EXHIBIT A: AMENDMENTS TO CHAPTER 151 THE UNIFIED DEVELOPMENT ORDINANCE

Underline and ~~Strikethrough~~ – Staff recommendations

Underline and ~~Strikethrough~~ – ZBA recommendations

I. 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 kennels. ~~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 during normal business hours 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:

		Residential										Nonresidential								
Use Category	Use Types	AG	RE	E	R1	R2	R3	R4	R4a	R5	R6	RR	GO	LC	RC	GC	LI	II	OS	Use Standard	CUP Decision
Rural Business (See 151.270(G))	Rural Business (on sites of 200,000 sq. ft. or more)[4]	P[4]		C	C															151.112(RR)	ZBA
[4] 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. For those uses allowed by right, 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.~~

II. Local Food

Amendment #4

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:

151.113(Q)(2)(a)(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 ~~C~~coops shall not exceed 8 feet in height.

Amendment #5

Summary: Allows 4 hens on any size property

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

151.133(Q)(1)(a)

Minimum Lot Size	*Maximum Number of Hens Allowed*
~~None~~	~~4~~
10,000 sq. ft.	6
20,000 sq. ft.	8
40,000 sq. ft.	10
80,000 sq. ft.	12

Amendment #6

Summary: Allows ornamental plants to be grown in residential hoophouses.

Amend 151.113(B) Accessory Uses/General Standards to read as follows:

151.113(B)(5)(c) Nonresidential or agricultural-exempt uses, or hoophouses or greenhouses, exclusively used for growing ornamental plants or plants for local food production in residential zoning districts, shall be exempt from area-related provisions for accessory structures.

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

151.113(B)(9)(c) Temporary hoophouses, greenhouses, or other frame-designed structures not meeting applicable building codes except as allowed under the state's agricultural exemption or for exclusively growing ornamental plants or plants for local food production in residential zoning districts;

Summary: Allows a reduction in minimum lot size for residential hoophouses and aligns maximum square footage with standard commercially available residential hoophouses.

Amend 151.113(H)/Accessory Uses/Hoophouses to read as follows:

151.113(H)(1) Hoophouses and greenhouses on residentially zoned properties shall be used for the primary exclusive purpose of growing ornamental plants or plants for local food production. Hoophouses shall not exceed, in the aggregate, ~~50~~ 100 square feet in area for ~~each~~ lots ~~less than~~ 10,000 square feet or less in lot area, ~~with a minimum lot size of 10,000 square feet.~~ An additional 100 square feet in area shall be allowed for each additional ~~10,000~~ 20,000 square feet in lot area. There shall be no limit on the size or number of hoophouses kept on agriculturally exempt parcels with an area of 200,000 square feet or more.

151.113(H)(2) *Street setbacks.* Hoophouses shall not be located between the principal building and any improved 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.

Amendment #7

Amend 151.113/Accessory Uses to read as follows:

151.113(F)*Cottage Food Operations.* Cottage Food Operations shall be subject to the home occupation provisions of subsection (E) above. The operator must annually submit an Application for Cottage Food Operation registration form to the Lake County Health Department.

> Commentary: The Illinois Cottage Food Operation Act, 410 ILCS 625, provides additional standards for the preparation and sale of food under a Cottage Food Operation, including compliance with applicable health regulations.

Summary: Exempts cottage food operations from prohibited food service businesses.

Amend 151.113/Accessory Uses/Customary home occupations/Food service businesses to read as follows:
151.113(E)(5)(e) Food service businesses, including all types of restaurants and food catering operations, shall be prohibited as home occupations. Cottage Food Operations, which permits production of certain food items in the kitchen of a person's primary residence for sale exclusively at farmers' markets, shall be allowed as a home occupation.

Amendment #8

Summary: Recognizes local food gardens as separate and permitted agricultural land use on lots of any size.

Amend Section 151.111 Zoning Use Table to read as follows:

		Residential										Nonresidential								
Use Category	Use Types	AG	RE	E	R1	R2	R3	R4	R4a	R5	R6	RR	GO	LC	RC	GC	LI	II	OS	Use Standard	CUP Decision
Agriculture	Local Food Garden	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	151.112(FF)	

Summary: Identifies standards for the Local Food Garden use.

Amend Section 151.112(FF) to read as follows and renumber all subsequent sections accordingly:

(FF) Local Food Garden (Agriculture use category). The standards of this subsection (FF) shall apply to local food gardens that are principal uses.

(1) *Operations and Maintenance*

(a) The operation and maintenance of local food gardens shall be allowed only during daylight hours.

(b) Regular weeding and maintenance shall be required to maintain a property free from grass and/or weed growth in excess of 10 inches.

(c) If a cover crop or mulch is not used during end of season maintenance, all annual plants shall be cropped to a height of not more than 10 inches and waste material must be discarded at the end of the growing season.

(d) Any composting areas shall be located on the same parcel as the permitted local food garden, all composted materials must be produced on site, no compost pile shall exceed 4 feet in height, and no single compost pile can be in excess of 100 square feet in area. All compost piles shall be fenced with a six foot solid fence, and be setback a minimum of 30 feet from any existing structure on any adjoining parcel, not including storage structures such as garages or sheds.

(e) Local food gardens must be maintained as to remain free from undue accumulated waste, such as to cause odors reasonably detectable on adjacent properties.

(2) *Accessory structures.*

(a) Sheds not to exceed 250 square feet in area shall be permitted to serve local food gardens, and shall only contain tools and materials to cultivate onsite crop raising.

(b) Hoophouses shall be permitted and shall comply with Section 151.113(H).

