this provision~~, by not more than five percent (5%) of the requirements of this title. Parcels subject to this exception are subject to Title 16 and 17 requirements.

3). Lawfully established Lots of Record that do not comply with the underlying zoning with regards to minimum lot area and frontage may be treated as legal, non-conforming uses and subject to 17.05.020 (3), for the purposes of replatting and consolidations when the degree of non-conformity is not increased. Parcels subject to this exception are subject to Title 16 and 17 requirements.

4). The City may accept a legal lot of record determination as sufficient evidence of a hardship for purposes of approving a variance

### 17.04.120 Maximum Lot Coverage

Hood River Municipal Code Section 17.04.120 restricts lot coverage for certain dwellings and certain accessory structures, as well as their associated parking pads and driveways.

A footnote in Section 17.04.120(A.1.a.3) allows a reduced lot coverage calculation for parking pads and driveways that are constructed of permeable materials. Based on staff findings there have been three unique interpretations to the restriction and footnote since its adoption, which has prompted the need for the amendment to eliminate ambiguity.

The Planning Department interprets the footnote associated with Section 17.04.120(A.1.a.3) to allow: For a driveway that provides access to a detached “rear garage” (i.e. a garage in an accessory structure located in a rear yard), a reduction in the calculation of the driveway area when constructed of permeable paving materials. Construction details for the proposed permeable paving materials must be approved by the City Engineer.

Items for consideration:

- a) For a parking pad or driveway constructed of paving stones or other permeable paving materials (e.g. pervious concrete and porous asphalt), including those not providing access to a rear or side loaded garage, a reduction in the calculation of the parking pad and driveway area by 25 percent. Construction details for the proposed permeable paving materials must be approved by the City Engineer.
- b) In addition, the Planning Department interprets that ribbon-driveways are permissible but do not qualify for an additional reduction in the lot coverage calculation. The full driveway width and material used in the construction will be used to calculate the driveway area. Construction details for proposed ribbon driveways must be approved by the City Engineer.

### 17.04.120 Maximum Lot Coverage

A. Definitions:

1. **Lot Coverage:** The percentage determined by dividing (a) the area of a lot covered by the total (in square feet) of: (1) the footprint of the main building; and (2) the footprints of accessory buildings (counting only buildings with footprints larger than one hundred fifty (150) square feet, or with two stories or more); and (3) parking pads and driveways<sup>[1]</sup>; by (b) the gross area of the that lot.

2. **Main Building Footprint Coverage:** The percentage determined by dividing that area covered by a main building footprint by the gross area of the lot on which the main building is located. The main building footprint includes all parts of a main building that rest, directly or indirectly, on the ground, including, by way of illustration and not by limitation, bay-windows with floor area, chimneys, porches, decks supported by posts and with floor heights that are four (4) feet or higher above grade, cantilevered decks with horizontal projections that are four (4) feet or more, and covered breezeways connected to a main building.

B. **Coverage:** Maximum lot coverage applies to any residential dwelling lot in the “R” and “C-1” zones for all existing structures and new construction, except as provided below. Maximum lot coverage for residential dwellings is as shown in the table below.

1. When a detached garage is provided in the rear yard, the maximum lot coverage may be increased as shown in the table below.
2. When a porch is attached to the front elevation of the residential dwelling and has an area of at least sixty (60) square feet on the front of the building (exclusive of any wrap-around or side porch), the maximum coverage may be increased as shown in the table below.

Categories	R-1	R-2	R-3	C-1
Maximum Lot Coverage	40%	45%	55%	65%
Maximum Lot Coverage with front porch	43%	48%	58%	68%
Maximum Lot Coverage with rear garage	45%	50%	60%	70%
Maximum Lot Coverage with rear garage and front porch	48%	53%	63%	73%

3. Existing main and accessory structures that are not in conformance with these coverage requirements on September 1, 2006, are permitted to be rebuilt within the building footprint as it existed on September 1, 2006, if the structures are damaged or partially destroyed by fire, wind, earthquake or other force majeure and if construction commences within two (2) years from the date of the calamity.
4. Multi-family dwellings are exempt from the lot coverage requirements.

