

Mayor's Alternative—Code Only

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33.100.100 Primary Uses

A. Allowed uses. [No change.]

B. Limited uses. [No change.]

1. and 2. [No change]

~~3. Schools. This regulation applies to all parts of Table 100-1 that have note [3]. School uses are subject to the regulations for schools in the R5 zone as well as Chapter 33.281, Schools and School Sites.~~

34. Radio Frequency Transmission Facilities. This regulation applies to all parts of Table 100-1 that have note [34]. Some Radio Frequency Transmission Facilities are allowed by right. See Chapter 33.274.

45. Community Services. This regulation applies to all parts of Table 100-1 that have note [45]. Most Community Service uses are a conditional use. However, short term housing and mass shelters are prohibited.

56. Basic Utilities. This regulation applies to all parts of Table 100-1 that have note [56]. Basic Utilities that serve a development site are accessory uses to the primary use being served. All other Basic Utilities are conditional uses.

6. 7. Manufacturing and Production. This regulation applies to all parts of Table 100-1 that have note [6-7]. Utility Scale Energy Production from Large Wind Turbines is a conditional use. All other Manufacturing And Production uses are prohibited.

Table 100-1 Open Space Zone Primary Uses	
Use Categories	OS Zone
Residential Categories	
No change	
Commercial Categories	
No change	
Industrial Categories	
Manufacturing And Production	CU <u>[6 7]</u>
Warehouse And Freight Movement	N
Wholesale Sales	N
Industrial Service	N
Railroad Yards	N
Waste-Related	N
Institutional Categories	
Basic Utilities	L/CU <u>[5 6]</u>
Community Service	CU <u>[4 5]</u>
Parks And Open Areas	L/CU <u>[2]</u>
Schools	CU <u>[3]</u>
Colleges	N
Medical Centers	N
Religious Institutions	N
Daycare	CU
Other Categories	
Agriculture	Y
Aviation And Surface Passenger Terminals	N
Detention Facilities	N
Mining	CU
Radio Frequency Transmission Facilities	L/CU <u>[3 4]</u>
Rail Lines And Utility Corridors	CU

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CHAPTER 33.281 SCHOOLS AND SCHOOL SITES

33.281.010 Purpose

The City recognizes that schools have a special relationship to the community. This chapter provides regulations for schools and school sites located throughout the City's neighborhoods. The regulations acknowledge that school sites provide an important community resource and that traditionally a wide variety of activities take place at school sites. The regulations also reflect the fact that there is a constant change in uses, programs, and buildings as school districts respond to changing demographics and educational innovations. At the same time, the regulations protect surrounding uses from negative impacts by providing a forum for the review of major changes to uses or buildings.

33.281.020 Relationship to Base Zone and Conditional Use Regulations

The base zone chapters indicate whether school uses are allowed by right, are conditional uses, or are prohibited. In OS and R zones, schools are generally regulated as conditional uses. In C and E zones, schools are generally allowed by right. In I zones, schools are prohibited. This chapter provides supplemental information and regulations specific to school uses and school sites. The requirements of the base zone apply unless superseded by the regulations in this chapter. In situations where the use is regulated as a conditional use, the regulations that apply are located in this chapter, except for the conditional use approval criteria, which are in 33.815.105. the conditional use regulations approval criteria in 33.815.040, .050, and .105 also apply. If a school site has previous conditions of approval, the specific conditions take precedence over the threshold levels of review in this chapter.

Regulations in OS and R zones

33.281.030 Review Thresholds for School Uses

This section ~~The following thresholds states when a conditional use is required and the type of procedure used~~ the type of procedure used in the conditional use review for changes to school uses in the OS and R zones. ~~Changes that are allowed by right are also stated.~~

- A. **New school use.** The creation of a school use on a site that does not have a school use or is not a school site is reviewed through the Type III procedure.
- B. **Change of school grade levels.** ~~Changes from an elementary to a middle or junior high or to a high school, or from a middle or junior high to a high school are reviewed through a Type III procedure. Changes from a high school to a middle or junior high or to an elementary school, or from a middle or junior high to an elementary school are reviewed through a Type II procedure. Changes from a middle to a junior high, or from a junior high to a middle school are allowed by right. Removing grades from any school is allowed. Adding grades is allowed or a conditional use, as specified in Table 281-1.~~

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[Replace Table 281-1 of the Recommended Draft with this one]

<u>Table 281-1</u> <u>Regulations for Adding Grades</u>		
<u>If a school has the following grades:</u>	<u>Regulation for adding the following grades:</u>	
	<u>Allowed</u>	<u>CU required</u>
<u>Any grade K-8</u>	<u>Any grade K-8</u>	<u>Any grade 9-12 (Type III)</u>
<u>Any grade 9-12</u>	<u>Any grade 9-12</u>	<u>Any grade K-8 (Type II)</u>
<u>Any grade K-8 AND</u> <u>Any grade 9-12</u>	<u>Any grade K-12</u>	<u>---</u>

C. [No change]

D. Changes in enrollment and staffing. Changes in the number of students enrolled and the number and classification of staff are allowed without review except where a conditional use review is required by Subsections 33.281.050.B or C.

