

EXHIBIT A: AMENDMENTS TO CHAPTER 151 THE UNIFIED DEVELOPMENT ORDINANCE

I. Local Food – Part 3

Amendment #1

Summary: Allows 4 hens on any size property

Amend 151.113/Accessory Uses/Chickens/Number of hens to read as follows:

151.113(Q) *Chickens*. The keeping of hens, the female of the chicken species *Gallus gailus domesticus*, shall be permitted in single family residential zoning areas, on zoning lots of 20,000 square feet or greater, provided the following conditions are met.

(1) *Number of hens.*

(a) This table identifies the number of hens allowed on non-exempt residential property.

<i>Minimum Lot Size</i>	<i>Maximum Number of Hens Allowed</i>
<u>None</u>	<u>4</u>
10,000 sq. ft.	6
20,000 sq. ft.	8
40,000 sq. ft.	10
80,000 sq. ft.	12

(b) There shall be no limit on the number of hens kept on parcels with an area of 200,000 square feet or more.

Amendment #2

Summary: Allows chicken coops to be attached or otherwise integrated into accessory structures.

Amend 151.113/Accessory Uses/Chickens/Chicken coops and yards/Chicken coop to read as follows:

(2) *Chicken coops and yards.*

(a) *Chicken coop.*

1. Hens shall be kept in an enclosed outdoor coop, an accessory structure used for the purpose of keeping live chickens, so as to offer protection from weather elements and from predators and trespassers

2. Coops shall be built and kept in such a manner, large enough to provide at least three square feet per hen and allow the hens easy ingress and egress to an enclosed chicken yard. Coops may be freestanding or integrated into an accessory structure. Freestanding Coops shall not exceed 8 feet in height.
3. Coops shall be covered with uniform materials and shall be maintained intact with all parts secure. Any repairs shall maintain consistency with original structure in appearance and condition. The coop must be replaced, removed, or repaired upon evidence of deterioration.

(b) *Chicken yard*

1. Coops shall be connected with an enclosed chicken yard or run.
2. Hens may be allowed to roam in a fenced back yard, but shall not be allowed to roam outside of the fenced yard. Hens must be returned to the secured chicken coop each night.
3. Chicken yards constructed with wire mesh fencing shall retain a flat, uniform plane, in a well-maintained, safe condition.

(3) *Location and setbacks.*

- (a) *Street setbacks.* Chicken coops and yards shall not be located between the principal building and any improved alley, easement for purposes of ingress or egress, or road right-of-way. In the case of an unimproved right of way, this provision may be modified by the Planning, Building and Development Department Director in consultation with the appropriate local roadway authority.
- (b) *Setback to habitable structures.* In addition to setback requirements for accessory structures, chicken coops shall be located a minimum of 30 feet from any existing structures on any adjoining parcel, such as dwellings, non-residential buildings, patios, porches, gazebos, decks, or swimming pools, but not including storage structures such as garages or sheds.

(4) *Prohibitions and management practices.*

- (a) *Roosters.* The keeping of roosters shall not be allowed on non-exempt property.
- (b) *Odors.* Chicken coops and yards must be cleaned on a regular basis so they remain free from undue accumulated waste, such as to cause odors reasonably detectable on adjacent properties.
- (c) *Feed.* All feed for hens shall, except when placed for consumption by the hens, be kept in containers with tightly fitted lids that are rodent-proof.
- (d) *Maintenance of coops.* Coops shall be maintained in good repair and non-dilapidated condition.
- (e) *Slaughter.* No outdoor slaughter of chickens shall be allowed.

II. Rural Business

Amendment #1

Summary: Introduces regulations for Rural Home Occupation

Amend 151.113/Accessory Uses to read as follows and renumber subsequent sections accordingly:

151.113(F) Rural Home Occupations

(1) General. The purpose of rural home occupations is to provide a means to allow business activity of a greater intensity than that of a customary home occupation, while still maintaining compatibility with the rural character of the surrounding area. Residents on larger lots located in rural areas may be able to conduct higher intensity uses with little or no effect on surrounding properties. The business activity shall be conducted within the dwelling or one accessory building. The use of the property for a rural home occupation must be clearly incidental and subordinate to the residential use.

(2) Allowed Uses. The rural home occupation regulations of this subsection (F) establish performance standards rather than detailed lists of allowed rural home occupations. Uses that comply with all of the standards of this subsection (F) will be allowed as rural home occupations unless they are specifically prohibited. The rural home occupation must be clearly incidental to the use of the dwelling as a residence.

(3) Where Allowed. The minimum lot size for a rural home occupation is 80,000 square feet. For zoning lots less than 80,000 square feet, the provisions of § 151.113(E) shall apply. The rural home occupation may occupy either a portion of the principal residential dwelling or one accessory building. Detached accessory structures, which are used in conjunction with a rural home occupation, shall conform to all applicable principal setback and building separation requirements.

(4) Size. Operations and storage associated with the rural home occupation shall occupy less than 50% of the floor area of the principal dwelling unit or in one accessory building. The portion of the accessory building devoted to the rural home occupation shall not exceed 1,000 square feet. Incidental office work occurring in the principal structure in conjunction with the primary use of an accessory structure for the rural home occupation shall not apply towards the allowable gross floor area.