1[1] For rear garages only, the square footage for parking pads and driveways that use grass-crete shall be reduced by seventy-five (75) percent (e.g., a 300 sq. ft. driveway surfaced in grass-crete is included as 75 sq. ft. for purposes of determining lot coverage). The square footage for parking pads and driveways that use paving stones and other permeable paving materials (other than grass-crete), shall be reduced by fifty (50) percent.

**17.16.010 Applicability.**

A. A site plan review permit shall be required for the following circumstances:

1. New construction.
2. Expansion, remodel, or exterior alteration of any building or other structure.
3. Change of use.
4. Multi-family and group residential.
5. Removal or fill of over 5,000 cubic yards of land.
6. Subdivisions of 4 or more lots
7. Townhouse projects for residential use with 4 or more townhouses in the R-2, R-3, and C-1 Zones.

B. Exemptions from site plan review are as follows;

1. Any activity that does not require a building permit and is not considered by the Director to be a change in use.
2. Any activity on the exterior of a building that does not exceed ten percent (10%) of the structure's total cost, fair market value, or \$75,000, whichever is less, as determined by the building official.
3. Interior work which does not alter the exterior of the structure or effect parking standards by increasing floor area.
4. Normal building maintenance including the repair or maintenance of structural members.
5. All residential development, except for subdivisions, multi-family, and group residential, as provided above.
6. Minor site modifications that do not impact site functionality or that may cause an adverse impact on surrounding property owners.
7. Townhome Partitions for duplexes

## CHAPTER 17.23 ACCESSORY DWELLING UNITS (ADU)

Legislative History: Ord. 1912 (2006); Ord 2026 (2016)

### 17.23.010 General Requirements

- A. An ADU may be created within, or detached from, any single-family dwelling, whether existing or new, as a subordinate use, where permitted by this chapter in the R-1, R-2, R-3, C-1 and C-2 Zones.
- B. Only one ADU may be created per parcel or ownership accessory to a single-family dwelling (no townhouse or duplex).
- C. An application for an ADU shall be processed as a ministerial decision.
- D. Only the property owner, which includes title holders and contract purchasers, may apply for an ADU. The property owner need not occupy the primary or accessory dwelling as the principal residence. ~~must occupy the primary dwelling or the ADU as their principal residence for at least six months out of the year (case by case basis for exceptions). A primary residence shall be the residence where the owner is registered to vote, used as the primary residence for tax purposes or other proof that the residence is primary. The owner shall sign an affidavit before a notary affirming that the owner occupies either the main dwelling or the ADU and shall show proof of a 12-month lease for the ADU occupant.~~
- E. The ADU occupant shall provide proof that at least one occupant is locally employed (Gorge – Hood River, Wasco, Skamania, and Klickitat counties), a relative or on a local assistance program for the rent.
- F. One off-street parking space shall be provided in addition to the off-street parking that is required for the primary dwelling pursuant to this Title. If the existing dwelling does not currently have the two required spaces, only the one for the ADU will be required. In no case shall the residential parking requirement be diminished to provide the ADU parking. In lieu of the above provision, applicants may seek relief from this requirement through an administrative land use application and notice to adjacent property owners that follows HRMC 17.09, where it is demonstrated through finding of fact that on street parking is available to satisfy the ADU space requirement.
- G. ADU's shall contain 800 square feet or less.
- H. All other applicable standards including, but not limited to, setbacks must be met.
- ~~I. Upon sale of the property, a new owner shall be required to reregister the ADU, paying a reauthorization fee set by resolution of City Council.~~
- I. J. If a garage or detached building does not currently meet setbacks, it may not be converted to an ADU.
- J. K. All applicable standards in the City's building, plumbing, electrical, fire and other applicable codes for dwelling units must be met.
- K. L. The owner of the property shall accept full responsibility for sewer and water bills.
- L. M. An ADU may not be used as a transient rental, hosted homeshare, or vacation home rental.

