

ITEM 102 – staff recommended amendments-revised June 15, 2017
Late Backup

I. In **PART 10**, replace the language related to Subsection (A) of City Code Section 25-8-41 (*Land Use Commission Variances*) with the following:

- (A) It is the applicant's burden to establish that the findings described in this Section have been met. Except as provided in Subsections (B) and (C), the Land Use Commission may grant a variance from a requirement of this subchapter after determining that:
 - (1) the requirement will deprive the applicant of a privilege available ~~[or the safety of property given]~~ to owners of other similarly situated property with approximately contemporaneous development subject to similar code requirements;
 - (2) the variance:
 - (a) is not necessitated ~~[based on a condition caused]~~ by the scale, layout, construction method, or other design decision made by the applicant ~~[method chosen by the applicant to develop the property]~~, unless the ~~[development method]~~ design decision provides greater overall environmental protection than is achievable without the variance;
 - (b) is the minimum deviation from the code requirement ~~[change]~~ necessary ~~[to avoid the deprivation of a privilege given to other property owners and]~~ to allow a reasonable use of the property; and
 - (c) does not create a significant probability of harmful environmental consequences; and
 - (3) development with the variance will result in water quality that is at least equal to the water quality achievable without the variance.

II. In **PART 37**, replace the language related to Subsection (A) of City Code Section 30-5-41 (*Land Use Commission Variances*) in the same way language was replaced in **PART 10** above.


III. In **PART 17**, replace the language related to Subsection (F) of City Code Section 25-8-261 (*Critical Water Quality Zone Development*) with the following:

- (F) In-channel detention ~~[Detention]~~ basins and in-channel wet ponds are allowed ~~[prohibited]~~ in the critical water quality zone only if designed in accordance with the Environmental Criteria Manual ~~[unless the requirements of Section 25-8-364 (Floodplain~~

~~Modification), Chapter 25-7 (Drainage), and the other provisions of this subchapter are met].~~

IV. In **PART 44**, replace the language related to Subsection (F) of City Code Section 30-5-261 (*Critical Water Quality Zone Development*) in the same way language was replaced in **PART 17** above.

V. In **PART 17**, replace the language related to Subsection (I) of City Code Section 25-8-261 (*Critical Water Quality Zone Development*) with the following:

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- (I) Development associated with power generation, transmission, or distribution at the Decker Creek Power Station is allowed in the critical water quality zone.

VI. In **PART 44**, replace the language related to Subsection (I) of City Code Section 30-5-261 (*Critical Water Quality Zone Development*) in the same way language was replaced in **PART 17** above.

VII. In **PART 20**, replace the language related to Subdivision (A)(4) of City Code Section 25-8-341 (*Cut Requirements*) with the following:

- (A) Cuts on a tract of land may not exceed four feet of depth, except:

* * *

- (4) for construction of a water quality control or detention facility and appurtenances for conveyance such as swales, drainage ditches, and diversion berms, if:

- (a) the design and location of the facility within the site minimize the amount of cut over four feet;
- (b) the cut is the minimum necessary for the appropriate functioning of the facility; and
- (c) the cut is not located on a slope with a gradient of more than 15 percent or within 100 feet of a classified waterway;

VIII. In **PART 47**, replace the language related to Subdivision (A)(4) of City Code Section 30-5-341 (*Cut Requirements*) in the same way language was replaced in **PART 20** above.

IX. In **PART 21**, replace the language related to Subdivision (A)(4) of City Code Section 25-8-342 (*Fill Requirements*) with the following:

(A) Fill on a tract of land may not exceed four feet of depth, except:

* * *

(4) for construction of a water quality control or detention facility and appurtenances for conveyance such as swales, drainage ditches, and diversion berms, if:

(a) the design and location of the facility within the site minimize the amount of fill over four feet;

(b) the fill is the minimum necessary for the appropriate functioning of the facility; and

(c) the fill is not located on a slope with a gradient of more than 15 percent or within 100 feet of a classified waterway;

X. In **PART 48**, replace the language related to Subdivision (A)(4) of City Code Section 30-5-342 (*Fill Requirements*) in the same way language was replaced in **PART 21** above.