

EXHIBIT A: AMENDMENTS TO CHAPTER 151 THE UNIFIED DEVELOPMENT ORDINANCE

I. OTHER SUBSTANTIVE

Amendment #1

Summary: Modify sign standards to adopt content neutrality best practices following Gilbert vs Reed.

Amend Section 151.173/Signs to read as follows:

151.173(D) *Signs exempt from regulation.* ~~The following signs shall be exempt from regulation under this section:~~ The following are not considered signs for the purposes of this section:

151.173(D)(3) Holiday lights and decorations with no commercial message, ~~not to exceed 60 days per year;~~

Amendment #2

Summary: Modify permitted sign types table to indicate changing subsection references. An “A” indicates a sign type is allowed in the respective zoning district without a permit, a “P” indicates a sign type is permitted in the respective zoning district with an approved permit, and a “N” indicates a sign type is not permitted within the respective zoning district.

Amend Section 151.173(G)/Permitted Sign Types:

<i>Table 151.173(G): Permitted Sign Types</i>			
<i>Sign Type</i>	<i>Zoning District Class</i>		
	<i>Residential</i>	<i>Nonresidential</i>	<i>Institutional</i>
<i>Freestanding Signs</i>			
Electronic message board	N	P[k][i]	P[k][i]
Entrance	P[e]	P[e]	P[e]
Identification	A[d][c]	A[d][c]	A[d][c]
Incidental	A[e][d]	A[e][d]	A[e][d]
Residential	A[g]	N	N
Temporary	A[h][f]	P[h][f]	P[h][f]
Other	N	P	P
<i>Building Signs</i>			
Banner	N	P[a]	P[a]
Building marker	A[b]	A[b]	A[b]

Canopy	N	P	N
Electronic message board	N	P{k}[i]	P{k}[i]
Entrance	P{e}	P{e}	P{e}
Identification	A{d}[c]	A{d}[c]	A{d}[c]
Incidental	A{e}[d]	A{e}[d]	A{e}[d]
Projecting	N	P{f}[e]	P{f}[e]
Residential	A{g}	N	N
Suspended	N	P[f]	P[f]
Temporary	A{h}[f]	P{h}[f]	P{h}[f]
Time/temperature	N	A	A
Wall	N	P{h}[g]	P{h}[g]
Window sign	N	A{h}[h]	A{h}[h]
Residential = AG, RE, E, RR, and R			
Nonresidential = GO, LC, RC, GC, LI, and II			
Institutional= OS District and nonresidential uses in residential districts			

Amendment #3

Summary: Modify sign standards to remove categorization of certain sign types and prohibitions based on content.

Amend 151.173/Permitted Sign Types/Special Sign Standards:

151.173(G)(5)(e) ~~Entrance signs.~~

~~151.173(G)(5)(c)(1) Residential districts. One entrance sign shall be allowed per entrance within a residential development. Entrance signs shall not exceed 40 square feet in area, with a maximum height of six feet and a minimum setback of seven and one-half feet from all rights-of-way. Entrance signs for residential development shall be allowed in addition to all other allowed signage within a development and shall not be counted in calculating a site's maximum allowed signage.~~

~~151.173(G)(5)(c)(2) Nonresidential and institutional districts. Entrance signs in nonresidential and institutional districts shall comply with all other applicable standards of this section and shall be counted in calculating a site's maximum allowed signage.~~

151.173(G)(5)(d)(c) Identification signs.

151.173(G)(5)(d)(c)(1) Residential districts. Identification signs in residential districts shall be no larger than two square feet in area. Identification signs may carry only the property address, and occupant name. ~~They shall carry no commercial message.~~

151.173(G)(5)(d)(c)(2) Nonresidential and institutional districts. Identification signs in nonresidential and institutional districts shall be not greater than ten square feet in area.

Identification signs may carry only the property address and occupant name. ~~They shall carry no commercial message.~~

151.173(G)(5)(~~e~~)(d) *Incidental signs.* The size of incidental signs shall not exceed two square feet. Incidental signs shall not be counted toward the maximum number of signs permitted on a lot.

151.173(G)(5)(~~f~~)(e) *Projecting and suspended signs.* Projecting or suspended signs shall have at least nine feet of vertical clearance between the ground beneath the sign and the bottom of the sign. Projecting or suspended signs shall not encroach into any street rights-of-way.

151.173(G)(5)(g) *Residential signs.* ~~Residential signs shall carry no commercial message except for a message identifying a permitted bed and breakfast use.~~

Amendment #4

Summary: Modify sign standards to remove categorization of certain sign types and provide content neutral regulation of temporary signs in residential and nonresidential districts.