~~N. The application and permit fee for an ADU shall be 1% of the building permit fee plus an amount to be set by resolution of the City Council.~~

~~O. Beginning January 1st of each year the City will undertake an annual review of ADU permits to ensure compliance.~~

### 17.03.040 Office/Residential Zone (C-1)

#### G. Parking Regulations.

##### 1. Professional Offices:

a. One (1) off-street parking space shall be provided on the building site or adjacent to the site for each employee. In addition, adequate off-street parking shall be provided on or adjacent to the building site to meet the needs of anticipated clientele.

b. In no case shall there be less than two (2) off-street parking spaces.

~~c. The Central Business District, the Heights Business District and the Waterfront are exempt from this requirement but shall pay a fee in lieu of parking in accordance with Chapter 17.24.~~

~~d. Parking in the Central Business District, Heights Business District and Waterfront may be satisfied by substituting all or some of the parking requirement at adjacent or nearby off-site off-street locations and/or by adjacent or nearby shared parking if the substitute parking reasonably satisfies the parking requirements of this section. If no off-street or off-site parking reasonably satisfies the parking requirements of this section, the fee in lieu of parking shall be paid in accordance with Chapter 17.24. If less than all required parking is provided, the fee in lieu of parking shall be paid in accordance with Chapter 17.24, except that a credit shall be given for the number of spaces provided.~~

##### 2. Residential Development:

a. All individual dwelling units, duplexes, and triplexes shall be provided with two (2) parking spaces for each unit on the building site, one (1) of which may be within the required front yard setback area.

b. Multi-family dwellings shall be required to furnish one and one-half (1½) off-street parking spaces per dwelling unit on or adjacent to the building site.

c. Required setback areas may be utilized for off-street parking for multi-family dwellings.

d. Parking spaces utilizing access from a public dedicated alley may be located within the setback areas.

3. All parking areas and driveways shall be hard surfaced prior to occupancy, under the following circumstances:

a. New construction

b. Change of use

c. New parking area

4. Bicycle parking as required by 17.20.040.

5. Parking in the Central Business District, Heights Business District and Waterfront may be satisfied by substituting all or some of the parking requirement at adjacent or nearby off-site off-street locations and/or by adjacent or nearby shared parking if the substitute parking reasonably satisfies the parking requirements of this section. If no off-street or off-site parking reasonably satisfies the parking requirements of this section, the fee in-lieu of parking shall be paid in accordance with Chapter 17.24. If less than all required parking is provided, the fee in lieu of parking shall be paid in accordance with Chapter 17.24, except that a credit shall be given for the number of spaces provided.

### **17.03.040 General Commercial Zone (C-2)**

#### H. Parking Regulations.

1. One (1) off-street parking space shall be provided on the building site, or adjacent to the site for each employee. In addition, adequate off-street parking shall be provided on or adjacent to the building site to meet the needs of anticipated clientele.
2. In no case shall there be less than two (2) off-street parking spaces.
- ~~3. The Central Business District, the Heights Business District and the Waterfront are exempt from this requirement but shall pay a fee in lieu of parking in accordance with Chapter 17.24.~~
4. Parking in the Central Business District, Heights Business District and Waterfront may be satisfied by substituting all or some of the parking requirement at adjacent or nearby off-site off-street locations and/or by adjacent or nearby shared parking if the substitute parking reasonably satisfies the parking requirements of this section. If no off-street or off-site parking reasonably satisfies the parking requirements of this section, the fee in-lieu of parking shall be paid in accordance with Chapter 17.24. If less than all required parking is provided, the fee in lieu of parking shall be paid in accordance with Chapter 17.24, except that a credit shall be given for the number of spaces provided.
5. All parking areas and driveways shall be hard surfaced prior to occupancy, under the following circumstances:
  - a. New construction
  - b. Change of use
  - c. New parking area
6. All residential development shall comply with the off-street parking standards as follows, unless exempt above:
  - a. All individual dwelling units, duplexes, and triplexes shall be provided with two (2) parking spaces for each unit on the building site, one (1) of which may be within the required front yard setback area.
  - b. Multi-family dwellings shall be required to furnish one and one-half (1½) off-street parking spaces per dwelling unit on or adjacent to the building site.
  - c. Required setback areas may be utilized for off-street parking for multi-family dwellings.
  - d. Parking spaces utilizing access from a public dedicated alley may be located within the setback areas.
  - e. Off-street loading facilities shall be encouraged. Public alleys may be utilized for off-street loading facilities.
7. Bicycle parking as required by 17.20.040.