(c) Above ground water storage structures and/or cisterns may be permitted at the discretion of the Planning, Building and Development Director, and adequate visual screening and buffering is required for such structures.

(d) Accessory structures 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.

(3) Ornamental plants may be cultivated in local food gardens.

(4) Sufficient off-street parking shall be provided to serve local food garden operations, as determined by the Planning, Building and Development Director.

COMMENTARY: Mechanized equipment and hand labor similar in scale and designed for residential gardening shall be permitted. The use of large-scale mechanized farm equipment, not customarily used for residential gardening, such as combines, disc plows, and large engine tractors is prohibited.

Summary: Allows Local Food Gardens on nonconforming lots.

Amend Section 151.233(B)(1)/Nonconforming Lots/Uses to read as follows:

151.233(B)(1) In AG, RE, E, R1–6, and RR Districts, vacant nonconforming lots may be developed with a detached house, government uses or structures containing no assembly space, ~~or~~ basic utility structures, or local food gardens provided that the use complies with the minimum standards of this section and the requirements of the Lake County Health Department or other agency providing sewer service.

Summary: Defines Local Food Garden.

Amend Section 151.271/Terms Defined to read as follows:

Local Food Garden. A parcel or any portion thereof, managed and maintained by a person or group of persons, for the growing and harvesting of food products and/or ornamental plants~~,~~ exclusive of those agricultural uses that require large-scale mechanized equipment not customarily used for residential gardening.

Amendment #9

Summary: Adds Farm-to-Table Events as a permitted Event of Public Interest.

Amend 151.114/Temporary Uses/Events of public interest to read as follows:

151.114(K) Events of public interest, including but not limited to picnics, races for motorized vehicles, water craft or air craft races, fishing derbies, dinner dances, fundraisers, survival games, haunted houses, outdoor concerts, auctions, tent meetings, farm-to-table events, and supervised public display of fireworks shall be subject to the following standards.

151.114(K)(13) In addition to the conditions listed above, a temporary food service permit for farm-to-table events must be obtained from the Lake County Health Department prior to issuance of a temporary use permit.

Amendment #10

Summary: Adds Farmers' Markets as a type of permitted Temporary Sales.

Amend Section 151.114 Temporary Uses to read as follows:

		Residential											Nonresidential								
Use Category	Use Types	AG	RE	E	R1	R2	R3	R4	R4a	R5	R6	RR	GO	LC	RC	GC	LI	II	OS	Use Standard	CUP Decision
Agriculture	Farmers' Markets	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P		

Amend 151.114/Temporary Uses/Temporary Sales to read as follows:

151.114(M) The standards of this subsection (M) shall apply to farm produce sales, retail nursery sales associated with wholesale nurseries, Christmas tree sales, garage sales, farmers' markets, and food sales.

Amend 151.114/Temporary Uses/Temporary Sales to read as follows:

151.114(M)(6) *Farmers' Markets.*

(a) Farmers' markets, defined as an area for farmers and gardeners to sell agricultural produce and products to the public, may be allowed by temporary use permit in all zoning districts for a maximum of 24 days per calendar year. In residential zoning districts, farmers' markets shall be allowed only when located on parcels with a permitted nonresidential use having a minimum area of 80,000 square feet and a minimum road frontage of 190 feet.

(b) Sales may be conducted from trucks, open booths, or temporary structures. At least 75% of the vendors must sell products obtained from local food production or a cottage food operation.

(c) Farmers' markets shall be allowed only during daylight hours, with specific hours of operation specified in the temporary use permit.

(d) All sales booths, temporary structures, and trucks being used to sell produce and products must maintain a minimum of 30-foot setback from all property lines, streets, and public rights-of-way.

(e) The property shall be of sufficient size to provide adequate off-street parking in addition to required parking for any existing use on the property. There shall be no parking permitted in a right-of-way.

(f) Sales shall be conducted in such a manner so as not to interfere with traffic or cause a nuisance.

(g) The access drive to the site shall be located at least 150 feet from the right-of-way of any public road intersection or other major access drive unless there is an existing access point within 150 feet of the intersection and the highway authority having jurisdiction grants approval to use the existing access.

(h) The operator and/or vendors must operate in compliance with all applicable state and federal laws and obtain all permits and registrations as required by Lake County and State of Illinois Health Departments prior to issuance of a temporary use permit.

Amendment #11

Summary: Allows value-added products to be sold through Farm Produce Sales

Amend Section 115.114/Temporary Uses/Temporary Sales/Farm produce sales (seasonal) to read as follows:

115.114(M)(1)(a) Seasonal sales of farm produce and value added agricultural products may be allowed by Temporary Use permit in all zoning districts for a period not to exceed 8 months per calendar year. In residential zoning districts, seasonal sale of farm produce and value added agricultural products shall only be allowed on parcels having a minimum area of 80,000 square

feet and a minimum road frontage of 190 feet and further provided that the majority of such produce and primary ingredients of products are ~~is~~ grown on-site.

Summary: Add value added agricultural processing as an allowed accessory use to Agriculture Use Category.

Amend 151.113/Accessory Uses to read as follows:

151.113(R) *Value Added Agricultural Processing.* Value added agricultural processing is permitted as an accessory use to an agriculture use on zoning lots of 200,000 square feet or more, provided the following conditions are met:

(1) The agricultural processing must be clearly subordinate to and supportive of the principal agricultural use of the property. The total processing area must be 1,200 square feet or less in gross floor area. The primary ingredients used must be grown on-site.

(2) The agricultural processing will not cause odor, vibration, noise, electrical interference, or fluctuation in voltage that is perceptible beyond the lot line of the parcel upon which the agricultural processing is conducted.