Amend 151.173/Signs/Permitted Sign Types/Special Sign Standards/Temporary Signs to read as follows:

151.173(G)(5)(~~h~~)(f) *Temporary signs.* Temporary signs shall be allowed in addition to all signs allowed under this section and shall not be counted in calculating a site's maximum allowable signage. Temporary signs shall be subject to the following standards.

~~151.173(G)(5)(h)(3) *Residential, nonresidential, and institutional districts.* The following types of temporary signs shall be allowed in residential, nonresidential, and institutional zoning districts. The signs shall be located only on private property, outside of the public right-of-way.~~

~~151.173(G)(5)(h)(3)(a) *Construction signs.* One temporary sign, up to 12 square feet in area, shall be permitted for the duration of an allowed construction project.~~

~~151.173(G)(5)(h)(3)(b) *Temporary uses and special events.* One temporary sign, up to 16 square feet in area, shall be permitted per entrance or per road frontage for temporary uses and special events for which a temporary use permit has been issued in accordance with § [151.114](#)(B). In any event, the total number of signs for a temporary use or a special event shall not exceed two. The signs shall be allowed for the duration of the temporary use permit or such other time as expressly established at the time of approval of the temporary use permit.~~

~~151.173(G)(5)(h)(3)(c) *Real estate signs.* One temporary real estate ("for sale" or "for rent") sign shall be permitted per road or water frontage per parcel. In any event, the total number of signs per parcel shall not exceed two. Temporary real estate signs shall not exceed six square feet in area in RE, E, R-1, R-2, and R-3 Districts, 12 square feet in area in AG (for parcels less than ten acres), R-4, R-4A, R-5, and R-6 Districts, and 32 square feet in area in AG (for parcels ten acres and greater) and nonresidential districts. Real estate signs shall be permitted only on the property for sale or for rent, and shall not be permitted off-site.~~

~~151.173(G)(5)(h)(3)(d) *Directional signs.* One temporary directional sign, up to four square feet in area, shall be permitted per development or per each 1,000 linear feet street right-of-way within a development. Directional signs shall be allowed during the time that lots are being marketed. Directional signs shall contain no commercial message other than the name of the developer/builder.~~

~~151.173(G)(5)(h)(3)(e) *Election signs.* Temporary election signs shall be allowed without a permit.~~

~~151.173(G)(5)(h)(3)(f) *Subdivision marketing signs.* One temporary sign, not to exceed 96 square feet, may be permitted per external road frontage for marketing lots within a subdivision that has received final plat approval in accordance with the provisions of this chapter. The signs shall be set back a minimum of 30 feet from the right-of-way and shall not exceed 15 feet in height. The subdivision signs shall be permitted only during the time lots offered for sale remain unsold. Permits for the signs shall be issued for a one-year period and may be renewed for additional one-year periods to allow time for reasonable display, up to a maximum of five years. Subdivision marketing signs shall be permitted only on the property for sale, and shall not be permitted off-site.~~

151.173(G)(5)(f)(1) *Residential Districts.* Temporary signs shall be allowed in all residential districts without the issuance of a permit. The total number of temporary signs per parcel shall not exceed two. Temporary signs shall not exceed six square feet in area in all Residential Zoning Districts, except for AG. Temporary signs shall not exceed 12 square feet in area in AG (for parcels less than ten acres), and 32 square feet in area in AG (for parcels ten acres or greater).

151.173(G)(5)(f)(2) *Nonresidential and institutional districts.* One temporary sign shall be permitted per road or water frontage per parcel. In any event, the total number of signs per parcel shall not exceed two. Temporary signs shall not exceed 32 square feet in area in nonresidential and institutional districts.

~~151.173(G)(5)(i)(g) *Wall signs.* See subsections (J) and (K) below.~~

~~151.173(G)(5)(i)(h) *Window signs.* See subsections (J) and (K) below.~~

~~151.173(G)(5)(i)(i) *Electronic message boards.* Electronic message boards are allowed, subject to the following standards.~~

Amendment #5

Summary: Modify sign regulations to prohibit permanent signs in residential zoning districts

Amend 151.173(H)/Signs/Maximum Total Sign Area per Lot to read as follows:

151.173(H) Maximum *total sign area per lot.* The sum of the area of all building and freestanding signs on a lot shall be less than or equal to the maximum permitted sign area indicated in Table 151.173(H), Maximum Total Sign Area Per Lot. The lowest number resulting from any of the applicable alternative computations in any column in Table 151.173(H) shall be the maximum total sign area permitted for the respective district class. No permanent signs shall be allowed in residential zoning districts, except identification signs and building markers as described in subsections (b)(1) and (c)(1) above.