(5) Prohibited Uses. Prohibited uses include outdoor storage, repair of large equipment, vehicle repair not incidental to the maintenance or repair of vehicles associated with the home occupation, dispatch centers, and animal care or boarding facilities. Barber shops, beauty shops, and nail salons are allowed only when served by community sewer systems.

(6) Employees. A maximum of three nonresident employees shall be allowed in conjunction with a rural home occupation. For the purpose of this provision, the term “nonresident employee” includes an employee, business partner, co-owner, or other person affiliated with the home occupation, who does not live at the site, but who visits the site as part of the rural home occupation.

(7) Resident operator. The operator of a rural home occupation shall be a full-time resident of the dwelling unit.

(8) Signs. No signs shall be allowed.

(9) Location. All activities and storage areas associated with rural home occupations must be conducted and located inside the principal dwelling unit or inside one accessory structure that meets the principal residential structure setbacks for the district.

(10) Exterior Appearance. There shall be no visible evidence of the conduct of a rural home occupation when viewed from the street right-of-way or from an adjacent lot. No outdoor storage of materials or goods shall be permitted.

(11) Customers. Customers may visit the site only during the hours of 8 a.m. to 8 p.m., and no more than six customers or clients may visit the site in any single day.

(12) Operational Impacts.

(a) No rural home occupation or equipment used in conjunction with a rural home occupation may cause odor, vibration, noise, electrical interference or fluctuation in voltage that is perceptible to the nearest residential structure on an adjoining parcel.

(b) No hazardous materials may be used or stored in conjunction with a home occupation.

(13) Vehicles. Outside storage of commercial vehicles must meet all standards of § 151.113(L). Off-street parking spaces shall be provided for all employees and patrons.

(14) Inspections. Rural home occupations shall be subject to monitoring inspections as necessary to ensure the occupation and use of the property remains in compliance with the standards of this subsection. Written notice shall be provided to the property owner at least seven days prior to a scheduled inspection.

Amendment #2

Summary: Introduces regulations for Rural Business as a principal use.

Amend 151.111/Zoning Use Table to read as follows:

Use Category	Use Types	Residential											Nonresidential							Use Standard	CUP Decision
		AG	RE	E	R1	R2	R3	R4	R4a	R5	R6	RR	GO	LC	RC	GC	U	II	OS		
Rural Business (See 151.270(G))	Rural Business (on sites of 200,000 sq. ft. or more) ¹	P ⁴		Ⓢ	Ⓢ															151.112(RR)	ZBA

¹ A conditional use permit shall be required for outside storage of material or equipment in excess of 10 percent of the site.

Amend 151.112/Use Standards to read as follows:

(RR) Rural Business

(1) Site Plan Review. The use may be subject to the Site Capacity Calculation/Site Plan Review procedures of § 151.070.

(2) Site Area. The site shall have a minimum area of at least 200,000 square feet. No more than 10 percent of the site may be used for exposed material and equipment storage, not including the access drive. However, outside storage of material or equipment in excess of 10 percent on agricultural sites of 200,000 square feet or more, shall require a conditional use permit and may be subject to additional conditions.

(3) Location. Rural Businesses shall not be located on lots within platted subdivisions.

(4) Setbacks. All structures, activities, and storage areas shall comply with Table 151.125(4).

(5) Outdoor Storage. Equipment, parking facilities, and material storage shall be screened from adjoining properties. Material storage shall not exceed 10 feet in height or a height established by the Conditional Use Permit.

Amend 151.270/Use Categories to read as follows:

(G) Rural Business

(a) Characteristics. Rural businesses are small scale, lower intensity commercial uses that are compatible with rural residential and agricultural areas and do not create a nuisance for residents in the area through excessive traffic, smoke, or noise. The business activity may involve contractors' offices and equipment storage, production of goods or product repair. Rural businesses are similar to Rural Home Occupations except the business activity can occur as the principal use. Few customers visit the site.

(b) Accessory Uses. Accessory activities may include offices, parking, and storage.

(c) Examples. Examples include but are not limited to small-scale operation of contracting businesses such as masonry, plumbing, painting, electrical or general; repair of small engines, appliances, or office machinery; woodworking; furniture or upholstery repair; and artisan workshops.

Amendment #3

Summary: Modifies regulations for Landscape Contractors. This amendment addresses standards for landscape contractors within the AG zoning district and is proposed as a result of a pattern of customer inquiries and approved variances.

Amend 151.112/Use Standards/Landscape Contractor's Storage Yard to read as follows:

151.112(CC)(1)(b) The site shall have a minimum area of at least ~~400,000~~ 200,000 square feet.

~~151.112(CC)(1)(c) A minimum of 50% of the site shall be planted and maintained in nursery stock within 12 months of the approval of the conditional use permit. The nursery stock shall consist of trees and/or shrubs and shall be established and maintained using standard nursery practices. A landscape plan, planting schedule and maintenance plan shall be submitted to the Planning, Building and Development Director for review and approval prior to any scheduled public hearing.~~

COMMENTARY:

The landscape plan should provide the planting configuration for the required nursery stock consisting of planting rows no more than ten feet apart with shrubs spaced at no more than three feet apart and trees spaced at no more than six feet apart.

~~The planting schedule should provide a detailed description of the phasing of plantings to satisfy the scheduling requirements of subsection (BB)(1)(c) above.~~

The maintenance plan should, at a minimum, provide for long-term irrigation, pest control, weed control, pruning, and fertilizing of nursery stock.