

Proposed New version of Rezone criteria to replace current code

[Explanatory annotations provided by city staff would not be part of new code]

OMC 18.59.050 Decision criteria for rezone requests



The Department shall forward rezone, i.e., zoning map amendment, requests to the Planning Commission for review and recommendation and to the City Council for consideration for review and action. The following criteria shall be used to evaluate each rezone request. A zoning map amendment shall only be approved if the Council concludes that at minimum the proposal complies with subsections A through C. To be considered are whether: *["The Department" is defined in code as the Community Planning and Development Department. Requirement to meet certain criteria added. And the criteria below are in a different order than current code. Note that by separate action the City Council will be deciding whether rezone requests not associated with a Comprehensive Plan amendment should be heard by the Hearing Examiner or the Commission.]*

A. The rezone is consistent with either the Comprehensive Plan, including the Plan's Future Land Use map as described in subsection "J" below, or with a proposed and previously or concurrently approved amendment to the Plan. *[Proposal would add specific reference to the Future Land Use map.]*

B. The rezone will maintain the public health, safety, or welfare and promote a public interest. *[Proposal would add 'promotion of public interest' requirement.]*

C. The rezone is consistent with other development regulations that implement the Comprehensive Plan. *[Proposed new requirement reflecting Plan amendment being considered by Council.]*

D. The rezone is warranted in order to achieve consistency with the Comprehensive Plan, or because of a need for additional property in the proposed land use district classification, or because the proposed zoning classification is appropriate for reasonable development of the subject property. *[Current code.]*

E. The rezone will not be materially, i.e., logically and significantly, detrimental to uses or property in the immediate vicinity of the subject property. *[Added paraphrasing to explain "materially."]*

F. The rezone will result in a district that is compatible with adjoining zoning districts; which may include providing a transition zone between potentially incompatible districts. *[Proposed new criterion reflecting Plan amendment being considered by Council.]*

G. Conditions, which may include the City's Comprehensive Plan, have substantially changed since the current zoning was adopted. *[Proposed new criterion to reflect forty years of appellate court decisions.]*

H. The current zoning does not allow any reasonable use of private property and the rezone will enable such use. *[Proposed new criterion reflecting court decisions.]*

I. Public facilities and services existing and planned for the area are adequate and likely to be available to serve potential development allowed by the proposed zone. *[Proposed new criterion reflecting Plan amendment being considered by Council.]*

J. To ensure consistency between the zoning map and the Future Land Use map: *[New criterion reflecting form of the Comprehensive Plan Future Land Use map being considered by Council.]*

1) Although the Future Land Use map is not specific with regard to the edges of Land Use designations, the zoning map boundaries should not vary more than 200 feet from the land use designation shown of the Future Land Map. *[Zoning boundaries are specific, but to provide flexibility those of the proposed Plan are approximate. This criterion is intended to ensure the zoning map does not vary too much from the Comprehensive Plan’s map. The 200-foot distance is stated in the Plan update being considered by Council.]*

2) Each Neighborhood Retail or Neighborhood Center district, if any, should be no further than four blocks (approximately 1000 feet) from the Neighborhood Center locations indicated on the Future Land Use Map. *[Similar to number one, but with greater distance to allow more siting and design flexibility.]*

3) Districts on the zoning map shall correspond to categories of the Future Land Use Map in accordance with the following table and be consistent with the purposes of each designation. Only those districts listed below are deemed to be consistent with the corresponding Future Land Use map designation, provided that zoning districts in locations enacted prior to January 1, 2014, may remain. *[The table below is to ensure that rezones independent of a Comprehensive Plan amendment would be limited to these sets of zones. Although compliance with this table would be mandatory for any changes in zoning, the last clause is provided to assure that current zoning may remain in place indefinitely -- there is no requirement to change zoning to reflect the new Future Land Use map.]*

FUTURE LAND USE MAP DESIGNATION	ZONING DISTRICT(S)
Low Density Neighborhoods	Residential--1 Unit per 5 Acres Residential Low Impact Residential - 4 Units per Acre <i>[includes R-4 CB]</i> Residential -- 4 to 8 Units per Acre Residential - 6 to12 Units per Acre (but only when adjacent to similar or higher density zoning district)
Medium Density Neighborhoods	Residential Multifamily-- 18 Units per Acre Residential Multifamily-- 24 Units per Acre
Mixed Residential	Mixed Residential 7 to13 Units per Acre Mixed Residential 10 to 18 Units per Acre
Neighborhood Centers	Neighborhood Retail Neighborhood Center District
Residential Mixed Use	Residential Mixed Use District Urban Residential Urban Waterfront – Housing

Planned Developments	Residential Mixed Use Residential Multifamily - High Rise Community Services - High Density Planned Unit Developments Neighborhood Village District Community-Oriented Shopping Center Urban Village District
Professional Office & Multi-family Housing	Professional Office / Residential Multi-family
Urban Corridor	High-Density Corridor – 1 High-Density Corridor – 2 High-Density Corridor – 3 (only within area designated High Density Neighborhood Overlay) High-Density Corridor – 4 General Commercial Manufactured Housing Park Mixed Residential 10 to 18 Units per Acre Residential Multifamily 18 Units per Acre Residential Multifamily 24 Units per Acre [Except for Manufactured Housing Park zone, all of these allow at least the 15 residential units per acre that is the minimum density target for Urban Corridors in the Comprehensive Plan update being considered by Council.]
Urban Waterfront	Urban Waterfront District
Central Business District	Downtown Business
General Commerce	General Commercial
Auto Services	Auto Services
Medical Services	Medical Services
Light Industry	Light Industrial (Commercial)
Industry	Industrial

~~Rezoning requests not accepted for review may be resubmitted by the proponent, subject to the timelines contained in this chapter. [Although other portions are not in 'bill-format' provision is shown here to note that the proposed amendment would delete this provision of code. Result would be that whether to consider repeated requests would be determined based on specific circumstances.]~~