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Distribution

Agenda Item #

Dept. of Planning, Building and Development (4)

STATE OF ILLINOIS     )  
                                  )  
COUNTY OF LAKE        )     SS

COUNTY BOARD, LAKE COUNTY, ILLINOIS

November 13, 2007

MADAME CHAIR AND MEMBERS OF THE COUNTY BOARD:

Your Planning, Building and Zoning Committee presents herewith a Resolution directing the Lake County Zoning Board of Appeals to conduct a public hearing to consider certain proposed text amendments to the Unified Development Ordinance, and requests its adoption.

Respectfully submitted,

Aye     Nay

\_\_\_\_\_  
CHAIRPERSON

*Judy Martini*

~~\_\_\_\_\_~~ ✓

\_\_\_\_\_  
VICE-CHAIRMAN

*Susan G. Gravatt*

✓ \_\_\_\_\_

*Robert Sabouryan*

✓ \_\_\_\_\_

*[Signature]*

✓ \_\_\_\_\_

*[Signature]*

X \_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

## RESOLUTION

WHEREAS, the Lake County Board adopted the Unified Development Ordinance (UDO) on April 11, 2000; and

WHEREAS, the UDO regulations as they are being implemented require a periodic review, and revisions may be necessary to these regulations; and

WHEREAS, the staff of the Department of Planning, Building and Development has conducted a review of the UDO and has proposed amendments to correct deficiencies; and

WHEREAS, the Planning, Building and Zoning Committee is of the opinion that the necessary steps should be taken to correct these deficiencies; and

WHEREAS, the state law requires a public hearing to amend the text of the UDO.

NOW THEREFORE BE IT RESOLVED by the Lake County Board that the Zoning Board of Appeals is hereby directed to conduct a public hearing to consider the proposed amendments identified in Exhibit A and such other amendments that are directly related thereto.

DATED at Waukegan, Illinois this 13<sup>th</sup> day of November, 2007.



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Director

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November 13, 2007

**MEMORANDUM**

To: County Board  
From: Sheel Yajnik, Zoning Administrator  
Subject: Proposed 2007 UDO Text Amendments

As you know staff routinely recommends various amendments to the UDO text to address internal inconsistencies, address new issues, and maintain the Ordinance's currency. Attached is a packet of proposed amendments that have been introduced to the Planning, Building and Zoning Committee at its meetings of October 30 and November 6. A majority of the proposed amendments (Section 1) are "Housekeeping" amendments that either clarify the current UDO provisions or codify long-standing interpretations. A series of substantive amendments (Section 2) is located in the back of the packet. The attached resolution directs the Zoning Board of Appeals to conduct public hearings on these proposed amendments. A brief description of each amendment is provided below:

***Section 1: "Housekeeping" Amendments***

**Amendment #1:**

Clarifies who can initiate applications.

**Amendment #2:**

Allows public hearing to be held in any County building.

**Amendment #3:**

Clarifies the status of a PUD Preliminary Plan upon County Board approval and provides a process for Preliminary Plat approval by the PB&Z Committee.

**Amendment #4:**

Eliminates the requirement for the public notice and information meeting if a public hearing has already been held on the same matter.

Development Review  
Bob Mosteller  
Deputy Director

Zoning Administration  
Sheel Yajnik  
Zoning Administrator

Planning and Support Services  
Dennis Sandquist  
Deputy Director

Community Development  
Vern Witkowski  
Deputy Director

Amendment #5:

Clarifies "attached dwelling" provisions.

Amendment #6:

Clarifies the zones wherein a "Lot Line House" is allowed.

Amendment #7:

Establishes a minimum area requirement for pasture.

Amendment #8:

Clarifies that accessory uses are allowed only in conjunction with principal uses.

Amendment #9:

Clarifies the setback provisions for Conventional and Conservation Development and achieves setback consistency for accessory and principal structures in the GC Zone.

Amendment #10:

Clarifies the Home Occupation "Retail Sales and Display" standards.

Amendment #11:

Sets additional standards for retaining walls and fences.

Amendment #12:

Eliminates two (2) footnotes that are no longer applicable.

Amendment #13:

Codifies the interpretation allowing the development of a permitted nonresidential use on a residential lot containing an existing principal residential structure. Also, allows the development of a permitted nonresidential use on a nonresidential lot containing an existing legally nonconforming residential structure.

Amendment #14:

Clarifies the definition of lot width.

Amendment #15:

Clarifies and amends the "Features allowed within Setbacks" provisions.

Amendment #16:

Clarifies the method of measuring structure height.

Amendment #17:

Introduces flexibility to the vehicle stacking area provision.

Amendment #18:

Amends the transition landscaping requirement for GC zone to be consistent with other commercial zoning districts. Also amends other minor landscaping provisions.

Amendment #19:

Allows an electronic message board as a building sign.

Amendment #20:

Clarifies provisions for structures rendered nonconforming due to right-of-way acquisition and consolidation.

Amendment #21:

Clarifies that highway commissioner approval is not required for repair or replacement of existing septic systems.

Amendment #22:

Introduces a minor grammatical change to Article 12.

Amendment #23:

Corrects an inconsistency in the regulation of impervious surface for conforming and nonconforming lots.

Amendment #24:

Corrects an existing error in Article 12.

Amendment #25:

Clarifies certain accessory building provisions in Article 12.

Amendment #26:

Clarifies the consolidation requirements in Article 12.

Amendment #27:

Clarifies the nonconforming sign provisions of Article 12.

**Section 2: Substantive Amendments**

Amendment #1:

Broadens the scope of the temporary administrative deferral provisions in Article 1.

Amendment #2:

Introduces the Landscape Waste Transfer Station Use Type as a Permitted Use in the LI and II Zoning Districts and establishes standards for such use.

Amendment #3:

Amends the Landscape Contractor's Storage Yard provisions to provide minimum planting requirements and to establish standards for bulk material storage, wood chipping, mulching and grinding activities.

Amendment #4:

Expands the list of prohibited accessory uses.

Amendment #5:

Expands the list of prohibited home occupations.

Amendment #6

Amends the tent provisions of Article 6 to specify when tents are allowed by right or require a Conditional Use Permit.

Amendment #7:

Introduces a new accessory use: "Wildlife Rehabilitation Facility".

Amendment #8:

Amends the Planned Unit Development (PUD) provisions of Article 7 to specifically promote mixed-use PUDs and clarify PUD use requirements.

Amendment #9:

Introduces certain personal vehicle parking standards for residentially zoned lots.