(3) Any outdoor processing operation shall be located at least 50 feet from all property lines.

(4) Examples of permitted agricultural processing of products include but are not limited to food products, cheese, honey, herbal products, soap, and woolen goods. Any and all processing of fish, meat or game is prohibited.

(5) The operation shall comply with all federal, state, and local laws.

Amend 151.270/Use Categories/Other use categories/Agriculture to read as follows:

151.270(G)(1)(c) *Examples.* Examples of the agriculture uses "not otherwise classified" include the following: animal (farm animal) breeding or raising; dairy farm's farming; value added agricultural processing, truck gardening; tree farming; non-retail greenhouse/nursery; plant nurseries (wholesale); and riding academies.

Amend 151.270/Use Categories/Other use categories/Agriculture/Exceptions to read as follows:

151.270(G)(1)(d)(4) Value added agricultural processing is not considered Manufacturing and Production.

Amend Section 151.271 TERMS DEFINED to read as follows:

Value Added Agricultural Processing. The small-scale processing and/or packaging of raw agricultural products resulting in an increase in the value of the agricultural product.

Value Added Agricultural Product. An agricultural product that has been modified from its raw physical state or form in order to enhance the value for sale to the consumer.

III. Parking Regulations

Amendment #12

Summary: Modify parking table to change parking requirements for restaurants and warehouses. Modifications provide flexibility in parking standards by differentiating within use types based on parking demands (e.g., fleet vehicle parking, employee parking)

Amend Section 151.165(B)/Off-Street Parking/Parking Table to read as follows:

Retail Sales and Service	~~Restaurant, fast food~~ Class "A" Restaurant	~~14~~ 12 per 1,000 square feet, plus 1 per 3 employees, plus stacking spaces per §151.165(I)
	~~Restaurant, standard~~ Class "B" Restaurant	~~12~~ 14 per 1,000 square feet, plus 1 per 3 employees
	Class "C" Restaurant	12 per 1,000 square feet, plus1 per 3 employees.
Warehousing and freight movement		~~0.25 per 1,000 square feet~~ 1 per employee

Summary: Modify floor area standards to account for departmental practice of calculating net floor area rather than gross floor area to determine the parking requirements for a use.

Amend 151.165(C)(3)/Off-Street Parking to read as follows:

151.165(C)(3) *Area measurements.* Unless otherwise noted, all square footage-based parking standards must be computed on the basis of ~~gross~~ floor area~~.~~ used or intended to be used for office space (as a principal use), service areas accessible to customers, patrons, clients, patients or tenants, including areas occupied by fixtures or equipment used for display or sale of merchandise. Floor area for the purposes of this section shall not include any area used for:

(a) Storage accessory to the principal use of the building;
(b) Window displays;
(c) Offices or spaces incidental to the management or maintenance of a store or building;
(d) Restrooms;
(e) Utilities, including HVAC systems; or
(f) Dressing, fitting, or alteration rooms.

Summary: Include a description of fleet vehicle parking to address the modified office parking requirements calling for additional parking spaces to accommodate fleet vehicles.

Amend 151.165(C)(5)/Off-Street Parking to read as follows and renumber all subsequent sections accordingly:

151.165(C)(5) *Fleet parking*. For the purpose of computing parking requirements, any vehicle owned or leased by a business, government agency, or other organization, rather than by an individual, shall be provided 1 space on the same zoning lot as the principal use. Spaces shall be sized appropriately for fleet vehicles.

Summary: Clearly state that applicants must consider their individual operating standards, which may require additional parking.

Create Subsection 151.165(C)(7)/Off-Street Parking to read as follows:

151.165(C)(7) *Consideration of operational standards*. The provisions of this section represent the minimum required parking. It is the responsibility of the applicant to consider their unique operational needs, which may require additional parking. The Planning, Building and Development Director may require additional analysis of business operational needs.

Summary: Clearly state that applicants must consider their individual operating standards, which may require circulation planning.

Create Subsection 151.165(H)(4)/Off-Street Parking to read as follows:

151.165(H)(4) *Consideration of operational standards*. The provisions of this Section represent the minimum traffic circulation standards. It is the responsibility of the applicant to consider their unique operational needs, which may require unique parking stall sizes, aisle widths, and circulation radii. The Planning, Building and Development Director may require additional analysis of business operational needs, such as modeling of vehicle maneuverability.

Summary: Modify the definitions section to account for changes in restaurant parking requirements and classification.

Amend 151.271/Terms Defined to read as follows:

~~***RESTAURANT, FAST FOOD.*** An establishment whose principal business is the sale of food and/or beverages in a ready-to-consume state for consumption within the restaurant building; within a motor vehicle on the premises; or off-premises as carry-out orders, and whose principal method of operation is characterized by the service of food and/or beverages in disposable or edible containers.~~

~~***RESTAURANT, STANDARD.*** An establishment whose principal business is the sale of food and/or beverages to customers in a ready-to-consume state, and whose principal method of operation includes one or both of the following characteristics: customers, normally provided with an individual menu, are served their foods and beverages by a restaurant employee at the same table or counter at which food and beverages are consumed; and/or a cafeteria-type operation where food and beverages generally are consumed within the restaurant building.~~

Amend 151.271/Terms Defined to read as follows:

Restaurant, Class "A" (i.e., "Fast Food"). A restaurant which exhibits any three (3) or more of the following characteristics: (1) Provides drive-through service, (2) Sells prepared food ready to

carryout, (3), Holds no County liquor license, (4) Does not accept dining reservations, or (5) Little or no advertising on an individual establishment basis.

