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MEMORANDUM

To: Public Works, Planning and Transportation Committee

From: Hannah Mulroy, Senior Planner

Date: June 13, 2019

Re: Proposed Unified Development Ordinance Text Amendments

The Planning, Building and Development Department staff periodically recommends changes to the Unified Development Ordinance (UDO) to streamline processes, offer flexibility, respond to new trends, and clarify technical matters. Beginning in 2017, staff engaged with the former Planning, Building and Zoning (PB&Z) Committee on several occasions to discuss the specifics of the proposed amendments and have incorporated feedback from that Committee as well as the State's Attorney's Office into an amendment packet. Attached for the PWPT Committee's review is the final packet of proposed amendments, which are structured into six main sections: "Rural Business", "Local Food", "Parking Regulations", "Landscaping", "Other Substantive", and "Housekeeping".

Following an extensive review by the PB&Z Committee of the above amendment topics, the County Board adopted a resolution on August 14th, 2018 directing the Zoning Board of Appeals (ZBA) to conduct a public hearing on the proposed text amendments. On December 10th, 2018, the ZBA held a public hearing on the proposed amendments which resulted in limited recommended edits to the text. At the June 5th PWPT meeting, staff presented a high-level review of the proposed amendments and are returning at the June 26th meeting to present further detail on the amendments, including recommendations from the ZBA, for Committee Discussion.

For the Committee's easy reference, following is an index to the amendment packet.

Amendment Number	Category	Purpose and Description	Packet Page #
1	Rural Business	Introduces regulations for Rural Home Occupation	1, 2
2	Rural Business	Introduces regulations for Rural Business as a principal use	2, 3
3	Rural Business	Modifies regulations for Landscape Contractor's	3, 4
4	Local Food	Allows chicken coops to be attached or otherwise integrated into accessory structures.	4
5	Local Food	Allows 4 hens on any size property	4,5
6	Local Food	Allows ornamental plants to be grown in residential hoopouses & changes minimum lot size and hoopouse dimensions	5
7	Local Food	Cottage food allowed under home occupation	6
8	Local Food	Identifies standards for the Local Food Garden use.	6, 7, 8
9	Local Food	Adds Farm-to-Table Events as a permitted Event of Public Interest.	8
10	Local Food	Adds Farmers' Markets as a type of permitted Temporary Sales.	8, 9
11	Local Food	Add value added agricultural processing as an allowed accessory use to Agriculture Use Category	9, 10
12	Parking Regulation	Modify parking table to change parking requirements for restaurants and warehouses.	11, 12, 13
13	Landscaping	Modify the replacement requirements for the removal of protected significant trees.	13
14	Landscaping	Revise replacement standards for significant trees to simplify administration	14
15	Landscaping	Revise replacement standards for significant trees to simplify administration	14
16	Landscaping	Move plant unit standards from applicability requirements and combine with plant materials requirements for the purposes of relevance and ease of interpretation.	14, 15
17	Landscaping	Reorganize landscaping section to incorporate existing Director discretion	15, 16
18	Landscaping	Move plant unit standards, minor updates to plant material section, and additional height requirement for columnar evergreens.	16, 17
19	Landscaping	Include credits for the incorporation of native plants, reduce the minimum size for parking lot islands, and simplify requirements for projects where standards overlap.	17, 18, 19
20	Landscaping	Relocate section on Best Management Practices (BMPs) to encourage greater utilization.	19, 20
21	Landscaping	Clarify provisions for ultimate rights-of-way.	20
22	Landscaping	Remove Best Management Practices subsection	20, 21, 22
23	Landscaping	Combine plant material standards with plant unit standards.	22, 23
24	Landscaping	Minor changes to reflect industry standards and modify ordinance language to correctly reference later sections.	23, 24
25	Other Substantive	Provides regulatory language to address non-customary recreational structures	25, 26

26	Other Substantive	Clarify that temporary uses on residential or agricultural properties must be related to an approve nonresidential, institutional or agricultural use.	26
27	Other Substantive	Recognizes public safety training structures as a separate and permitted temporary use on lots of any size.	26
28	Other Substantive	Eliminate gutters from the list of architectural features subject to property line setback encroachment limits	27
29	Housekeeping	Provide consistent reference to use permit in place of change of use permit.	27
30	Housekeeping	Correct typographic errors in the Use Table .	27, 28
31	Housekeeping	Correct error in text that refers to the incorrect section of the code	28
32	Housekeeping	Relocate use standards for dredging material stockpiling and processing to maintain alphabetic order.	28
33	Housekeeping	Include a reference for pergolas within accessory uses	28, 29
34	Housekeeping	Clarification of street yard setback for a corner lot.	29
35	Housekeeping	Establish consistency of height requirement for accessory dwelling units	29
36	Housekeeping	Establish consistency of height requirement for Caretaker's residences	29
37	Housekeeping	Correct an inconsistency between sections	29, 30
38	Housekeeping	Correct a typographical error	30
39	Housekeeping	Relocate temporary use standards for material stockpiling and processing	30
40	Housekeeping	Clarify single family dwellings are allowed additional building height.	30, 31
41	Housekeeping	Remove typographical error relating to calculating side yard setback for multi-family structures.	31, 32
42	Housekeeping	Remove the reference that prohibits the encroachment of a roof on a porch and includes pergola	32
43	Housekeeping	Clarifies an outdoor seating area shall meet the side and rear setbacks.	32
44	Housekeeping	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.	32, 33
45	Housekeeping	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.	33
46	Housekeeping	Clarify nonresidential parking and loading between the principal building and the street must be paved.	33
47	Housekeeping	Revise graphic to reflect 3 plant units and delete extraneous references	33, 34
48	Housekeeping	Allows sufficient time for certification after installation of lighting.	34
49	Housekeeping	Provide clarification on allowing the elective improvement of nonconforming structures.	34, 35, 36
50	Housekeeping	Clarifying the intent of the Ordinance	36

51	Housekeeping	Include a reference for pergolas within nonconforming lot provisions	36
52	Housekeeping	Modify exceptions under household living to clarify prohibitions on short term rentals in multi-dwelling structures.	36
53	Housekeeping	Correction of typographic errors.	36, 37
54	Housekeeping	Modify definition of household living to remove reference to types of disability.	37
55	Housekeeping	Consistency of the Latin/botanical name and common name.	37
56	Housekeeping	Modify name of change of use permit to use permit.	38