Amendment #10:

Provides flexibility in the plant unit standard in Article 9.

Amendment #11:

Increases the size of residential subdivision entrance signs.

Amendment #12:

Introduces modifications to the sign provisions concerning election and non-commercial signs.

Amendment #13:

Amends nonconforming provisions relating to rebuilding of and 2<sup>nd</sup> story additions to nonconforming single family dwellings.

Amendment #14:

Amends the nonconforming street side setback provisions of Article 12 to reduce setbacks from unimproved road rights-of-way.

# EXHIBIT A

Proposed 2007 UDO Amendments  
Draft Date November 6, 2007

## Section 1: "Housekeeping" Amendments

### Amendment #1:

Amend Article 3, Sec. 3.1, §§3.1.1/Development Review Procedures/  
General/Authority to File Applications to read as follows (p. 3-1):

#### **§§3.1.1/Authority to File Applications**

Unless otherwise expressly stated, all applications under this article shall be initiated by all the fee owners of the subject property, or The fee owners may designate their an authorized agent to represent them.

### Amendment #2:

Amend Article 3, Sec. 3.1.12/Public Hearings to add the following language at the end of Paragraph A (p. 3-4):

... In considering amendments to the text of this Ordinance, the hearing shall be held in the County Court House or other suitable County Building.

### Amendment #3:

Amend Article 3, Sec. 3.7, §§3.7.3 Development Review Procedures/  
Planned Unit Developments / PUD Preliminary Plan/Plat to read as follows (p. 3-11):

#### **§§3.7.3/PUD Preliminary Plan/Plat**

Upon completion of the Preapplication Conference stage of the PUD process, applicants shall prepare and submit a preliminary plan/plat for the proposed development. The PUD Preliminary Plan/Plat shall be processed concurrently

with any required Zoning Map Amendment. All PUD Preliminary Plans shall require review and recommendation by the Zoning Board of Appeals and the Planning, Building and Zoning Committee. The County Board shall have final decision-making authority on PUD Preliminary Plans/~~Plats~~. The County Board's approval of the Preliminary Plan constitutes approval of the conceptual use and layout of the proposed PUD.

**Amend Article 3, Sec. 3.7, §§3.7.3 F Planned Unit Developments / PUD Preliminary Plan/~~Plat~~ / County Board Review and Action to read as follows (p. 3-12):**

**F. County Board Review and Action**

After receiving the required recommendations, the County Board shall review the application and act to approve, approve with conditions or deny the application based on the Approval Criteria of §§3.7.3G. Any zoning map amendments required shall be considered concurrently with the PUD Preliminary Plan/~~Plat~~. Approval of a PUD Preliminary Plan/~~Plat~~ shall constitute approval of a Conditional Use Permit which, together with any zoning change accompanying the Conditional Use Permit, shall not become effective until any Final PUD Plan/~~Plat~~ for the development is approved in accordance with the procedures of Sec.10.2 and recorded in the office of County Recorder.

**Amend Article 3, Sec. 3.7, §§3.7.3 Planned Unit Developments, / PUD Preliminary Plan/~~Plat~~ to add new Paragraph G to read as follows and re-alphabetize subsequent paragraphs (p. 3-12).**

**G. Planning, Building and Zoning Committee Review and Action on Preliminary Plat (If PUD involves subdivision of land)**

Subsequent to the approval of the Preliminary Plan by the County Board, and upon completion of review of the Preliminary Plat and Preliminary Engineering by the Staff Review Committee, the Planning Building and Development Director shall present the proposed Preliminary Plat to the Planning, Building and Zoning Committee for its consideration. After considering the matter, the Planning, Building and Zoning Committee shall act to approve, approve with conditions or disapprove the proposed Preliminary Plat. PUD Preliminary Plats shall be reviewed and approved in accordance with the Preliminary Plat procedures of §§10.2.3. The Planning, Building and Zoning Committee shall have final decision-making authority on Preliminary PUD Plats.

**Amendment #4:**

**Amend Article 4, Sec. 4.1.3.E.2/Site Capacity, Site Plan Review and Natural Resource Protection/Site Capacity Calculations & Site Plan Review Procedures/Review and Approval Procedure/Notice as follows (p. 4-4):**

2. ~~The Planning, Building and Development Director may waive the neighbor notice requirement of this section if neighbor notice has already been provided as part of a previous development application required by the county. No public information meeting or neighbor notice shall be required if a public hearing has already been held on the same matter.~~

**Amendment #5:**

**Amend Article 6, Sec. 6.2/Use Regulations/Use Table/Household Living Category to amend the use type description for Attached Dwelling as follows (p. 6-2):**

Attached Dwelling (~~accessory use to attached~~ nonresidential use)

**Amend Article 6, Sec. 6.3.9.A/Use Regulations/Use Standards/Attached Dwellings as follows (p. 6-9):**

- A. Attached dwelling units shall be ~~accessory and subordinate~~ in area to the nonresidential use occupying the same building of the property.

**Amendment #6:**

**Amend Article 6, Sec. 6.2/Use Regulations/Use Table/Household Living Category to annotate the use classification "Lot Line House" with existing footnote 1, replacing footnote 2 (p. 6-2)**

**Amendment #7:**

**Amend Article 6, Sec. 6.3.3.A/Use Regulations/Use Standards/Agriculture/Exempt Uses to add the following commentary (p. 6-8):**

**A. Exempt Uses**

...

3. Minimum setbacks shall be as follows:  
Street: 30 feet  
Side: 30 feet  
Rear: 50 feet

**COMMENTARY:**

Notwithstanding the setback requirements contained in Subsection 6.3.3.A.3, pastures enclosing an undivided area of at least 40,000 square feet may extend to the lot line. All other fenced enclosures must meet the setbacks provided in this Subsection.

**Amend Article 6, Sec. 6.4.7.C/ Use Regulations/Accessory Uses/Private Stables/Setbacks to read as follows and to add the following commentary (p. 6-37):**

**C. Setbacks**

The following minimum setbacks shall be provided:

...

3. Pastures enclosing an undivided area of at least 40,000 square feet may extend to the lot line.

**COMMENTARY:**

Fenced enclosures for equine shall be considered corrals, and subject to corral setbacks, if containing less than 40,000 square feet of undivided space.

...

**Amendment #8:**

**Amend Article 6, Sec. 6.4.1/Use Regulations/Accessory Uses/Authorization to read as follows (p. 6-31):**

Except as otherwise expressly provided in this Ordinance, accessory uses and structures shall be allowed only in connection with any lawfully established principal use.