Restaurant, Class "B" (i.e., "Fast Casual"). A restaurant which exhibits any three (3) or more of the following characteristics: (1) Limited service or self-service format, (2) Significant portion of sales are carryout orders, (3) Holds a County-issued Class E County liquor license, (4) Does not accept dining reservations, or (5) Does little or no advertising on an individual establishment basis.

Restaurant, Class "C" (i.e., "Full Service"). A restaurant which exhibits any three (3) or more of the following characteristics: (1) Full table service is available, (2) Holds a County-issued Class A, B, or E liquor license, (3) Meeting and/or banquet facilities incidental to the principal use are available, (4) Provides carry out in ~~additional~~ addition to full table service, or (5) Advertising primarily on an individual establishment basis.

IV. Landscaping

Amendment #13

Summary: Modify the replacement requirements for the removal of protected significant trees. The revisions to the required plant material reflects a more suitable and sustainable 'per acre' product.

Amend 151.071/Natural Resource Protection Standards/Woodlands and significant trees/Resource protection measures/Replacement of woodland credit to read as follows:

151.071(I)(6)(e)(2)(c)

Plant Material Required Per Acre	Minimum Size of Plant Material	
Option 1	~~10 Canopy trees~~	~~4-inch caliper size~~
	10 Canopy trees	3-inch caliper size
	~~50~~ 20 Canopy trees	2-inch caliper size
	~~20~~ 30 Understory trees	2-inch caliper size
	~~100 Shrubs~~	~~3-foot height~~
Option 2	~~10 Canopy trees~~	~~4-inch caliper size~~
	10 Canopy trees	3-inch caliper size
	~~100~~ 50 Understory trees	1-1/2-inch caliper size
	~~200 Shrubs~~	~~3-foot height~~

Amendment #14

Summary: Revise replacement standards for significant trees to simplify administration of these provisions.

Amend 151.071/Natural Resource Protection Standards/Woodlands and significant trees/Resource protection measures/Removal, damage and replacement of significant trees/Replacement to read as follows:

151.071(I)(7)(c)(2) The combined total ~~diameter breast height~~ caliper of the replacement trees shall equal at least the combined ~~diameter breast height~~ caliper of the trees to be removed, and all replacement trees shall have a minimum caliper size of ~~four and one half inches~~ three inches.

Amendment #15

Summary: Revise replacement standards for significant trees to simplify administration of these provisions.

Amend 151.071/Natural Resource Protection Standards/Woodlands and significant trees/Resource protection measures/Removal, damage and replacement of significant trees/Replacement to read as follows:

151.071(I)(7)(c) (3) If trees that may have fallen under natural resource protection have been removed prior to site capacity/site plan review approval or in the absence of a tree survey, a licensed arborist must provide an assessment of the impact using all available information. The burden of determining the extent of natural resources shall, in all cases, be upon the property owner and/or developer. In the absence of credible evidence supplied by the applicant, staff shall determine the extent to which protected Woodlands or Significant Trees have been impacted based on all available information.

Amendment #16

Summary: Move plant unit standards from applicability requirements and combine with plant materials requirements for the purposes of relevance and ease of interpretation.

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

151.167(B) *Applicability* ~~*and plant unit standards.*~~

151.167(B) ~~(1) *Applicability.*~~ The standards of this section shall apply to the following development types (see also §151.167(~~G~~J *Landscape standards for transition areas*):

(a) All development subject to the site capacity calculations/site plan review procedures of §151.070(A); and

(b) All nonresidential development adding at least 1,000 square feet of floor area or 2,000 square feet of impervious surface (on any size parcel) when adjacent to a residential use or zoning district.

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

~~COMMENTARY:~~
~~Plant unit calculations establish the total quantity of required plant material while allowing the landscape architect or other design professional flexibility in allocating and distributing plant material. Existing plant material protected during construction may be used to satisfy the plant material requirements provided the type and size of the plant material meets the plant material standards of this chapter and the plant material is not an invasive or noxious variety.~~

~~(2) *Plant unit standards.* A plant unit is a measurement used to determine the quantity of plant material for screening and shading.~~
~~(a) One plant unit is comprised of all of the following elements:~~
~~1. One canopy tree;~~
~~2. Two understory trees;~~
~~3. Two evergreen trees; and~~
~~4. Seven shrubs.~~
~~(b) With the approval of the Planning, Building and Development Director, the composition of a plant unit may be varied if the intended purpose of the landscaping is not compromised.~~

Amendment #17

Summary: Reorganize landscaping section to incorporate existing Director discretion

Amend 151.167/Landscaping to read as follows:

151.167(C) *Modification of landscape standards*. So long as the intended purpose of the landscaping is not compromised, landscape requirements may be modified by the Planning, Building and Development Director in instances such as:

(1) When installing the plant material would compromise the health, vitality, or ecology of existing vegetation, or those natural resources requiring protection under §151.070; or

(2) Where unique limitations of the site preclude the installation of the required plant units, or

(3) When the principal use of the site is changed to a principal use of the same or lesser intensity.