33.281.040 Review Thresholds for Other Uses

[No change.]

A. Purpose. [No change.]

B. Other uses on school sites.

1. Daycare, Community Service, and nonprofit or social service Office uses are allowed ~~by right~~ at a school site. However, these uses must comply with the parking requirements in Chapter 33.266, Parking and Loading. In addition, any exterior recreation areas including playgrounds and fields must be maintained and open to the public at times when the use is not occupying the areas.
2. through 5. [No change.]
6. Adding an allowed use may or may not require a conditional use depending on the proposed changes to development on the site. See Section 33.281.050.

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33.281.050 Review Thresholds for Development

The following thresholds state the type of procedure used in the conditional use review for changes to development at schools and on school sites in the OS and R zones. Changes that are allowed by right are also stated. This section states when development related to schools and on school sites in the OS and R zones is allowed, when a conditional use review is required, and the type of procedure used. Recreational fields used for organized sports are subject to Chapter 33.279, Recreational Fields for Organized Sports.

A. Allowed by right. Alterations to the site that meet all of the following are allowed without a conditional use review.

1. The addition of new outdoor recreation areas, or changes to existing outdoor recreation areas;
2. The addition of up to 1,500 square feet of floor area to the site;
3. Increases of exterior improvement areas up to 1,500 square feet. Fences, handicap access ramps, and on-site pedestrian circulation systems, and increases allowed by Paragraphs A.5 and A.8 are exempt from this limitation;
4. Changes that do not result in a net gain or loss of site area;
5. ~~Alterations to parking areas other than Special Event Parking that meet the following:~~
 - a. ~~Will not result in a net gain in the number of parking spaces;~~
 - b. ~~Sites with up to 15 spaces, not including those used for Special Event Parking; will not result in a net loss in the number of parking spaces;~~
 - c. ~~Sites with 16 or more spaces, not including those used for Special Event Parking; will not decrease the number of spaces except as follows:~~
 - ~~(1) No reduction in shared parking spaces is allowed;~~
 - ~~(2) 1 space or 4 percent of the total number of parking spaces may be removed, whichever is greater; and~~
 - ~~(3) An individual or cumulative removal of parking spaces in excess of 5 spaces is prohibited. The cumulative loss of parking is measured from the time the use became a conditional use, July 16, 2004, or the last conditional use review of the use, whichever is most recent, to the present.~~
5. The alteration will not result in an individual or cumulative loss or gain in the number of parking spaces, except as follows:
 - a. On sites with 5 or more parking spaces, up to 1 space or 4 percent of the total number of existing parking spaces, whichever is greater, may be removed; however, the removal of more than 5 spaces requires a conditional use review;
 - b. Up to 1 space or 4 percent of the total number of existing parking spaces, whichever is greater, may be added; however, the addition of more than 5 spaces requires a conditional use review; and
 - c. Any cumulative loss or gain of parking allowed in 5.a or 5.b above is measured from the time the use became a conditional use, or the last conditional use review of the use, whichever is most recent, to the present.

6. through 8. [No change.]

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B. Type II. ~~Alterations to development when the individual or cumulative alterations will not increase the floor area or exterior improvement area by more than 10 percent, up to a maximum of 25,000 square feet are reviewed through a Type II procedure. The increase is measured from the time the use became a conditional use, the effective date of this Title, or the last Type III conditional use review on the site, whichever is most recent. Exceptions are outdoor recreation areas and athletic fields, which are regulated by Subsection A. above, and Subsection C. below. A Type II review is required when the following individual or cumulative alterations are proposed. The increases in paragraphs B.3 through B.6, below, are measured from the time the use became a conditional use or the last conditional use review of the use, whichever is most recent, to the present.~~

1. When proposed alterations to the site will not violate any conditions of approval;
2. When there will be a net loss in site area that will not take the site out of conformance, or further out of conformance, with a development standard;
3. When there will be an increase or decrease in the net number of parking spaces by up to 2 spaces or up to 10 percent of the total number of parking spaces, whichever is greater;
4. When the alterations will not increase the floor area on the site by more than 10 percent, up to a maximum of 25,000 square feet;
5. When the alterations will not increase the exterior improvement area on the site by more than 10 percent, up to a maximum of 25,000 square feet. Parking area increases that are allowed by B.3 above are exempt from this limitation; or
6. When the alterations will not increase the floor area and the exterior improvement area on the site by more than 10 percent, up to a maximum of 25,000 square feet. Parking area increases that are allowed by B.3 above are exempt from this limitation.