**Amend Article 6, Sec. 6.4.2/Use Regulations/Accessory Uses/General Standards to add the following new paragraph A and re-alphabetize subsequent paragraphs accordingly (p. 6-31):**

- A. Unless otherwise expressly stated, accessory uses and structures shall be located on the same zoning lot as a lawfully established principal use and cannot continue in the absence thereof unless lawfully converted to a permitted principal use. Notwithstanding the above, an underground improvement such as a septic system and/or well located on an abutting parcel under separate ownership may be allowed.

**Amendment #9:**

**Amend Article 6, Sec. 6.4.3.B/Use Regulations/Accessory Uses/Height and Setback Standards/Setbacks to read as follows (p. 6-33):**

**B. Setbacks**

**1. Conventional Development**

The following setback standards provided in the following table shall apply to accessory garages and storage structures that contain no more than 576 square feet of gross floor area. All other accessory uses and structures shall comply with the underlying zoning district setback standards that apply to principal structures.

**2. Conservation Development**

Residential accessory structures established pursuant to the Conservation Development Standards of Sec. 7.3 shall comply with the minimum setbacks established for the subject housing type or the minimum setback standards of this the following table, whichever are less restrictive.

Zoning District	Minimum Setbacks (Feet) (Error: Reference source not found.)		
	Street	Side	Rear
...	...	...	...
GC	3050	12	12
...	...	...	...

**Amendment #10:**

**Amend Article 6, Sec. 6.4.5.N/Use Regulations/Accessory Uses/Customary Home Occupations/Retail Sales and Display to read as follows (p. 6-36):**

**N. Retail Sales and Display**

No stock-in-trade shall be produced or sold upon the premises, with the exception of the following:

1. The hand-assembly or hand-crafting of arts and crafts. For purposes of this subsection, the kiln-firing of hand-wrought or hand-painted ceramics shall also be permitted.
2. The hand-wrapping or finishing of gift baskets, variety packs, or other similar multi-content stock, wherein the component items have been manufactured elsewhere.

No stock-in-trade shall be sold upon the premises, with the exception of the following:

13. The trans-shipment or pre-arranged pick-up of items specifically pre-ordered or pre-purchased by a customer, with the exception of vehicles and large equipment as described in §§6.4.5E.1, above.
2. The direct shipment of items to a customer that were specifically pre-ordered or pre-purchased by the customer.

**Amendment #11:**

**Amend Article 6, Sec. 6.4, §§6.4.9/Use Regulations/Accessory Uses/Fences, Walls and Hedges to read as follows (pps. 6-37 through 6-38):**

**§§6.4.9/ Fences, Walls and Hedges**

Fences, walls and hedges shall be permitted in any required setback (except within required visibility triangles, see Sec. 9.8). Retaining walls shall be set back a minimum of 4 feet from all property lines. The maximum height of all such features shall be 6 feet, provided that the Planning, Building and Development Director shall be authorized to allow a maximum height of 8 feet when such height is deemed necessary to provide adequate visual screening, buffering and security. The finished/ornamental side of the fence shall face outward. Fences at a maximum of 10% opacity for tennis courts, volleyball courts or similar recreational purposes located at or beyond all required setback lines shall not exceed the maximum height provided in §§6.4.3A. [Revised 11.08.05]

**Amendment #12:**

**Amend Article 7, Table 7.1-4/Density and Dimensional Standards/ Nonresidential District Density and dimensional Standards to remove Footnote [1] and Footnote [2] as follows (p. 7-4):**

~~[1] When a side or rear setback abuts a side or rear setback in the AG or residential zoning district, the setback standard of the abutting AG or residential zoning district shall apply if the abutting AG or residential zoning district's setback standard is greater than the underlying nonresidential district standards. This provision shall also apply when abutting a municipality.~~

~~[2] Minimum setback shall be 12 feet or 20% of lot width, whichever is greater.~~

**Amendment #13:**

**Amend Article 7, Sec. 7.2.4/Density and Dimensional Standards/Conventional Residential Development to read as follows (p. 7-4):**

4. No more than 1 principal structure shall be located on a single lot.

However, this provision shall not preclude the development of a permitted nonresidential use (provided it meets all applicable standards of Table 7.1-3) on a lot containing an existing principal residential structure.

**Amend Article 7, Sec. 7.4/Density and Dimensional Standards/Nonresidential Development to read as follows (p. 7-5):**

A nonresidential development consists of nonresidential uses developed in accordance with the Density and Dimensional Standards of Sec. 7.1 (Table 7.1-3 or Table 7.1-4). Nonresidential development shall be allowed within subdivisions or on unsubdivided parcels and shall be subject to the Density and Dimensional Standards of Sec. 7.1 and all other applicable standards of this Ordinance. Where a parcel contains an existing nonconforming residential structure, a new nonresidential use may be established provided both uses, in the aggregate, comply with all density and dimensional standards, and other applicable regulations, of this Ordinance.

**Amendment #14:**

**Amend Article 7, Sec. 7.7.2/Density and Dimensional Standards/ Measurements and Exceptions / Lot Width to read as follows (p. 7-11):**

Lot width refers to the horizontal distance between side lot lines. Lot width shall be measured between side lot lines at the minimum required front setback line (See Figure 7-1).

...

**Amendment #15:**

**Amend Article 7, Sec. 7.7, §§7.7.3 C 3/ Density and Dimensional Standards/ Measurements and Exceptions / Setbacks/Features Allowed Within Setbacks to read as follows (pps. 7-15 through 7-16):**

...

3. Cantilevered bay windows and cantilevered building overhangs above the first floor, when located on the second story or above.

may encroach into required front or rear setbacks, provided they do not encroach more than 2 feet into a required front or rear setback and are located at least 4 feet from all lot lines.

...

14. Steps, stairs, stoops and landings (non-enclosed with no walls or screens, with or without a roof) to a dwelling may encroach into required setbacks, provided they do not encroach more than 4 feet into a required setback and are located at least 4 feet from all lot lines;

15. In Conventional Developments, open terraces (second story or above first floor, open), decks, porches (non-enclosed with no walls or screens, with no or roof) swimming pool aprons, and at-grade patios or paved areas that function as decks may encroach into required setbacks, provided they do not encroach more than 4 feet into a required setback and are located at least 4 feet from all lot lines.