Amend 151.167/Landscaping/Landscape standards for open space

151.167(~~F~~I)(3) *Landscape standards for common open space.*

~~*(3) Waiver of landscape standards.* The Planning Director may fully or partially waive the installation of the required plant units and in conjunction with the waivers impose conditions on the installation of the plant material in the following instances:~~

~~(a) When installing the plant material would compromise the health, vitality, or ecology of existing vegetation, or those natural resources requiring protection under § 151.070; or~~

~~(b) Where the type or intent of the open space would preclude the installation of the required planting units.~~

Amend Section 151.167/Landscaping/Landscape standards for transition areas/Location to read as follows:

151.167(G)((3~~)(c) In those instances where it may not be practical to install the plant material within a transition area, or when the principal use of the site is changed to a principal use of the same or lesser intensity, the Planning, Building and Development Director may approve the use of a fence, berm, and/or landscaping to mitigate the difference in development types.~~

Amendment #18

Summary: Move plant unit standards from applicability requirements and combine with plant materials requirements because of relevance and ease of interpretation. Minor updates to plant material section to reflect industry changes and to match rest of ordinance. Add additional height requirement for columnar evergreens.

Amend 151.167/Landscaping to read as follows:

151.167(E) Plant *unit and plant material standards*. Plant material used to satisfy the standards of this section shall comply with the following standards:

(1) *Plant units.* A plant unit is a measurement used to determine the quantity of plant material required.

(a) One plant unit is comprised of all of the following elements:

1. One canopy tree;
2. Two understory trees;
3. Two evergreen trees; and
4. Seven shrubs.

(2) *Plant Material.* Plant material used to satisfy the standards of this section shall comply with the following standards.

(a) *Size*. Unless otherwise expressly provided, all plant materials used to satisfy the requirements of this section shall meet the following minimum size standards:

Plant Type	**Minimum Size**
Canopy tree	3 inch caliper
Understory/ornamental tree	2 inch caliper or 8 feet height
Evergreen/conifer tree	8 feet height
Shrubs	
Broadleaf/deciduous	3 feet height
Needleleaf/evergreen	2 feet height
Columnar evergreen	3 feet height

(b) *Examples of species*. Species of plant material that satisfy the requirements of this section are contained in Appendix A. That Appendix categorizes plant species as either "canopy trees", "evergreen/~~conifer~~ trees", "understory/~~ornamental~~ trees", ~~"broadleaf/deciduous shrubs"~~ or ~~"needleleaf/evergreen~~ shrubs". Varieties and cultivars of the plant species listed in Appendix A may be used to satisfy the requirements of this section, provided that the variety or cultivar used complies with applicable size and form standards.

(c) *Quality*. Plants installed to satisfy the requirements of this section shall meet or exceed the plant quality standards of the most recent edition of American Standard for Nursery Stock, published by the American ~~Association of Nurseryman~~Horticulture Industry Association. Plants shall be nursery-grown and balled ~~and burlapped~~ with burlapping or other suitable material that is biodegradable.

(d) *Additional landscape treatment*. All required landscape areas not dedicated to trees, shrubs or preservation of existing vegetation shall be landscaped with grass, groundcover, or other landscape treatment, not including sand, rock, or pavement.

(e) *Species mix*. For projects requiring more than five canopy trees, each plant type (i.e., canopy tree, understory tree, etc.) associated with the landscape requirements of this section, no single plant species shall represent more than 40% of the total plantings of each plant type.

(f) *Berms not required in perimeter landscape transition areas*. Any berm at least five feet in height whose toe is within 25 feet of any right-of-way or other property line shall be improved with a minimum of one plant unit per 100 linear feet for every five feet of height up to a maximum height of 20 feet. The Planning, Building and Development Director may modify the planting requirements for berms proposed in locations that will be buffered by existing natural features or are proposed in locations that will not impact drainage patterns or neighboring land owners.

Amendment #19

Summary: Include credits for the incorporation of native plants to encourage sustainable practices. Reduce the minimum size for parking lot islands to correspond with typical minimum parking spot sizes for design purposes. Simplify requirements for projects where standards overlap.

Amend 151.167/Landscaping/Landscaping standards for parking lots to read as follows:

151.167 (~~D~~F) *Landscape standards for parking lots.*

(1) *Applicability.* The parking lot landscaping standards of this subsection (~~D)~~ (F) shall apply to all off-street parking areas containing more than five off-street parking spaces with the exception of interior landscaping associated with multi-level parking structures. The standards of this subsection ~~(D)~~ (F) shall not apply to storage of new or used motor vehicles or boats or to trucking or motor freight terminals that are not open to the public.

(2) *Area and planting standards.*

(a) Parking lots that are greater than 4,000 square feet shall contain landscaped areas to break up the expanse of pavement. The landscaped areas shall be located entirely within the lot in either internal or corner islands and conform to the following area ratios:

Parking Lot Area	***Required Landscape Area***
4,000 sq. ft. to 10,000 sq. ft.	5% of paved surface
Greater than 10,000 sq. ft.	10% of paved surface

(b) Each 325 square feet of required landscape area shall contain the following plant material:

2 Canopy trees	3-inch caliper
5 Shrubs (low growing, not to exceed 3 ft. ht.)	2 ft. ht.

(c) Existing vegetation located within the interior or the corner portions of the parking lot may be counted towards required landscape plantings upon approval by the Planning, Building and Development Director.

(d) Native perennials and grasses may be planted in lieu of shrubs, up to 20% of the total number of required shrubs. Three (3) native perennial plants or native grasses shall equal one (1) shrub.

(~~d~~e)The minimum width of all parking lot landscaped areas shall be nine feet and shall be protected by raised curbs with a minimum height of four inches with the exception of low impact development features (see Appendix A) as appropriate.

(~~e~~f) The minimum area for a corner island shall be ~~225~~ 200 square feet.

(~~f~~g) The finished grade (crown) of interior planting areas shall not be less than three inches above curb or pavement with the exception of low impact development features as appropriate.

(~~g~~h) The parking lot perimeter shall be landscaped with a minimum of one plant unit per 100 lineal feet (not to include ingress/egress dimensions). In situations where the perimeter of the parking lot overlaps with required transition areas, whichever requirement is greater shall apply.