Table 151.173(H): Maximum Total Sign Area Per Lot			
	Zoning District Class		
	<i>Residential</i>	<i>Nonresidential</i>	<i>Institutional</i>
Per foot of street frontage (square feet)	N/A	1	0.25
Per linear foot of building frontage (square feet)	N/A	2	0.50
Maximum on vacant land (square feet)	42	60	30
Absolute maximum (square feet)	48	500 [1]	300
[1] The absolute maximum restriction for signage within corporate headquarters or corporate campuses (occupied by a single corporate user) containing at least 250,000 square feet of floor area shall be 3,000 square feet.			

Table 151.173(I): Number and Dimension of Individual Signs			
	Zoning District Class		
	<i>Residential</i>	<i>Nonresidential</i>	<i>Institutional</i>
<i>Freestanding Signs</i>			
Maximum height (feet)	5	30	15
Maximum sign area (square feet)	6 [4]	80 [4]	60
Maximum number [2]	4*	1 or 1 per 200 ft. street frontage	
Minimum setback (feet) [3]	7.5	10	7.5
<i>Building Signs</i>			
Maximum number (see §151.173(J))	4	No maximum	
Maximum area (percent of the wall area to which it is attached)	N/A	10	10
Maximum area (square feet)	2	N/A	N/A
*1 per road entrance or driveway			
N/A = Not applicable			
[1] Maximum size restriction does not apply to residential development entrance signs.			
[2] Maximum number does not include temporary signs, residential development entrance signs or incidental signs.			
[3] All signs shall comply with the intersection visibility standards of § 151.172.			
[4] The maximum size restriction for individual signs for corporate headquarters or corporate campuses (occupied by a single corporate user) containing at least 250,000 square feet of floor area shall be 400 square feet when the signs are adjacent to rights-of-way; however, when signs are located adjacent to an interstate highway, they may be 1,000 square feet.			

Amendment #6

Summary: Provides regulatory language to address non-customary recreational structures, such as skateboard ramps or sport courts, as an accessory structure in residential districts.

Amend 151.113(M)/Accessory Uses to read as follows and renumber all subsequent sections accordingly:

151.113(M) Non-Customary Recreational Structures. Non-Customary Recreational Structures include certain recreational structures which do not customarily occur as an accessory use in residential districts and which have aspects that are characteristic of public, commercial, or community facilities. Examples of non-customary recreational structures include but are not limited to skateboard/bike ramps, sports courts, and ice rinks.

- (1) Zoning. Non-customary recreational structures shall be allowed as an accessory use in the following districts AG, E, and R-1, R-2, R-3, R-4, R-5, and R-6 zoning districts on lots with a minimum lot area of 40,000 square feet, provided all applicable standards are met. A delegated conditional use permit shall be required for lots with an area of less than 40,000 square feet.
- (2) Setbacks. Non-customary recreational structures must meet principal structure setbacks required in the underlying zoning district. In addition to setback requirements for principal structures, non-customary recreational structures shall be located a minimum of 30 feet from any existing structures on any adjoining parcel, such as dwellings, nonresidential buildings, patios, porches, gazebos, decks, but not including swimming pools or storage structures such as garages or sheds. Given the unique impacts of non-customary recreational structures, setbacks and buffering may be modified on a site-specific basis. See subsection (5) of this section.
- (3) Noise. The noise level resulting from a non-customary recreational structure shall not exceed 60 decibels when measured from an adjoining property line.
- (4) Buffering. Given the unique impacts of such structures on surrounding properties, non-customary recreational structures shall require landscape buffering and/or fencing to be determined on a site-specific basis.
- (5) Hours of operation. Hours of operation shall be limited to 8:00 a.m. to 8:00 p.m. For those properties requiring a conditional use permit, hours of operation will be determined as a condition of approval.
- (6) Lighting. Lighting shall subject to the standards of Section 151.168(A)(3) and the hours of operations of subsection (8) above.

Summary: Amending terms defined to include a definition for Non-Customary Recreational Structure

Amend Section 151.271/Terms Defined to read as follows:

NON-CUSTOMARY RECREATIONAL STRUCTURE. A recreational structure intended for the private use of occupants of a principal dwelling and their guests. Examples of non-customary recreational structures include but are not limited to skateboard/bike ramps, sports courts, and ice rinks.

Amendment #7

Summary: Clarification that temporary uses on agricultural properties must be directly related to an agricultural activity.

Amend Section 151.114/Temporary Uses/Events of Public Interest to read as follows:

151.114(K)(3) Events of public interest shall be permitted in residential districts only when located on the site of a permitted nonresidential use. Any temporary event of public interest in a residential zoning district must be directly related to an approved nonresidential or agricultural use.

Amendment #8

Summary: Recognizes public safety training structures as a separate and permitted temporary use on lots of any size.