16. In Conservation Developments, terraces (above first floor, open), decks, porches (non-enclosed with no walls or screens, with no or roof) swimming pool aprons, and at-grade patios or paved areas that function as decks, when proposed in conjunction with may encroach into required setbacks, provided they do not encroach more than 4 feet into a required setback and are located at least 4 feet from all lot lines.

17. Wheelchair ramps not to exceed 3 feet in width of clearance (non-enclosed with no walls or screens, with or without roof) to a dwelling may encroach into all required setbacks, provided they are located at least 4 feet from side and rear lot lines.

18. Wharfs, docks, piers, walkways not to exceed 4 feet in width or private boathouses up to 400 square feet in area (exempt only from water-side water's edge setbacks) shall be allowed within required setbacks.

...

20. Window wells may encroach no more than 2 3 feet into required setbacks provided they are located at least 4 feet from all lot lines. The Planning, Building and Development Director may approve window wells that are covered with load-bearing materials at grade at less than 4 foot setback. Window wells within regulatory floodplains shall be regulated by the provisions of Article 8.

**Amendment #16:**

**Amend Article 7, Sec. 7.7.5/Density and Dimensional Standards/Measurements and Exceptions/Height to read as follows (p. 7-16):**

**§§7.7.5/ Height**

Building height refers to the vertical distance between the mean elevation at finished grade along the portion front of a structure facing the front of the parcel to: (1) the mean height between the eaves and ridge of a pitched roof; (2) the deck line of a mansard roof; or (3) the highest point of a flat roof.

**Amendment #17:**

**Amend Article 9, Sec. 9.1.9/Vehicle Stacking Areas as follows (p. 9-6):**

Vehicle stacking shall be prohibited within rights-of-way.

**Commentary:**

The following guidelines will be used in evaluating the adequacy of vehicle stacking areas:

...

**Amendment #18:**

**Amend Article 9, Sec. 9.3.1.BA/General Development Standards/Landscaping/Applicability and Plant Unit Standards/Applicability as follows (p. 9-8):**

**A. Applicability**

The landscape standards of this section shall apply to the following development types (See Also Sec. 9.3.7)

...

**Amend Article 9, Sec. 9.3.3.B/General Development Standards/Landscaping/Applicability and Plant Unit Standards/Landscape Standards for Parking Lots/Planting Standards as follows (p. 9-9):**

**B. Planting Standards**

- ...
2. ~~Perimeter off-street parking areas adjacent to a transition area shall be improved with 3 plant units per 100 feet of linear distance surrounding the parking area.~~
  3. ~~When adjacent to a transition area, the plant material located within the perimeter of an off-street parking area may be used to satisfy some or the entire landscape requirement for the transition area.~~

**Amend Article 9, Sec. 9.3.6/ General Development Standards/Landscaping/Landscape Standards for Transition Areas/Perimeter Transition Landscape Requirements as follows (p. 9-11):**

Proposed Developing Site	Existing Site												
	Residential			Nonresidential								Vacant	
	Class 1	Class 2	Class 3	GO	LC	RC	GC	LI	II	OS	AG	Vac. Res.	Vac. Nonres.
Class 1	-									A*	2	-	2
Class 2	2	-								A*	2	-	2
Class 3	3	2	-							A*	2	-	2
GO	3+B or D	3+B or D	3+B or D	-						A	2	3	-
LC	3+B or D	3+B or D	3+B or D	1	-					A	2	3	-
RC	3+B or D	3+B or D	3+B or D	1	1	-				A	2	3	-
GC	3+B C or DE	3+B or D	3+B or D	2	1	1	-			2A	2	3	-
LI	3+C or E	3+C or E	3+C or E	2	2	2	2	-		2A	3	3	-
II	3+C or E	3+C or E	3+C or E	2	2	2	2	1	-	2A	3	3	-
OS	-	-	-	-	-	-	-	-	-	-	-	-	-

Notes:

...

C = Wood Fence (Minimum 95% Opacity), 8 foot – minimum height with concrete footings.

...

**Amend Article 9, Sec. 9.3.7/ General Development Standards/Landscaping/Exceptions as follows, renumbering accordingly (pps. 9-12 through 9-13):**

~~A. Where there exists a "panhandle shaped" parcel and the panhandle portion is used solely for access, the landscape requirements along the panhandle shall be that of a local street.~~

...

E. Transition Landscaping shall not be required for accessory uses or additions to principal uses provided that: (1) 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 (2) the Planning, Building and Development Director determines that no adverse land use impacts will result.

~~F. Compliance with the landscaping standards of this section (Sec. 9.3) is not required for any site development activity on a vacant parcel of land that does not involve the addition of any floor area or impervious surface area.~~

**Amend Article 9, Sec. 9.3.10.A/ General Development Standards/Landscaping/Plant Material Standards/Size as follows (p. 9-14):**

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 6 feet height
Evergreen/Conifer Tree	8 6 feet height
Shrubs	
Broadleaf/Deciduous	3 feet height
Needleleaf/Evergreen	2 feet width

**Amendment #19:**

**Amend Article 9, Sec. 9.9.E.11/General Development Standards/Signs/Special Sign Standards/Electronic Message Boards to amend paragraphs a) and c) as follows (p. 9-25):**

- a. The electronic message board component of a freestanding sign may comprise no more than 60% of the sign's total allowed sign face area. The electronic message board component of a building sign shall not exceed 48 square feet in a nonresidential zoning district class and 36 square feet in an institutional zoning district class.
- ...
- c. The maximum height of the electronic message board component of a freestanding sign shall be 12 feet as measured from the ground elevation to the highest point on the electronic message board component. This provision shall not apply to the electronic message board component of a building sign.
- ...

**Amendment #20:**

**Amend Article 12, Sec. 12.3, §§ 12.3.9/ Nonconformities/ Nonconforming Structures /Structures rendered Nonconforming Due to Right-of-Way Acquisition as follows (p. 12-4):**

**§§ 12.3.9/ 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 ~~in order to meet the minimum 40' road right-of-way width,~~ the structure shall have the status of a legal nonconforming structure. ~~and~~ If such structure consists of a single family dwelling and is subsequently destroyed, the owner of the structure single family dwelling may apply for a permit to reestablish the structure single family dwelling at the same location. Upon notice that the ~~structure~~ single family dwelling has been destroyed and that the owner wishes to reestablish at the same location, the County shall inform the owner in writing that the permit application for such reestablishment shall be submitted within one year of

the date of the notification letter. Once a permit has been approved, the structure single family dwelling must be reestablished before expiration of the permit. All other structures shall be subject to the nonconforming structure provisions of this Article.