(~~h~~i) Prior to planting, all interior areas shall be excavated to a depth of three feet and amended with a soil mixture consisting of one part screened topsoil, one part existing topsoil and two parts of organic compost, or an approved equivalent, with the exception of other soil mixtures as necessary to accommodate low impact development features. This requirement may be waived upon confirmation by the Planning, Building and Development Director that the pre-existing soil is suitable for planting and drainage, and that no amendments are necessary.

(~~i~~j) All landscaped areas that are not planted in grass shall be mulched with a three-inch layer of shredded hardwood bark mulch or stone.

(jk) A maintenance schedule shall be provided for review prior to approval of the landscape plan.

Amendment #20

Summary: Relocate section on Best Management Practices (BMPs) to encourage greater utilization. (Move out of the Exceptions section and put under its' own header earlier in the chapter).

Amend 151.167/Landscaping/Best management practices to read as follows:

151.167(G) *Best Management Practices*. With the incorporation of best management practices (BMPs), low impact development practices (LIDs), or other sustainable practices into the project, the Planning, Building and Development Director may allow the required landscaping to be reduced or arranged in a manner that will enhance the design concept. Refer to Appendix A for examples of BMP, LID, and sustainability features.

Considerations shall include the following.

(a) To qualify for consideration, sustainability features such as swales or bio-filters shall be placed in islands or at the perimeter of the parking areas and shall be designed to improve the filtration and quality of stormwater runoff.

(b) Proposals to modify the type or quantity of landscape material may be allowed in exchange for the installation of plant species such as native trees, shrubs, grass, or perennials that will enhance the filtering capacity of the site and promote the use of diverse native species.

(c) Proposed swales or filters using a structural pervious surface may be used for parking or drive aisles provided the features are designed to withstand vehicular loads.

(d) At the discretion of the Planning, Building and Development Director, an increase in the on-site impervious surface ratio of up to 10% may be allowed on the site in exchange for the addition of BMP or LID features, provided that the total impervious surface ratio shall not exceed 80%.

(1) The following BMP/LID incentives are available subject to the above considerations:

Best Management Practice	***Incentives***
Permeable pavement	Additional impervious surface Can be used for parking/drive aisle Reduced curb & gutter Wheel stops in lieu of curb & gutter Alteration of plant species/quantity
Structural soil	Additional impervious surface Alteration of plant species/quantity
Vegetated swale or buffer bio-retention cell/rain garden	Additional impervious surface Reduced curb & gutter

	Wheel stops in lieu of curb & gutter Alteration of plant species/quantity

(2) Provide both a short-term and long-term maintenance and management plan of BMP areas.

Amendment #21

Summary: Clarify provisions for ultimate rights-of-way.

Amend 151.167/Landscaping/Landscape standards for streets to read as follows:

151.167(~~E~~H) *Landscape standards for streets.*

(1) *Subdivision and local streets.* Subdivision and local streets shall have two canopy trees per 100 feet of road frontage.

(2) *Arterial/collector/freeway.*

(a) Residential uses abutting an arterial or collector street or a freeway shall have three plant units per 100 feet of road frontage.

(b) Nonresidential uses abutting an arterial or collector street or a freeway shall have one plant unit per 100 feet of road frontage.

(3) *Ultimate right-of-way provisions.*

(a) Where a parcel extends to the centerline of an existing street or where the existing street adjacent to the development site contains less than the right-of-way width specified in § 151.169, the landscape material shall be located no closer than the ultimate right-of-way line of local streets and no closer than one foot outside the ultimate right-of-way of collector streets, arterial streets, and freeways unless the roadway authority provides written notice there is no immediate or foreseen future need to widen the right-of-way.

(b) No landscaping shall be located within the existing right-of-way of any public road without written consent of the highway authority having jurisdiction over the public road.

Amendment #22

Summary: Remove Best Management Practices subsection.

Amend 151.167/Landscaping/Exceptions to read as follows:

151.167(~~I~~L) Exceptions.

(1) Plant material existing within a transition area of a proposed development site or on an adjacent parcel that has comparable composition and density to the minimum landscape

standards of this section may be used to satisfy landscape requirements, provided that the plant material is designated and protected as permanent open space and further provided that, if the plant material is located on the adjacent property, a written agreement between both adjoining property owners is reached and recorded against both properties. In this instance, the existing plant material need not comply with the "species mix" standards of this section.

(2) A protected natural resource that exists on a proposed development site within the transition area or on an adjacent parcel may be counted toward meeting the transition landscape requirements of § 151.167(~~F~~G), provided that the following minimum width is provided.

Mature Woodland	***Young Woodland or Grove***	***Other Resources***
30 feet	40 feet	100 feet

(3) If a development is proposed on a tract of land that exceeds the minimum lot area standard of the zoning district in which it is located, the landowner may designate a smaller area of parcel as the development site and provide landscaping in accordance with this section within the smaller development site area. In order to use this provision, the size of the designated development site and the remaining land area of the tract must both equal or exceed the minimum lot size and width standard of the underlying zoning district.

(4) Landscaping shall not be required for accessory uses or additions to principal uses, provided that:

(a) The accessory use or addition does not exceed 1,000 square feet of gross floor area or 2,000 square feet of impervious surface area; and

(b) The Planning, Building and Development Director determines that no adverse land use impacts will result.