Amend 151.114/Temporary Use Table to read as follows:

Use Types	AG	RE	E	R1	R2	R3	R4	R4A	R5	R6	RR	GO	LC	RC	GC	LI	II	OS
Public Safety Training Structure (see § 151.114(S))	<u>P</u>	<u>P</u>	<u>P</u>	<u>P</u>	<u>P</u>	<u>P</u>	<u>P</u>	<u>P</u>	<u>P</u>	<u>P</u>	<u>P</u>	<u>P</u>	<u>P</u>	<u>P</u>	<u>P</u>	<u>P</u>	<u>P</u>	<u>P</u>

Summary: This will allow a quasi-governmental agency to conduct training in an on-site temporary structure.

Amend Section 151.114/Temporary Uses/Public Safety Training Structure to read as follows:

151.114(S) The Planning, Building and Development Director shall be authorized to approve the use of temporary structures for public safety training conducted by or on behalf of a governmental public safety entity. In this instance, the Director must determine that the structures are necessary to accommodate a need for such training within the County, and the temporary structure permit shall not exceed a period of more than 1-year.

Amendment #9

Summary: Eliminate gutters from the list of architectural features subject to property line setback encroachment limits, as these features are unobtrusive and are not typically included in building and site plans.

Amend Section 151.131(C)(3)(I)/Features allowed within setbacks to read as follows:

1515.113(C)(3)(I) Overhanging roof, eave, gutter, cornice, awnings, or other architectural features may encroach into required setbacks, provided they do not encroach more than three feet into a required setback and are located at least four feet from all lot lines.

VI. MISCELLANEOUS HOUSEKEEPING

Amendment #1

Summary: Modify name of change of use permit to use permit.

Amend table of content to read as follows:

Use Regulations

151.110 Use permit/~~change of use permit~~

Summary: Provide consistent reference to use permit in place of change of use permit.

Amend Section 151.110/USE PERMIT/CHANGE OF USE PERMIT to read as follows:

151.110 USE PERMIT/~~CHANGE OF USE PERMIT.~~

A use permit shall be required prior to the establishment ~~or change~~ of any use. A Use Permit may also be obtained to identify a use. ~~A change of use permit shall be required prior to any use change.~~

Amendment #2

Summary: Correct typographic errors in the Use Table.

Amend Section 151.111/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	LI	II	OS		
Religious institutions (see §151.270(D)(8))	<u>Religious institutions (no assembly space)</u>	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	§151.112(QQ)	

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	LI	II	OS		
Warehousing and freight movement	<u>Warehousing and freight movement not otherwise classified</u>																P	P		§151.122(Y)	

Amendment #3

Summary: Correct error in text that refers to the incorrect section of the code.

Amend Section 151.112/Use Standards/Agriculture to read as follows:

Section 151.112(C)(2)(d) Standards for non-exempt apiaries shall be subject to conditions provided in Section 151.113 ~~(O)~~(P)

Amendment #4

Summary: Relocate use standards for dredging material stockpiling and processing to maintain alphabetic order.

Relocate and Amend Section 151.112/Use Standards/Dredging material stockpiling and processing (warehousing and freight movement) to read as follow and renumber all subsequent sections accordingly:

151.112~~(BBQ)~~*Dredging material stockpiling and processing (warehousing and freight movement)*

151.112~~(BBQ)~~(3)(a) For properties without an approved access location, evidence that an access permit can be obtained, for the proposed use, from the highway authority ~~or~~ having jurisdiction. For properties with a previously approved access location, evidence from the highway authority having jurisdiction that the existing access point is sufficient to serve the proposed use; if the existing access is insufficient to handle weight or traffic volumes generated by the proposed use, evidence that a new access permit can be obtained, for the proposed use, from the highway authority having jurisdiction.

151.112~~(BBQ)~~(5)(g) Description of the method and equipment utilized to load recyclable and non-recyclable general construction or demolition material for shipment from the facility.

151.112~~(BBQ)~~(6) The ~~CUP~~conditional use permit may establish, as necessary, reasonable conditions that regulate activity on the site including but not limited to:

Amendment #5

Summary: Include a reference of pergolas within accessory uses

Amend Section 151.113/Accessory Uses/General standards to read as follows:

151.113(B)(7)(c) Hoophouses or greenhouses, exclusively used for growing plants for local food production in residential zoning districts, open gazebos, pergolas, swimming pools, cabanas, or similar structures shall not be counted as buildings for purposes of this provision. (See Figure 151.113.)

Amendment #6

Summary- Clarification of street yard setback for a corner lot.