**Amend Article 12, Sec. 12.3/ Nonconformities/ Nonconforming Structures to add a new §§ 12.3.11/Structures rendered Nonconforming Due to Consolidation as follows (p. 12-4):**

**§§ 12.3.11/Structures rendered Nonconforming Due to Consolidation**  
If a structure is rendered nonconforming or made more nonconforming by consolidation of parcels required pursuant to this Ordinance, the structure shall have the status of a legal nonconforming structure.

**Amendment #21:**

**Amend Article 12, Sec. 12.4, §§ 12.4.2 B/Nonconformities/ Nonconforming Lots /Uses to read as follows (p. 12-4):**

**§§ 12.4.2 B/ Uses**

In AG, RE, E, R1-R6 and RR districts, an accessory detached garage not to exceed 576 square feet in size, underground utilities, or a boathouse may be constructed at or after the time of issuance of a building permit for a principal dwelling on a nonconforming parcel under the same ownership across on the opposite side of an alley, easement or right-of-way. The placement of a new septic system or an addition to an existing septic system other than the repair or replacement of an existing septic system located on a parcel across an alley, easement or right-of-way shall require written approval from the Highway Authority having jurisdiction over the subject right-of-way and shall require consolidation through the covenant method as specified in §§12.4.4B.3.b.

**Amendment #22:**

**Amend Article 12, Sec. 12.4, §§ 12.4.3A 3/Nonconformities/ Nonconforming Lots /Dimensional Standards/Street Side Setbacks to read as follows (p. 12-5):**

**2. Interior Side and Rear Setbacks**

The minimum interior side and rear setback for principal structures shall be 4 feet or 10 percent of the lot width, whichever is greater. This provision shall not be interpreted as requiring a greater setback than specified for the underlying zoning district. The minimum interior side and rear setbacks for accessory structures shall be 4 feet, except provided that the principal structure setback standards of this section shall apply on lots with an area of 40,000 square feet or more.

**Amendment #23:**

**Amend Article 12, Sec. 12.4.3.A.5/Nonconformities/Nonconforming Lots/Dimensional Standards/Agricultural and Residential Zoning Districts/Impervious Surface to read as follows, and to add the following commentary (p. 12-5):**

**5. Impervious Surface**

Lots that are nonconforming due to insufficient area shall be allowed an impervious surface ratio (I.S.R.) of 0.50, provided that, for lots located within the Agricultural, Rural Estate, Estate, and Residential-1 Zoning Districts, in no event shall such impervious surface exceed the impervious surface threshold for a minimally conforming lot in the underlying zoning district. The Planning, Building and Development Director may allow an increase in ISR to a maximum of 0.60 provided an on-site inspection is conducted to determine that there shall be no adverse impact resulting from flooding or drainage on the neighboring properties due to increase in impervious surface. In the event of such an anticipated adverse impact, the Planning, Building and Development Director shall either deny the increase or shall approve the increase subject to additional engineering requirements and improvements that will mitigate the impact. All other nonconforming lots shall comply with the impervious surface requirements of the underlying zoning district. ISR shall be

calculated by dividing the total area of all impervious surfaces on the site by the site's base site area.

**Commentary:**

**Impervious Surface Threshold for Nonconforming Lots**

The impervious surface for nonconforming lots in the Agricultural, Rural Estate, Estate and Residential-1 Zoning Districts shall not exceed the impervious surface threshold for a minimally conforming lot in the underlying zoning district.

Examples:

<b>Zoning District</b>	<b>Impervious Surface Threshold (sq. ft.)</b>
<u>AG, RE</u>	<u>20,000</u>
<u>E</u>	<u>12,000</u>
<u>R-1</u>	<u>8,000</u>

**Amendment #24:**

**Amend Article 12, Sec. 12.4, §§ 12.4.3 B 6/ Nonconformities/ Nonconforming Lots/Dimensional Standards/Nonresidential Zoning districts/ Height, Impervious Surface and Floor Area Ratio, to read as follows (p. 12-6):**

**6. Height, Impervious Surface and Floor Area Ratio**

Nonconforming lots shall comply with the height, impervious surface, and floor area ratio requirements of the underlying zoning district. An accessory structure on a nonconforming lot that abuts a residential zoning district shall not exceed 12 feet in height at the minimum side and rear setback of 4 feet. For each 1 foot of additional setback beyond the minimum required setback 4 feet, the maximum height of the accessory structure may be increased by 2 feet, to a maximum height of 25 feet.

### **Amendment #25:**

**Amend Article 12, Sec. 12.4.3.C/Nonconformities/Nonconforming Lots/Dimensional Standards/Detached House (Single-Family) Dwellings to read as follows (p. 12-6):**

**C. Detached House (Single-Family) Dwellings**

If there is an existing detached house (single-family) dwelling located on a nonconforming lot in a zoning district other than an AG, RE, E, R1-6 or RR districts, any addition to a principal or accessory building or any new accessory building thereto shall be governed by the setbacks in paragraph A of this subsection, rather than paragraph B. However, no single-family dwelling or accessory building shall be converted to a nonresidential use permitted in that zoning district unless it complies with the setback requirements of paragraph B of this subsection.

### **Amendment #26:**

**Amend Article 12, Sec. 12.4, §§ 12.4.4 B/Nonconformities/ Nonconforming Lots/Development Standards for Nonconforming Recorded Lots/Consolidation of Parcels to replace the entire subsection and commentary with the following (p. 12-7):**

1. A consolidation of parcels shall be required in the following instances when it is necessary to use any contiguous nonconforming recorded parcel(s) held in common ownership:
  - a. For construction of a new principal residential or nonresidential structure that does not meet the setback from the common parcel line.
  - b. For construction of an addition to an existing residential or nonresidential structure that will not meet the setback from a common parcel line unless the structure or addition straddles the same common parcel line.
  - c. For construction of an accessory residential building on the same parcel on which the principal residential structure exists that will not meet the setback requirement from the common parcel line unless the existing principal residential structure straddles the same common parcel line.

