

## **D# 67 REBUILD APPROVAL PERMITS**

### **General Description**

This docket request was made by the City of Renton Planning Division and proposes to amend provisions to Title IV that would permit legal non-conforming uses and structures to rebuild, reconstruct, and/or be repaired when damaged by fire, explosion, or an act of God. The proposed changes would permit such reconstruction without a limit on the latest assessed or appraised value of the building and would require such reconstruction to be consistent, to the degree possible, with current development and design standards of the zone the use/structure is located in. In addition, these changes would eliminate the Rebuild Approval Permit and references thereto throughout Title IV.

Currently, legal non-conforming structures are permitted to rebuild to 50% of the latest assessed or appraised value of the building or structure when damaged by fire, explosion, or an act of God. However, the reconstruction is not required to comply with current development and design standards and may be rebuilt in the same location and to the same size and height. The current code contains a permit titled "Rebuild Approval Permit" that, if approved, would permit legal non-conforming uses and structures to be rebuilt even if the reconstruction costs exceed 100% of the latest appraised value of the building. This permit provides the Reviewing Official the ability to condition such permits so that the new buildings limit their impacts on the surrounding conforming uses. In addition, with an approved Rebuild Approval Permit, legal non-conforming uses and structures may also complete limited alterations and expansions as permitted by the permit.

The challenge presented by the limitation on reconstruction for legal non-conforming uses and structures to 50% of the appraised or assessed value is three fold. First, the cost to fully reestablish a structure typically exceeds 50% of the most recently appraised value of the building resulting in the inability for a building to be reestablished. Second, without the ability to rebuild to the full value, many property owners are limited in their refinance or financing options. And finally, without the ability to rebuild many property owners are challenged in the ability to sell their property. The increase proposed for restoration of a building or structure would elevate some of the above mentioned financial challenges for local property owners. However, this increase would result in less review authority for the re-establishment of non-conforming uses. In turn, the requirement to comply with existing development and design standards would move these structures more towards conformity than currently required by code.

Furthermore, staff proposes to consolidate the use table foot notes related to non-conforming residential uses to the non-conforming section of the code.

### **Impact Analysis**

#### Effect on rate of growth, development, and conversion of land as envisioned in the Plan

The proposal is not anticipated to have an effect on rate of growth or development as envisioned in the Plan. However, as a result of the proposed amendment legal non-conforming

uses and structures may remain in existence longer than under current code standards. This is because the proposed changes would make it easier to rebuild, finance, refinance, and sell your structure and/or re-establish a use, by permitting reconstruction out right in the code. Based on the possibility of legal non-conforming uses/structures to retain their existence in the Renton community, the conversion of land to a conforming use may slow compared to existing standards. However, this rate is relatively un-measurable as it is based on a fire, explosion, or an act of God that time cannot measure.

#### Effect on the City's capacity to provide adequate public facilities

The proposal is not anticipated to have an effect on the City's capacity to provide adequate public facilities.

#### Effect on the rate of population and employment growth

The proposal is not anticipated to have an effect on the rate of population and employment growth.

#### Whether Plan objectives are being met as specified or remain valid and desirable

The Non-conforming section of the Comprehensive Plan identifies a goal, which is to pursue the transition of non-conforming uses and structures to encourage more conforming uses and development patterns. In addition, Objective LU-P identifies that non-conforming uses should be made more conforming and compatible with their surroundings when possible and Objective LU-Q identifies that the effects of non-conforming structures on the character of the conforming pattern of Renton's neighborhoods should be minimized. Recent code amendments that include such items as small lot design standards and commercial design standards increase the regulation of neighborhood character for residential zones and commercial zones. These design standards create a character for specific districts of the City and result in consistent design application based on an area's zone and uses. These standards along with the development standards are combined and result in development patterns that one can see throughout the City. When non-conforming uses are located within a neighborhood or business district, their structure typically does not match the character of the surrounding development. The proposed amendments would permit these uses to be reestablished within a zone without a Rebuild Approval Permit, but would require the reconstruction to meet current development and design standards. This requirement would result in the reconstruction of a non-conforming use to mimic, to the best of their ability, the existing character of the neighborhood and comply with the setback, lot coverage, height, and screening standards established in the code. As such, the provisions proposed would meet the objectives in the Plan and would remain valid and desirable.

#### Effect on general land values or housing costs

The proposed amendment is not anticipated to have an effect on the general land values or housing costs. However, legal non-conforming uses may increase in value as the proposed changes would provide more flexibility for these uses to be reconstructed if destroyed.

Whether capital improvements or expenditures are being made or completed as expected  
No specific capital improvements or expenditures are associated with this proposal.

Consistency with GMA, the Plan, and Countywide Planning Policies

Requiring legal non-conforming uses to comply with the current development and design standards will keep the reconstruction of non-conforming uses consistent with current regulations. This consistency would maintain relevance to the most recent Planning Policies and GMA by bringing the structures up to current code standards. The proposed changes are consistent with the GMA, the Comprehensive Plan, and Countywide Planning Policies.

Effect on critical areas and natural resource lands

The proposed changes would require reconstructed legal non-conforming uses to comply with current standards. This change would require the reconstruction to meet all critical areas regulations, which would increase the degree that critical areas are protected.

Effect on other considerations

Not applicable

**Staff Recommendation**

It is recommended that Title IV be amended to provide legal non-conforming uses and structures to be rebuilt, reconstructed, and/or repaired when damaged by fire, explosion, or an act of God, subject to the development and design standards in place at the time of reconstruction. This results in the elimination of the Rebuild Approval Permit from Title IV.

It is also recommended that housekeeping changes are made to Title IV that streamlines the non-conforming standards throughout the code.

**Implementation Requirements**

Amend RMC 4-10-050, 4-9-120, 4-2-060, 4-2-080, and 4-2-050.