~~(5) With the incorporation of best management practices (BMPs), low impact development practices (LIDs), or other sustainable practices into the project, the Planning, Building and Development Director may allow the required landscaping to be reduced or arranged in a manner that will enhance the design concept. Refer to Appendix A for examples of BMP, LID, and sustainability features.~~

~~(a) Considerations shall include the following.~~

~~1. To qualify for consideration, sustainability features such as swales or bio-filters shall be placed in islands or at the perimeter of the parking areas and shall be designed to improve the filtration and quality of stormwater runoff~~
~~2. Proposals to modify the type or quantity of landscape material may be allowed in exchange for the installation of plant species such as native trees, shrubs, grass, or perennials that will enhance the filtering capacity of the site and promote the use of diverse native species.~~
~~3. Proposed swales or filters using a structural pervious surface may be used for parking or drive aisles provided the features are designed to withstand vehicular loads.~~

4. At the discretion of the Planning, Building and Development Director, an increase in the on-site impervious surface ratio of up to 10% may be allowed on the site in exchange for the addition of BMP or LID features, provided that the total impervious surface ratio shall not exceed 80%.

(6) The following BMP/LID incentives are available subject to the above considerations:

Best Management Practice	***Incentives***
Permeable pavement	Additional impervious surface Can be used for parking/drive aisle Reduced curb & gutter Wheel stops in lieu of curb & gutter Alteration of plant species/quantity
Structural soil	Additional impervious surface Alteration of plant species/quantity
Vegetated swale or buffer bio-retention cell/rain garden	Additional impervious surface Reduced curb & gutter Wheel stops in lieu of curb & gutter Alteration of plant species/quantity

Amendment #23

Summary: Combine plant material standards with plant unit standards.

Amend 151.167/Landscaping/Plant material standards to read as follows:

151.167(L) *Plant material standards.* Plant material used to satisfy the standards of this section shall comply with the following standards.

(1) *Size.* Unless otherwise expressly provided, all plant materials used to satisfy the requirements of this section shall meet the following minimum size standards:

Plant Type	***Minimum Size***
Canopy tree	3 inch caliper
Understory/ornamental tree	2 inch caliper or 8 feet height
Evergreen/conifer tree	8 feet height
Shrubs	
- Broadleaf/deciduous	3 feet height
- Needleleaf/evergreen	2 feet width

(2) *Species.* Species of plant material that satisfy the requirements of this section are contained in Appendix A. That Appendix categorizes plant species as either "canopy trees", "evergreen/conifer trees", "understory/ornamental trees", "broadleaf/deciduous

~~shrubs" or "needleleaf/ evergreen shrubs". Varieties and cultivars of the plant species listed in Appendix A may be used to satisfy the requirements of this section, provided that the variety or cultivar used complies with applicable size and form standards.~~

~~(3) *Quality.* Plants installed to satisfy the requirements of this section shall meet or exceed the plant quality standards of the most recent edition of *American Standard for Nursery Stock*, published by the American Association of Nurserymen. Plants shall be nursery-grown and balled and burlapped.~~

~~(4) *Additional landscape treatment.* All required landscape areas not dedicated to trees, shrubs or preservation of existing vegetation shall be landscaped with grass, groundcover, or other landscape treatment, not including sand, rock, or pavement.~~

~~(5) *Species mix.* For each plant type (i.e., canopy tree) associated with the landscape requirements of this section, no single plant species shall represent more than 40% of the total plantings.~~

~~(6) *Berms not required in perimeter landscape transition areas.* Any berm at least five feet in height whose toe is within 25 feet of any right-of-way or other property line shall be improved with a minimum of one plant unit for every five feet of height up to a maximum height of 20 feet. The Planning, Building and Development Director may modify the planting requirements for berms proposed in locations that will be buffered by existing natural features or are proposed in locations that will not impact drainage patterns or neighboring land owners.~~

Amendment #24

Summary: Minor changes to reflect industry standards and modify ordinance language to correctly reference later sections.

Amend 151.167/Landscaping/Installation, maintenance, and replacement to read as follows:

151.167(~~M~~O) *Installation, maintenance, and replacement.*

(1) *Installation.*

(a) All landscaping shall be installed according to sound nursery practices in a manner designed to encourage vigorous growth. Where possible, best management practices should be incorporated (See Appendix A). Properly amended soil shall be provided in all planting areas, and subsurface drainage shall be provided where berms, elevated areas, or other suitable means for providing proper drainage do not exist.

1. All lawn and planting areas shall be cultivated to a minimum depth of six inches and amended with a mixture consisting of one part existing topsoil and two parts organic compost, or an approved equivalent.

2. When not specifically waived pursuant to subsection ~~(D)(2)(h)~~ (F)(2)(i) above, planting islands shall be excavated of compacted soil to a depth of three feet and

be backfilled with a soil mix consisting of one part screened topsoil, one part existing topsoil and two parts of organic compost or an approved equivalent with the exception of other soil mixtures as necessary to accommodate low impact development features.

3. Individual planting pits shall be ~~no less than three times as wide as~~ a minimum two times the width of the root ball of the plants. ~~The sides may be at an angle that provides a pit floor two times the width of the root ball~~.

(b) Installation inspections shall be conducted at the time the planting areas area prepared so that verification of planting pit size and soil amendments can be completed. The office of the Planning, Building and Development Director should be contacted to arrange for inspections and associated inspection fees.