- d. For any new residential or nonresidential construction that will not meet the impervious surface ratio requirement if the ISR was calculated only on one parcel; or for any new nonresidential construction that will not meet the floor area ratio requirement if the FAR was calculated only on one parcel.
  - e. For construction of any of the following improvements on a parcel on which the principal residential structure is not located: 1) more than one accessory residential building; 2) an accessory residential building larger than 576 square feet in size; 3) a new septic system; or 4) an addition to an existing septic system.
  - f. For construction of any of the following improvements on a parcel on which the principal nonresidential structure is not located: 1) any new nonresidential accessory building; 2) a new septic system; or 3) an addition to an existing septic system.
2. Construction of accessory structures such as decks, porches, gazebos, sheds and pools shall be exempt from the consolidation requirement provided that these structures meet the setback requirement from the common lot line.
  3. Improvements such as reroofing, residing, electrical upgrades, interior alterations, installation of exterior air conditioning/heating units, seawalls, retaining walls, the repair of failing septic systems, driveways and fences shall be exempt from the consolidation requirement.
  4. The adjustment or movement of a common boundary line between 2 or more contiguous parcels under common ownership, consisting of at least one nonconforming recorded lot, may be accomplished through a consolidation (in lieu of the Lot Split Subdivision requirements of Section 10.2.1.B.3.B) provided that the adjustment or movement does not increase the extent of nonconformity of either lot (i.e. the extent of nonconformity remains the same or decreases for each resulting parcel).
- ~~1. A consolidation of parcels shall be required in the following instances when it is necessary to use any contiguous nonconforming recorded parcel(s) held in common ownership:~~

- a. ~~For construction of a new principal structure, for construction of an addition to an existing structure, or for construction of an accessory structure on the same parcel on which the principal structure exists that will not meet the setback requirement from the common parcel line or will not comply with the impervious surface ratio requirement if the ISR was calculated only on one parcel.~~
  - b. ~~For construction of more than 1 accessory residential building or for construction of an accessory residential building larger than 576 square feet in size or the placement of a new septic system or an addition to an existing septic system.~~
  - c. ~~For construction of any new nonresidential accessory building.~~
2. ~~Construction of accessory structures such as fences, decks, porches, gazebos, sheds and pools shall be exempt from the Consolidation requirement. They must meet all other applicable zoning requirements.~~

**Commentary:**

~~The improvements such as reroofing, residing, electrical upgrades, interior alterations, installation of exterior air conditioning/heating units, seawalls, retaining walls, the repair of failing septic systems and driveways shall be exempt from the Consolidation requirement.~~

**Amendment #27:**

**Amend Article 12, Sec. 12.5.5/Nonconformities/Nonconforming Signs/Signs Accessory to Nonconforming Uses to read as follows (p. 12-8):**

**§§12.5.5/Signs Accessory to Nonconforming Uses and Structures**  
 Signs accessory to nonconforming uses and structures shall be permitted, subject to the applicable sign standards of Sec. 9.9.

## Section 2: Substantive Amendments

### Amendment #1

Amend Article 1, Sec. 1.11, §§1.11.3/Introductory Provisions/Transitional Provisions/Temporary Administrative Deferrals to read as follows (p. 1-5):

#### **§§1.11.3/ Temporary Administrative Deferrals**

Upon the County Board's adoption of a resolution directing the Planning, Building and Zoning Committee or the Zoning Board of Appeals to conduct hearings relating to any amendments to the text or maps of this Ordinance, the Planning, Building and Development Director, upon the consent of the Planning, Building and Zoning Committee, shall be empowered to place a temporary administrative deferral on applications that are materially affected by the proposed amendments, if adopted. Such temporary administrative deferral shall be in place for a reasonable period of time not to exceed a maximum of 120 days. A temporary administrative deferral shall automatically cease upon the expiration of 120 days or upon final action by the County Board relating to the proposed amendment, whichever occurs first. Upon receipt of such an application, the Planning, Building and Development Director shall inform the applicant in writing of the temporary administrative deferral and shall inform the applicant that the application shall be processed in accordance with the outcome of the proposed amendment. The Planning, Building and Development Director shall be similarly empowered to place a temporary administrative deferral on applications that are materially affected by any pending amendments to other County Ordinances, subject to the same notice requirements specified above.

### Amendment #2:

Amend Article 6, Sec. 6.2/Use Regulations/Use Table/Waste Related Uses Category to add the use type "Landscape Waste Transfer Station" as a Non-Delegated Conditional Use in the Limited Industrial (LI) and Intensive Industrial (II) Zoning Districts (p. 6-5)

Amend Article 6, Section 6.3/Use Regulations/Use Standards to add a new Sec. 6.3.29, entitled "Landscape Waste Transfer Station", and renumber subsequent subsections accordingly:

- A. The use shall be subject to the Site Capacity Calculations/Site Plan Review Procedures of Sec. 4.1 .

- B. The site shall contain a minimum of 200,000 square feet.
- C. All structures, activities and storage areas shall be set back a minimum of 30 feet from all property lines.
- D. Landscaping and fencing requirements shall be established as part of the Conditional Use Permit.

**Amendment #3:**

**Amend Article 6, Sec. 6.3.27/Use Regulations/Use Standards/Landscape Contractor's Storage Yard as follows (pps. 6-16 through 6-17):**

**§§6.3.27/ Landscape Contractor's Storage Yard (Industrial Sales and Service Use Category)**

- A. The following standards of this subsection apply in the AG district.

...

- 3C. A minimum of 50 percent of the site shall be planted and maintained in nursery stock within 18 months of the approval of the Conditional Use Permit. Such nursery stock shall consist of a combination of trees and/or shrubs and shall be established and maintained using standard nursery practices. A landscape plan, planting scheduled and maintenance plan shall be submitted to the Planning, Building and Development Director for review and approval prior to any scheduled public hearing. A planting schedule shall be established at the time of approval of the Conditional use Permit.

**Commentary:**

The Landscape Plan should provide the planting configuration for the required nursery stock consisting of planting rows no more than 10 feet apart with shrubs spaced at no more than 3 feet apart and trees spaced at no more than 6 feet apart.

The Planting Schedule should provide a detailed description of the phasing of plantings to satisfy the scheduling requirements of Subsection C..

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

...

5E. No more than 20-45 percent of the site may be used for exposed landscape material, or outdoor equipment storage and landscape-related bulk material storage.

6F. Equipment, parking facilities, and bulk material storage areas shall be screened from adjoining properties as established in the Conditional Use Permit. Bulk material storage shall not exceed 10 feet in height.

...

9I. Landscape waste composting, wood-chipping, mulching and grinding activity, and wholesale sales of landscape-related bulk materials shall be allowed as an accessory use only if expressly approved as part of the Conditional Use Permit application. Noise abatement measures for any permitted mulching, chipping or grinding activity shall be addressed as part of the Conditional Use Permit.

...