Amend Section 151.113/Accessory Uses/Height and setback standards/Setbacks /Residential development to read as follows:

151.113(C)(2)(a) In residential zoning districts, accessory uses and structures shall meet the ~~front-street~~ setback requirement of the underlying zoning district.

Amendment #7

Summary: Establish consistency of height requirement for accessory dwelling units with Section 151.113(C)(1).

Amend 151.113 /Accessory Uses/Accessory dwellings and caretaker's residences/Other ordinance standards to read as follows:

151.113(D)(2)(a) Accessory dwelling units shall comply with the building codes, codified as Chapter 150. Accessory dwelling units shall be subject to all setback ~~height~~ and impervious coverage standards that apply to principal structures in the underlying zoning district. The maximum height of detached accessory dwelling units shall be subject to the accessory standards of subsection (C)(1) above.

Amendment #8

Summary: Establish consistency of height requirement for Caretaker's residences with Section 151.113(C)(1).

Amend Section 151.113 Accessory Uses/Accessory dwellings and caretaker's residences/Other ordinance standards to read as follows:

151.113(D)(2)(b) Caretaker's dwelling units shall be subject to setback ~~height~~ and impervious coverage standards that apply to principal structures in the underlying zoning district. The maximum height of detached accessory dwelling units shall be subject to accessory standards of subsection (C)(1).

Amendment #9

Summary: Correct an inconsistency between Sections 151.113(I), and 151.131(C)(3)(o) and 151.131(C)(3)(p). Pool aprons are allowed to encroach into setbacks.

Amend Section 151.113(I)/Private Swimming Pools and Tennis Courts to read as follows:

151.113(I) Private swimming pools and tennis courts.

- (1) *Setbacks.* Pools and tennis courts, including but not limited to ~~aprons,~~ walls, and equipment rooms, shall not extend into any required setback area.
- (2) *Fences.* Swimming pools of more than two feet in depth shall be provided with a protective barrier in accordance with the building code.
- (3) *Private use only.* A pool or tennis court accessory to a principal residential use shall not be operated as a business or private club.

Amendment #10

Amend Section 151.113/Accessory Uses/Fences and walls/Fences and walls to read as follows:

151.113(J)(1) Fences and walls shall be permitted in any required setback (except within required visibility triangles, see §151.172). The finished/ornamental side of the fence shall face outward; ~~provided, however, that~~ this requirement may be waived by the Planning, Building and Development Director if it is determined no practical benefit is served based upon an assessment of site conditions.

Amendment #11

Summary: Relocate temporary use standards for material stockpiling and processing to maintain alphabetic order.

Relocate and Amend Section 151.114/Temporary Uses/Material stockpiling and processing to read as follow and renumber all subsequent sections accordingly:

151.114(~~S~~L) *Material stockpiling and processing.* Temporary material stockpiling and processing shall be subject to the following standards:

Amendment #12

Summary: Clarify single family dwellings are allowed additional building height.

Amend Table 151.125 (1) Agricultural and Residential District Density and Dimensional Standards, Conventional Residential Development to read as follows:

Table 151.125(1): Agricultural and Residential District Density and Dimensional Standards, Conventional Residential Development								
Zoning District	Maximum Density (Units per Acre) (§ 151.131 (F))	Min. Lot Size		Minimum Setbacks^{[4][5]} (Ft.) (§ 151.131(C))			Max. ISR (§ 151.131 (D))	Max. Height (Ft.) (§ 151.131 (E))
		Area (Sq. Ft.) (§ 151.131 (A))	Width (Ft.) (§ 151.131 (B))	Street	Side (Min/ Total)	Rear		
AG	0.20	200,000	300	30	30/60	50	0.10[3]	40[1]
RE	0.20	200,000	300	30	30/60	50	0.10[3]	40[1]
E	0.45	80,000	190	30	19/48	30	0.15[3]	40[1]
R1	0.80	40,000	130	30	13/33	30	0.20[3]	40
R2	1.33	20,000	90	30	9/23	15	0.30[3]	40
R3	2.00	12,000	60	30	7/17	15	0.30[3]	40
R4	2.50	8,500	60	30	6/15	15	0.40[3]	40
R-4A	5.00	See Table 151.125(2)				15	0.50[3]	40
R5	8.00	See Table 151.125(2)				15	0.50[3]	40
R6	12.00	See Table 151.125(2)				15	0.50[3]	45
RR	12.00	8,500	50	30	6/15	15	0.50[3]	40

Notes: Setbacks from alleys shall be the same as otherwise applicable side or rear setbacks
[1] Structures Single-family dwellings in the AG, RE, and E Zoning Districts may exceed the 40-foot building height limit by providing additional setbacks, as follows: for each 1 foot of additional height above 40 feet, structures shall be set back from all front, side, and rear property lines by two feet more than the otherwise required minimum setback. Structures in the AG, RE, or E Districts shall not exceed 50 feet in height.
[2] ISR shall be calculated by dividing the total area of all impervious surfaces on the site by the site's base site area.
[3] A transition yard may also be required, which may increase the minimum setback shown in this table. See § 151.167(G).
[4] Any setback from a railroad right-of-way need not exceed 5 feet. A transition yard shall not be required in this instance.