C. Type III. ~~The following alterations to development are processed through a Type III procedure: All other alterations to development on the site, including alterations not allowed by Subsections A. and B. above are reviewed through a Type III procedure.~~

- ~~1. All other alterations to development on the site, including alterations not allowed by Subsections A. and B. above. Recreational fields used for organized sports are subject to Chapter 33.279, Recreational Fields for Organized Sports.~~

33.281.055 Loss of Conditional Use Status on School Sites.

If a school use is discontinued for more than 5 continuous years, a new conditional use is required. A school use has been discontinued if the use ceases operations, even if the structure or materials related to the use remain. Any school use proposing to locate at the site after more than 5 years of discontinued use must go through a new conditional use review. The new conditional use is reviewed as follows:

- A.** If the school use has been discontinued for less than 10 years, and the proposed new school use does not include any of the Type III changes listed in 33.281.030.B or 33.281.050.C, the conditional use is reviewed through a Type II procedure.
- B.** If the school use has been discontinued for less than 10 years, and the proposed new school use includes any of the Type III changes listed in 33.281.030.B or 33.281.050.C, the conditional use is reviewed through a Type III procedure.
- C.** If the school use has been discontinued for more than 10 years, the conditional use is reviewed through a Type III procedure.

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CHAPTER 33.815 CONDITIONAL USES

33.815.040 Review Procedures

The procedure for reviewing conditional uses depends on how the proposal affects the use of, or the development on, the site. Subsection A, below, outlines the procedures for proposals that affect the use of the site while Subsection B outlines the procedures for proposals that affect the development. Proposals may be subject to Subsection A or B or both. The review procedures of this section apply unless specifically stated otherwise in this Title. The review procedures for recreational fields for organized sports are stated in Chapter 33.279. The review procedures for schools, school related uses, and school sites, are stated in Chapter 33.281. Proposals may also be subject to the provisions of 33.700.040, Reconsideration of Land Use Approvals.

A. [No change]

B. Proposals that alter the development of an existing conditional use. Alterations to the development on a site with an existing conditional use may be allowed, require an adjustment, modification, or require a conditional use review, as follows:

1. Conditional use review not required. A conditional use review is not required for alterations to the site that comply with Subparagraphs a through g. All other alterations are subject to Paragraph 2, below. Alterations to development are allowed by right provided the proposal:

a-d. [No Change]

e. Will not result in a net gain or loss of site area; and

~~f. Will not increase the net number of parking spaces by more than 1 space or 4 percent of the total number of parking spaces, whichever is greater. However, an individual or cumulative addition of more than 5 parking spaces requires a conditional use review; and~~

~~g. Will not result in a net loss in the number of parking spaces, except as follows:~~

~~(1) No reduction in shared parking spaces is allowed;~~

~~(2) 1 space or 4 percent of the total number of parking spaces may be removed, whichever is greater;~~

~~(3) An individual or cumulative removal of parking spaces in excess of 5 spaces requires a conditional use review. The cumulative loss of parking is measured from the time the use became a conditional use, July 16, 2004, or the last conditional use review of the use, whichever is most recent, to the present; and~~

~~(4) Removal of parking from sites with 4 or fewer required spaces requires a conditional use review.~~

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f. Will not result in an individual or cumulative loss or gain in the number of parking spaces, except as follows:

- (1) On sites with 5 or more parking spaces, up to 1 space or 4 percent of the total number of existing parking spaces, whichever is greater, may be removed; however, the removal of more than 5 spaces requires a conditional use review;
- (2) Up to 1 space or 4 percent of the total number of existing parking spaces, whichever is greater, may be added; however, the addition of more than 5 spaces requires a conditional use review; and
- (3) Any cumulative loss or gain of parking allowed in (1) or (2) above is measured from the time the use became a conditional use, or the last conditional use review of the use, whichever is most recent, to the present.

2. [No change]