

BOARD⁺_o • OF ADJUSTMENTS & APPEALS

SPECIAL EXCEPTION WORKSHOP

Rebeca A. Guerra, AICP, LEED-AP, CPD
Development Services Director



LEGAL AUTHORITY

Section 1.05.086(b)(2)

The Board may authorize a Special Exception only from parking and loading requirements.

Key Limitations

- Special Exceptions apply only to parking and loading requirements
- Applies in any zoning district
- No authority exists to grant Special Exceptions for:
 - Setbacks / Height / Use / Impervious Cover / Any Other Development Standard

§ 1.05.086 SPECIAL EXCEPTION CRITERIA

ALL THREE^o (3) findings must be met:

1. The character of the building makes full parking/loading unnecessary, AND
2. The use of the building makes full parking/loading unnecessary, AND
3. The lot conditions (topography/shape) create an unreasonable hardship
 - Not convenience
 - Not preference

Failure to meet any one criterion = denial

CRITERIA #1 – CHARACTER OF BUILDING

Definition: Physical nature of the structure itself reduces or eliminates the need for the required parking or loading.

- Focus is on what the building is, not how owner wants to use it
- Must relate to function inherent to the structure

Valid Examples:

- A structure designed in a way that physically can't accommodate enclosed parking & the building type doesn't functionally require it
- A building configuration where the structural form eliminates the need for standard parking/loading accommodations

Not Valid:

- “We prefer an open carport instead of a garage”
- Architectural style, aesthetics, or design preference

CRITERIA #2 – USE OF BUILDING

Definition: The actual use of the building results in less parking or loading demand than what the Code assumes.

- Focus is on how the building functions
- Must demonstrate reduced demand, not just a different layout

Valid Examples:

- A residential use where occupancy or activity level clearly generates less parking demand than typical SFR assumptions
- A building use where no loading activity is reasonably expected despite Code requirements

Not Valid:

- “The layout works better without meeting parking requirements”
- Requests driven by design preference rather than reduced demand

CRITERIA #3 – UNREASONABLE HARDSHIP

Definition: Unique physical characteristics of the lot make compliance with parking/loading requirements unreasonable

- Caused by topography (slope, terrain) OR unusual lot shape
- Must be a true hardship, not inconvenience

Valid Examples:

- A lot with extreme slope where constructing compliant parking would require disproportionate grading or structural intervention
- An irregularly shaped lot where applying parking standards is physically impractical

Not Valid:

- “It would be easier or cheaper to design it this way”
- Desire to preserve views, layout preference, or maximize aesthetic

WHAT IS NOT CRITERIA

Not Valid Considerations

- Comprehensive Plan policies
- Architectural design or aesthetics
- Views or visual preferences
- Project uniqueness or “specialness”

Decisions must be based solely
on Section 1.05.086(b)(2)



QUESTIONS?

Rebeca A. Guerra, AICP, LEED-AP, CPD
Development Services Director



§ 1.05.086 SPECIAL EXCEPTION CRITERIA

- A finding that “the character of the building is such as to make unnecessary the full provision of parking or loading facilities.”
-AND-
- A finding that “the use of the building is such as to make unnecessary the full provision of parking or loading facilities.”
-AND-
- A finding that “the topography or unusual shape of the lot and regulations would impose an unreasonable hardship upon the use of the lot, as contrasted with merely granting an advantage or a convenience.”

PARKING EXAMPLE - TABLE 3.2.4-1

TABLE 3.2.4-1. OFF-STREET PARKING REQUIREMENTS — RESIDENTIAL (RR, R-1, R-2, R-3)		
	General Requirement	Additional Requirement
General Uses		
Zoning districts RR, R-1 and R-2 on lots of 10,000 square feet or more	2 per dwelling unit	2 enclosed garage parking spaces per dwelling unit
Zoning districts RR, R-1, and R-2 on lots 6,000 square feet in size or greater and less than 10,000 square feet	2 per dwelling	1 enclosed garage parking space per dwelling unit
Zoning district R-1 and R-2 on lots of less than 6,000 square feet	2 per dwelling unit	
Zoning district R-3	1.5 per 1-bedroom unit 2 per 2-bedroom unit 2.5 per 2+ bedroom unit	Additional 5 percent of total number of required spaces
Specific Uses		
Guest or domestic employee quarters	1 per bedroom unit	
Home-based business	NA	
Zoning district R-3: Group homes	2	1.5 per 2 employees
All other group living	1 per 2 bedrooms	1.5 per 2 employees
Amenity centers	1.5 per 250 sq. ft. GFA	
Bed and breakfast	1 per bedroom	1.5 per 2 resident owners
Community parks	Varies	Parking requirement based on use in park; must be reviewed and approved by City Council
Community service	1 per 250 sq. ft. GFA	
Elementary schools	3 per classroom	
High schools	10 per classroom	
Middle schools	3 per classroom	
All other educational facilities	20 per classroom	

BOARD⁺_o • OF ADJUSTMENTS & APPEALS

SPECIAL EXCEPTION WORKSHOP

Rebeca A. Guerra, AICP, LEED-AP, CPD
Development Services Director

