

## Attachment B

OA-09-002

*Replace 17-16-9 with the following:*

### **17-16-9. PROPERTY AFFECTED BY ACQUISITIONS FOR OR CONSTRUCTION OF PUBLIC IMPROVEMENTS:**

- (1) If, as a direct result of a Public Project, a parcel and/or structure becomes non-conforming with regard to any applicable zoning standard, said standard shall be changed. The change shall only apply to the affected parcel and/or structure. The extent of the change shall be the minimum amount necessary to ensure the existing parcel and/or structure conforms to said standard.
- (2) If the zoning standards applicable to a parcel and/or structure to which 17-16-9(A) applies are changed through a rezoning process after the Public Project occurs, any modification to such parcel and/or structure must thereafter conform to the new zoning standards.
- (3) Future modifications shall be allowed to any parcel and/or structure to which 17-16-9(A) applies, provided the property has not been rezoned after the Public Project occurs, if the modifications comply (i) with the zoning standards in effect at the time of the Public Project as modified by 17-16-9(A); and (ii) with all other City requirements applicable at the time of the modifications. Notwithstanding the foregoing, future modifications to a structure to which 17-16-9(A) applies are subject to the following restrictions:
  - a If a structure is intentionally damaged, demolished or destroyed to the extent of more than sixty percent (60%) of its value any modifications must comply with the zoning standards in effect at the time of the modifications. For purposes of this paragraph, the structure's value shall be as determined by the method of valuation of buildings for permit issuance in the adopted Building Code.
  - b If a structure is intentionally damaged, demolished or destroyed to the extent of sixty percent (60%) or less of its value and the Director determines that the proposed modification would create a hazard to the public health, safety or welfare, the Director may deny the proposed modification. Any such denial may be appealed to the Board of Adjustment in accordance with Section 17-4-6 of this Code. For purposes of this paragraph, the structure's value shall be as determined by the method of valuation of buildings for permit issuance in the adopted Building Code.

*Add the following to 17-16-1*

### **17-16-1. ADMINISTRATION AND DEFINITIONS:**

- (4) "Public Project" means any project undertaken by a public entity or private entity to provide improvements that will be owned by a public entity for use by the general public. Said project may include acquisition of private property, construction of public improvements or both.