### **17.03.050 Light Industrial (LI)**

#### **G. Parking Regulations.**

1. One (1) off-street parking space shall be provided on the building site, or adjacent to the site for each employee. In addition, adequate off-street parking shall be provided on or adjacent to the building site to meet the needs of anticipated clientele.
2. In no case shall there be less than two (2) off-street parking spaces.
- ~~3. The Central Business District, the Heights Business District and the Waterfront are exempt from this requirement but shall pay a fee in lieu of parking in accordance with Chapter 17.24.~~
4. Parking in the Central Business District, Heights Business District and Waterfront may be satisfied by substituting all or some of the parking requirement at adjacent or nearby off-site off-street locations and/or by adjacent or nearby shared parking if the substitute parking reasonably satisfies the parking requirements of this section. If no off-street or off-site parking reasonably satisfies the parking requirements of this section, the fee in-lieu of parking shall be paid in accordance with Chapter 17.24. If less than all required parking is provided, the fee in lieu of parking shall be paid in accordance with Chapter 17.24, except that a credit shall be given for the number of spaces provided.
5. Off-street loading facilities shall be encouraged.
  - a. Public alleys may be utilized for off-street loading facilities.
6. All parking areas and driveways shall be hard surfaced prior to occupancy, under the following circumstances:
  - a. New construction
  - b. Change of use
  - c. New parking area
7. Bicycle parking as required by 17.20.040.

## CHAPTER 17.24 IN-LIEU PARKING FEE

### SECTIONS

#### 17.24.010

#### 17.24.020

17.24.010 In-Lieu Parking Fee. This chapter establishes the In-Lieu Parking Fee. The In-Lieu Parking Fee is paid to the City in lieu of providing required off-street parking when permitted in this title.

A. Amount of Fee. The amount of the In-Lieu Parking Fee is set by resolution of the City Council and the Council shall review the amount on at least an annual basis. The In Lieu-Fee may otherwise be adjusted by the Council as it deems necessary based on factors such as inflation, the cost of providing new parking spaces, and the market value of parking spaces. The amount of the In-Lieu Fee shall take into account the current costs of land acquisition, financing and construction.

B. Use of Fees. In-Lieu Parking Fees shall be deposited in a dedicated fund for the development and provision of public parking facilities. The collected Fees may be applied only to development and provision of public parking that serves the Central Business District, Heights Business District or Waterfront, or the development of City owned parking lots located in non-residential zones. Development and provision of parking to which the Fees are applied must be consistent with the City's adopted Parking Management Plan. Development and provision of parking includes, but is not limited to, paving, striping, sidewalks, acquisition of real property, payment of administrative costs, and construction.

#### 17.24.020 Payment of Fee

A. Parking Requirement for Calculation of Fee. ~~In-Lieu Fee shall be based on 1.2 parking stalls or spaces per 1,000 square feet of development multiplied by the amount set by Council resolution in section 17.23.010.~~ The In-Lieu Fee shall be based the number of spaces required by the underlying zoning district, but which are not provided, calculated by the amount set by Council.

B. Condition of Approval. Payment of the In-Lieu Fee will be included as a condition of approval of any approved development application that is subject to the fee.

C. Payment of Fee. The In-Lieu Fee shall be paid in full prior to the issuance of a building permit.

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