B. The following standards apply in the GC district

1. Equipment, parking facilities and bulk material storage areas shall be screened from adjoining properties as established in the Conditional Use Permit. Bulk material storage shall not exceed 10 feet in height.

2. Landscape waste composting, wood-chipping, mulching and grinding activity, and wholesale sales of landscape-related bulk materials shall be allowed as an accessory use only if expressly approved as part of the Conditional Use Permit application. Noise abatement measures for any permitted mulching, chipping or grinding activity shall be addressed as part of the Conditional Use Permit.

**Amendment #4:**

**Amend Article 6, Sec. 6.4.2.H/Use Regulations/Accessory Uses/General Standards/Uses Prohibited as Residential Accessory Uses to read as follows (p. 6-32):**

- H. Uses Prohibited as Residential Accessory Uses
1. Uses specifically prohibited by §§6.4.5E and §§6.4.11 as residential accessory uses.
  2. Motocross/BMX/ATV riding or racing as residential accessory uses.
  3. Temporary Hoop or other Frame-Designed Structures not meeting applicable building codes except as allowed under the State's Agricultural Exemption.
  4. Temporary storage structures including trailers and freight containers not meeting building codes.
  5. Donation drop-off containers.

**Amendment #5:**

**Amend Article 6, Sec. 6.4.5.E/Use Regulations/Accessory Uses/Customary Home Occupations/Prohibited Uses to add new paragraphs 6 and 7, as follows:**

**6. Mobile (Off-Site) Vehicle Servicing**

Associated storage for mobile vehicle servicing involving service calls to clients' off-site locations, consisting of repair, detailing and servicing of boats, recreational vehicles, and other consumer vehicles, is not allowed as a home occupation. The maintaining of a home office for such business and the parking of a commercial

vehicle in accordance with Section 6.4.11 shall be allowed as a home business.

#### **7. Contracting Businesses**

Associated storage for contracting businesses, including plumbing, electrical, carpentry, and other trades, and storage thereto, is not allowed as a home business. The maintaining of a home office for such business and the parking of a commercial vehicle in accordance with Section 6.4.11 shall be allowed as a home business.

#### **Amendment #6:**

**Amend Article 6, Sec. 6.4.10/Use Regulations/Accessory Uses/Tents as follows (p. 6-38):**

#### **§§6.4.10/ Tents**

No tent shall be used, erected, or maintained as living quarters. Tents used in commercial or industrial zoning districts or tents used for camping purposes wherever permitted shall be of a temporary nature. Tents erected for a consecutive period of more than seven (7) days in conjunction with a series of temporary events shall be permitted only by Conditional Use Permit. Canopies, awnings and other similar temporary open shelters (with no enclosing sides or walls) attached to the building that accommodate outdoor seating areas for restaurants and taverns shall be allowed, provided such structures meet all applicable zoning and building code requirements and further provided the ancillary use of such structures to accommodate any temporary events, including outdoor music, shall require a temporary use permit.

#### **Amendment #7:**

**Amend Article 6, Sec. 6.4/Use Regulations/Accessory Uses to add the following Subsection 12, as follows (p. 6-38):**

#### **§§6.4.12/Wildlife Rehabilitation Facilities**

Wildlife rehabilitation shall be considered an accessory use to an existing residential use in Residential Zoning Districts on properties containing 80,000 square feet in area. Such use shall be allowed only by a delegated Conditional Use Permit. Setbacks and screening and noise abatement requirements shall be addressed as part of the Conditional Use Permit.

**Amendment #8**

**Amend Article 7, Sec. 7.8/Planned Unit Developments (PUDs) to read as follows (pps. 7-18 through 7-19):**

...

**§§7.8.2/ Intent**

By allowing more flexibility than base zoning districts, a PUD is intended to result in:

...

F. promotion of mixed use development

**§§7.8.3/ Zoning Districts**

A PUD may be approved in any base zoning district, except the AG, RE and OS districts.

**§§7.8.4/ Minimum Site Area**

~~The minimum site area for a PUD shall be 5 acres.~~ There is no minimum site area requirement for a PUD. The proposed PUD shall be consistent with the surrounding existing development in the area.

...

**§§7.8.6/ Approval Procedures**

PUDs shall be reviewed and approved in accordance with the procedures of Sec. 3.7. If the proposed PUD involves subdivision of land, the Preliminary Plat, Preliminary Engineering, Final Plat and Final Engineering shall be subject to the procedures, standards and requirements of Article 10 unless specifically modified or waived by the Conditional Use Permit.

## **§§7.8.7/ Allowed Uses Use Regulations**

### **A. Residential and Agricultural Zoning Districts**

#### **1. PUD Approval**

Any use or mix of uses may be approved within a PUD, provided that Only those nonresidential uses allowed in the GO and LC zoning districts (by right or by conditional use permit) shall be allowed in PUDs located in Residential and Agricultural zoning districts. Nonresidential uses allowed in the GO and LC zoning districts by conditional use permit must be specifically approved within the PUD by the County Board.

#### **2. Change of Use**

Upon PUD approval, any change of use to a use allowed by right in the underlying zoning district or the GO and LC zoning districts, shall be allowed provided all applicable use and development standards are met. Any change of use to a use allowed by conditional use permit in the GO and LC zoning districts shall require a Conditional Use Permit.

### **B. Nonresidential Zoning Districts**

#### **1. PUD Approval**

Any use or mix of uses may be allowed within a PUD in a nonresidential zoning district provided that those uses not allowed by right in the underlying zoning district shall be specifically approved within the PUD by the County Board.

#### **2. Change of Use**

Upon PUD approval, any change of use to a use allowed by right in the underlying zoning district shall be allowed provided all applicable use and development standards are met. Any change of use to a use not allowed by right in the underlying zoning district shall require a Conditional Use Permit.

## **§§7.8.8/ Dimensional Standards**

Development within PUDs shall not be subject to the dimensional and bulk standards (i.e. lot size, lot width, setback, height standards, and building area) of the underlying zoning district. Dimensional and bulk standards shall be established at the time of PUD approval. Similarly, landscaping, lighting, parking,

architectural and open space standards may also be established at the time of PUD approval.