Amendment #13

Summary: Remove typographical error relating to calculating side yard setback for multi-family structures.

Amend Table 151.125 (2) R-4A, R5, and R6 District Lot Size and Setback Standards (Conventional Residential Development) to read as follows:

Table 151.125(2): R-4A, R5, and R6 District Lot Size and Setback Standards (Conventional Residential Development)						
Structure Type		Min. Lot Size	Minimum Setbacks^{[1][2]} (Ft.) (§ 151.131(C))			
		Area (Sq. Ft.) (§ 151.131(A))	Width (Ft.) (§ 151.131(B))	Street	Side (Min/total)	Rear
Detached house		8,500	60	30	6/15	15
Duplex		12,500	85	30	10/23	15
Lot line		8,500	60	30	0/15	15
Multi-dwelling [3], multiplex, townhouse	First dwelling unit	8,500	60	30	6/15	15
	Second dwelling unit	+5,000	+25	00	+4/08	0
	each add'l unit	+3,000	+5	00	+2/04 +1/02	0
Twinhouse		6,250	42.5	30	0/12	15
Note: Setbacks from alleys shall be the same as otherwise applicable side or rear setbacks						
[1] A transition yard may also be required, which may increase the minimum setback shown in this table. See § 151.167(G).						
[2] Any setback from a railroad right-of-way need not exceed 5 feet. A transition yard shall not be required in this instance.						
[3] Not applicable in the R-4A District.						

Amendment #14

Summary: Remove the reference that prohibits the encroachment of a roof on a porch and includes pergola structures in order to clarify the intent of the Ordinance.

Amend Section 151.131/ Measurements and Exceptions/Setbacks/Features allowed within setbacks to read as follows:

151.131(C)(3)(o) In conventional development, open terraces (second story or above), decks, porches (non-enclosed with no walls or screens ~~or roof~~) swimming pool aprons, pergolas, and at-grade patios or paved areas that function as decks may encroach into required setbacks, provided they do not encroach more than four feet into a required setback and are located at least four feet from all lot lines.

151.131(C)(3)(p) In conservation development, open terraces (second story or above), decks, porches (non-enclosed with no walls or screens ~~or roof~~) swimming pool aprons, pergolas, and at-grade patios or paved areas that function as decks, when proposed in conjunction with the single family detached house structure type, may encroach into the required rear yard setback provided they do not encroach more than ten feet into a required setback, the structure's area within the required setback does not exceed 200 square feet, and the lot abuts permanent open space to the rear (no other exceptions shall be allowed for terraces, decks, swimming pool aprons, porches, pergolas, and at-grade patios in conservation developments).

Amendment #15

Summary: Clarifies an outdoor seating area shall meet the side and rear setbacks.

Amend Section 151.131/Measurements and Exceptions/Setbacks/ Features allowed within setbacks to read as follows:

151.131(C)(3)(u) Outdoor seating associated with a restaurant use, shall be allowed within the required setbacks street setback, provided the space is at grade and is separated from the right-of-way by landscaping or man-made barrier, subject to the intersection visibility requirements of Section 151.172.

Amendment #16

Summary: Specify the parking of passenger vehicles may only occur within the street yard setback when on an improved pad not to exceed 400 square feet.

Amend Section 151.165/Off-Street Parking/Location to read as follows:

151.165(F)(2) However, the parking of any car, van, or truck may occur ~~in the front yard between the principal structure and an improved street~~ in residential zoning districts only on an improved pad not to exceed 400 square feet or on an improved driveway (in both cases either gravel, paved, or otherwise improved with hardscape). In no event shall these personal vehicles be allowed to park on grass or other unimproved surface between the principal structure and an improved street ~~in the front yard~~. This provision shall not apply to nonresidential uses permitted in residential zones.

Amendment #17

Summary: Allows Department discretion to require landscaping if a new use has the potential to create a visual impact upon adjacent properties or to correct an existing nonconforming situation.

Amend Section 151.167/Landscaping/Applicability and plant unit standards/ Applicability to read as follows:

151.167(B)(1)(c) Any new nonresidential development or use on any size parcel consisting of at least 1,000 square feet of floor area or 2,000 square feet of impervious surface.

Amendment #18

Summary: Clarify nonresidential parking and loading between the principal building and the street must be paved.