(2) *Maintenance and replacement.* Required trees, shrubs, structures, and other landscape features shall be considered as elements of the project in the same manner as parking, building materials, and other details are elements of the plan. The ~~land~~ property owner, or successors in interest, shall be jointly and severally responsible for the following:

(a) All landscaping shall be maintained in good condition and in a ~~way~~ manner that presents a healthy, neat, and orderly appearance. All landscaping shall be maintained free from disease, pests, weeds, and litter. Maintenance shall include weeding, watering, fertilizing, pruning, mowing, edging, mulching, or other ~~maintenance~~ care, as needed. All maintenance shall be performed in accordance with acceptable horticultural practices;

(b) The repair or replacement of required landscape structures (e.g., fences) to a structurally sound condition;

(c) The regular maintenance, repair, or replacement, where necessary, of any landscaping required by this section;

(d) Continuous maintenance of the site as a whole; and

(e) The Planning, Building and Development Director shall be authorized to require documented assurance of continued landscape performance and/or maintenance in the form of a condition, covenant, contract, development agreement or performance/maintenance assurance to assure installation and, for a minimum one-year period, the continued maintenance of landscape improvements associated with a development. The amount of the performance assurance shall be at least 130% of the estimated cost of the required landscape improvements. The maintenance assurance shall be equal to at least 10% of the performance assurance. Notwithstanding the above, the Planning, Building and Development Director shall be authorized to reduce or waive the maintenance assurance, provided the landscape features incorporate best management practices and/or low impact development features contained in Appendix A. Any performance and/or maintenance assurance required by the Director shall be administered in accordance with the provisions of Section 151.203 of this Chapter.

V. OTHER SUBSTANTIVE

Amendment #25

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 (4) 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 use.* Hours of use shall be limited to 8:00 a.m. to 8:00 p.m. For those properties requiring a conditional use permit, hours of use 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 #26

Summary: Clarification that temporary uses on residential or agricultural properties must be directly related to the approved onsite nonresidential, institutional, or agricultural use.

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, institutional, or agricultural use.

Amendment #27

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:

Table 151.114: Temporary Uses																		
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))	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P

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 to conduct training to fulfill the statutory purpose of that entity. The temporary structure permit shall not exceed a period of more than 1-year.

Amendment #28

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)(l)/Features allowed within setbacks to read as follows:

1515.113(C)(3)(l) 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 #29

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 #30

Summary: Correct typographic errors in the Use Table.

Amend Section 151.111/Use Table to read as follows:

		Residential											Nonresidential								
Use Category	Use Types	AG	RE	E	R1	R2	R3	R4	R4a	R5	R6	RR	GO	LC	RC	GC	LI	II	OS	Use Standard	CUP Decision
Religious institutions (see §151.270(D)(8))	Religious institutions (no assembly space)	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	§151.112(QQ)	

		Residential										Nonresidential								
Use Category	Use Types	AG	RE	E	R1	R2	R3	R4	R4a	R5	R6	RR	GO	LC	RC	GC	LI	II	OS	Use Standard	CUP Decision
Warehousing and freight movement	Warehousing and freight movement not otherwise classified																P	P		§151.122(Y)	

Amendment #31

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 #32

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(~~BB~~Q)*Dredging material stockpiling and processing (warehousing and freight movement)*

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

Amendment #33

Summary: Include a reference for 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 #34

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 #35

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 #36

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 #37

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 #38

Summary: Correct a typographical error

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 #39

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 #40

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 #41

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	~~+2/01~~ +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 #42

Summary: Remove the reference that prohibits the encroachment of a roof on a porch and includes pergola structures 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 #43

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 #44

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 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 #45

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 #46

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.

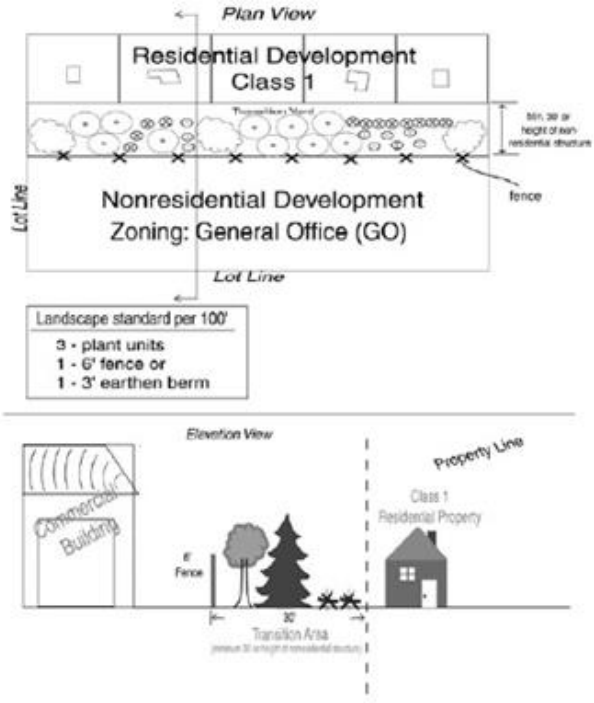
Amend Section 151.166/Off-street loading/Design/Surfacing and maintenance:

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 #47

Summary: Revise graphic to reflect 3 plant unit standards and delete extraneous reference to height of nonresidential structure.

Amend Figure 151.167/Transition Area Landscaping to read as follows:
Figure 151.167(~~G~~J): Transition Area Landscaping



Amendment #48

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 #49

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.

(~~c~~d) 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~~e) 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 #50

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 #51

Summary: Include a reference for pergolas within nonconforming lot provisions

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 #52

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 #53

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 #54

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 #55

***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~~ Norway Spruce	Y	N	Y	Y
Picea glauca	~~Colorado~~ White Spruce	Y	N	Y	Y

Amendment #56

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

Use Regulations

151.110 Use permit/~~change of use permit~~
151.111 Use table
151.112 Use standards
151.113 Accessory uses
151.114 Temporary uses