Amend Section 151.165/Off-street parking/Design/Surfacing and maintenance to read as follows:

151.165(H)(3) *Surfacing and maintenance.* All off-street parking areas shall be kept in a dust-free condition at all times. Parking areas for nonresidential uses that are located between a ~~public street~~ an improved street and the principal building on the parcel shall be paved.

Amend Section 151.166/Off-street loading/Design/Surfacing and maintenance:

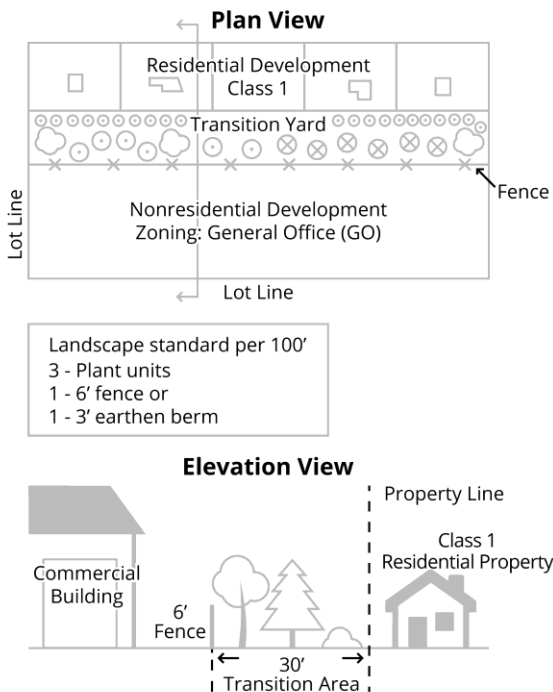
151.166(C)(2)(b) Loading areas located between a ~~public street~~ an improved street and the principal building on the parcel shall be paved.

Amendment #19

Summary: Revise graphic to reflect 3 plant unit standards and remove incorrect detail on calculation of landscape buffer width.

Amend Figure 151.167/Transition Area Landscaping to read as follows:

Figure 151.167(GJ): Transition Area Landscaping



Amendment #20

Summary: Allows sufficient time for certification after installation of lighting.

Amend Section 151.168/Outdoor Lighting/Measurements/Metering equipment to read as follows:

151.168(B)(1) Lighting levels shall be measured in footcandles with a direct-reading, portable light meter. The meter shall read within an accuracy of plus or minus 5%. It shall have been tested, calibrated, and certified by an independent commercial photometric laboratory or the manufacturer within ~~30 days~~ 1-year of the date of its use.

Amendment #21

Summary: Provide clarification on allowing the elective improvement of nonconforming structures.

Amend Section 151.231(D)(2)/Nonconforming uses/Loss of nonconforming status/Damage or destruction to read as follows:

151.231(D)(2) *Damage or destruction.* If a structure containing a nonconforming use is destroyed by ~~any means~~ disaster to the extent of more than 50% of the replacement cost of the structure located above the average ground elevation, the use shall not be reestablished except in compliance with all regulations applicable to the zoning district in which it is located. Any proposed improvement unrelated to damage sustained from a disaster may exceed 50% of the

replacement cost of the structure. Replacement cost calculations will consist of the following process:

Amend Section 151.232/Nonconforming structures/Loss of nonconforming status; damage or destruction to read as follows:

151.232(E) *Loss of nonconforming status; damage or destruction.* If a nonconforming structure is destroyed by ~~any means~~ disaster to the extent of more than 50% of the replacement cost of the structure located above the average ground elevation, it may not be reestablished except in compliance with all regulations applicable to the zoning district in which it is located, or in compliance with subsection (H) below.

151.232(G) *Accessory structures.* No structure that is accessory to a principal nonconforming structure shall continue after the principal structure has been destroyed by disaster to an extent of more than 50% of the replacement cost of the structure located above the average ground elevation, unless the accessory structure complies with all applicable regulations of this chapter.

151.232(H) *Nonconforming single family dwelling and accessory structures.*

- (1) A legal nonconforming single family dwelling or an accessory structure on a foundation may be restored if deteriorated, damaged, or destroyed to an extent greater than 50% of the replacement cost of the structure, provided that the following standards are met:
 - (a) The restored structure does not extend further into any required setback than the existing structure prior to improvement or rebuilding;
 - (b) The restored structure is located at least ten feet from the street lot line and at least four feet from the side and rear lot lines;
 - (c) Any proposed improvement unrelated to damage sustained from a disaster may exceed 50% of the replacement cost of the structure.
 - (~~e~~) Any proposed addition or expansion to the existing structure beyond a repair, remodel, or restoration must meet the setback requirement of the underlying zoning district or the setback requirement for a nonconforming lot, whichever applies; and
 - (~~d~~) If the structure is located in the floodplain and if the restoration constitutes “substantial improvement”, the entire structure shall be brought into conformance with the floodplain provisions of §§ [151.145](#) through [151.154](#).

151.232(I) *Nonconforming multi-dwelling structures.* A multi-dwelling structure that was legally established in accordance with all regulations in effect at the time of establishment shall not be deemed nonconforming solely due to the fact that it does not comply with the maximum density standards of this chapter. If such a structure is destroyed by ~~accidental means~~ disaster, it may be rebuilt, provided that the number of dwelling units does not exceed the number that existed prior to destruction or the maximum density limit of the subject zoning district, whichever is greater.

151.232(J) *Structures rendered nonconforming due to right-of-way acquisition.* If a structure has been rendered nonconforming or made more nonconforming by a public agency’s acquisition of a portion of the lot upon which the structure is located, the structure shall have the

status of a legal nonconforming structure. If the structure consists of a single family dwelling and is subsequently destroyed by disaster, the owner of the single family dwelling may apply for a permit to reestablish the single family dwelling at the same location. Upon notice that the single family dwelling has been destroyed by disaster and that the owner wishes to reestablish the single family dwelling at the same location, the county shall inform the owner in writing that the permit application for the reestablishment shall be submitted within one year of the date of the notification letter. Once a permit has been approved, the single family dwelling must be reestablished before expiration of the permit. All other structures shall be subject to the nonconforming structure provisions of this subchapter.

Amendment #22

Summary: Clarifying the intent of the Ordinance

Amend Section 151.232/Nonconforming Structures/Nonconforming single-family dwelling and accessory structures to read as follows:

151.232(H)(2)(a) The second story does not extend further into any required ~~yard~~ setback than the existing structure.

Amendment #23

Amend Section 151.233/Nonconforming lots/Development standards for nonconforming recorded lots/Consolidation of parcels to read as follows:

151.233(D)(2)(b) Construction of accessory structures such as decks, porches, gazebos, pergolas, sheds, and pools shall be exempt from the consolidation requirement, provided that these structures meet the setback requirement from the common lot line.

Amendment #24

Summary: Modify exceptions under household living to clarify prohibitions on short term rentals in multi-dwelling structures.

Amend Section 151.270/Use Categories/Residential use categories/Household living to read as follows:

151.270(C)(1)(d) *Exceptions.* Lodging in a multi-dwelling unit structure ~~or~~ where ~~less~~ fewer than two-thirds of the units are rented on a monthly or longer basis is considered a hotel or motel use and is classified in the retail sales and service category.

Amendment #25

Summary: Correction of typographic errors.

Amend Section 151.270/ Use Categories/Retail, service, and commercial use categories, Retail sales and service/ Neighborhood Oriented to read as follows:

151.270(E)(5)(c)(1) Animal grooming, art supply stores, barber shops, beauty shops, book stores, banks, camera shops, cigar/cigarette/tobacco stores, clothing stores, currency exchanges, dairy products sales, drug stores, dry cleaning drop-off/pickup with on-site services, electronic equipment stores, electronics/computer sales and service, fabric stores, florist sales, fruit and vegetable markets (retail), grocery stores, hair salons, hardware stores, health food stores, hearing aid sales, hobby shops, jewelry stores, laundry drop-off, laundromats, leather goods sales, liquor stores, locksmiths, magazine and ~~news-stands-newsstands~~, music, musical instrument, and records sales and service, paint and wallpaper sales, personal care services, pet food stores, pet shops, pharmacies, photography studios, picture frame sales and service, shoe repair, ~~stationary~~ stationery stores, tailors and clothing repair, tanning salons, toy stores, video stores, watch and clock sales and repair.

Amendment #26

Summary: Modify definition of household living to remove reference to types of disability.

Amend Section 151.271 TERMS DEFINED to read as follows:

HOUSEHOLD. Any of the following:

- (1) Two or more persons related to one another by blood, marriage, or legal adoption, living together as a single housekeeping unit in a dwelling unit;
- (2) Up to four unrelated persons living together as a single housekeeping unit in a single dwelling unit; or
- (3) Up to eight persons with ~~physical or developmental~~ disabilities and attendant support staff living together as a single housekeeping unit in a single dwelling unit.

Amendment #27

Summary – Consistency of the Latin/botanical name and common name.

Amend Appendix A to read as follows:

Botanical Name	Common Name	Woodland Replacement	Street Tree	Parking Lot	Transition Area
Evergreen Trees					
Picea abies	White <u>Norway</u> Spruce	Y	N	Y	Y
Picea glauca	Colorado <u>White</u> Spruce	Y	N	Y	Y