### **§§7.8.9/ Density and Intensity**

**A. Residential Density PUDs (Residential Uses Only)**

The maximum residential density (number of dwelling units) within a residential PUD in a Residential or Agricultural Zoning District may exceed the conventional development density allowed in the underlying zoning district by up to 15 percent if approved by the County Board as part of the PUD Preliminary Plan approval. The maximum density (number of dwelling units) within a residential PUD located in a non-residential zoning district (excluding the Agricultural Zoning District) may exceed the conventional development density allowed in the R-6 Zoning District by up to 15 percent if approved by the County Board as part of the PUD Preliminary Plan approval. PUDs shall be subject to the Natural Resource Protection Standards of Article 4. No other density bonus may be used in combination with the PUD.

**B. Nonresidential Intensity PUDs (Nonresidential uses only)**

The maximum nonresidential intensity (amount of floor area and/or amount of impervious surface) within a nonresidential PUD may exceed that allowed in the underlying non-residential zoning district by up to 15.40 percent if approved by the County Board as part of the PUD Preliminary Plan approval. The maximum intensity (amount of floor area and/or amount of impervious surface) within a nonresidential PUD in a residential zoning district may exceed the intensity standards of the LC Zoning District by up to 15 percent if approved by the County Board as part of the PUD Preliminary Plan approval. PUDs shall be subject the Natural Resource Protection Standards of Article 4.

**C. Mixed Use PUDs (Residential and Nonresidential uses)**

Residential Density and Nonresidential intensity (Impervious Surface Ratio, Floor Area Ratio) with Mixed Use PUDs shall be established at the time of PUD Approval, provided that nonresidential uses shall occupy at least 30% of the total Floor Area within the PUD (residential and nonresidential uses included). Conditions shall be imposed by the County Board relating to the phasing of the residential and nonresidential components of a mixed use PUD. PUDs shall be subject to the Natural Resource Protection Standards of Article 4. No other density bonus may be used in combination with the PUD.

**Commentary:**

The County Board may condition any density bonuses for a PUD on the site and buildings thereupon meeting various environmentally sustainable goals, including sustainable site development, pedestrian-orientation and reduced vehicle trips, water savings, energy efficiency, sustainable construction materials selection, and indoor air quality consistent with the U.S. Green Building Council Leadership in Energy and Environmental Design (LEED) building and site certification program.

...

**Amendment #9:**

**Amend Article 9, Sec. 9.1.6/General Development Standards/Off-Street Parking/Location to add the following language at the end of the paragraph:**

...

However, the parking of any vehicle (including but not limited to any motorized vehicle, recreational vehicle, motorcycle, boat, snowmobile, etc. but excluding bicycles) or trailer on a residentially zoned lot may occur in the front yard only on an improved driveway and/or on an improved pad (in both cases either gravel, paved or otherwise improved with hardscape) not to exceed 400 square feet. In no event shall such personal vehicles be allowed to park on grass in the front yard.

**Amendment #10:**

**Amend Article 9, Sec. 9.3.1.B/General Development Standards/Landscaping/Applicability and Plant Unit Standards/Plant Unit Standards as follows (p. 9-8):**

**B. Plant Unit Standards**

A plant unit is a measurement used to determine the quantity of plant material for screening and shading. 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.

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 #11:**

**Amend Article 9, Sec. 9.9.E.3.a/General Development Standards/Signs/Special Sign Standards/Entrance Signs/Residential Districts to read as follows (p. 9-23):**

- a. **Residential Districts**  
One entrance sign shall be allowed per entrance within a residential development. Entrance signs shall not exceed 40 24 square feet in area, with a maximum height of 6 5 feet and a minimum setback of 7.5 feet from all rights-of-way. Entrance signs for residential development shall be allowed in addition to all other allowed signage within a development and shall not be counted in calculating a site's maximum allowed signage.

**Amendment #12:**

**Amend Article 9, Sec. 9.9.E.8.c.5/General Development Standards/Signs/Special Sign Standards/Temporary Signs/Residential, Nonresidential and Institutional Districts/Political Signs as follows (p. 9-24):**

- 5) **Election Political Signs**  
Temporary election political signs shall be allowed without a permit permitted for a period of no more than 60 days before and not more than 10 days following an election. Such signs shall be allowed without a permit.

Amend Article 9, Sec. 9.9/General Development Standards/Signs to add the following new subsection 15 (p. 9-28):

**§§ 9.9.15/ Non-Commercial Signs, Not Otherwise Classified**

Such signs do not require a permit but are subject to the requirements of Table 9.9-3.

Amend Article 14, Sec. 14.2/Definitions/Terms Defined to add the following definition (p. 14-35):

**Sign, Non-Commercial, Not Otherwise Classified**

A sign containing a non-commercial message, either political or personal; provided that a sign concerning a concurrent election shall be considered a temporary election sign.

**Sign, Election**

A sign concerning a concurrent election.

**Amendment #13:**

Amend Article 12, Sec. 12.3/ Nonconformities/ Nonconforming Structures to add a new §§ 12.3.8/Nonconforming Single Family Dwelling to read as follows. Renumber subsequent paragraphs (p. 12-3):

**§§ 12.3.8/Nonconforming Single Family Dwelling**

1. A legal nonconforming Single Family Dwelling may be rebuilt provided that the following standards are met:
  - a. the extent of nonconformity existing prior to the structure's destruction is not increased including the extent of encroachment into the side and rear yard;
  - b. the structure is located at least 10 feet from the street lot line and at least 4 feet from the side and rear lot lines.
2. A single-story legal nonconforming Single Family Dwelling may be allowed a 2<sup>nd</sup> story provided the following standards are met:
  - a. the structure is located at least 10 feet from the street lot line and at least 4 feet from the side and rear lot lines;

- b. the structure complies with the maximum height requirement.

**Amend Article 12, Sec. 12.2.4/Nonconformities/Nonconforming Uses/Loss of Nonconforming Status (p. 12-2); and**

**Amend Article 12, Sec. 12.3.5/Nonconformities/Nonconforming Structures/Loss of Nonconforming Status; Damage or Destruction to add the following commentary (p. 12-3):**

**Commentary:**

Replacement cost calculations will consist of the following process:

1. Submission of complete stamped engineering or architectural drawings showing an itemized list of all materials involved in the project (excluding open appliances);
2. Submission of at least two (2) contractor's cost estimates based on the architectural drawings, consisting of labor and all materials.

**Amendment #14:**

**Amend Article 12, Sec. 12.4, §§ 12.4.3A 3/Nonconformities/ Nonconforming Lots /Dimensional Standards/Street Side Setbacks to read as follows (p. 12-5):**

**3. Street Side Setbacks**

The minimum street side setback shall be 4 feet, plus ½ foot of additional setback for each foot lot width above 28 feet. However, if the Planning, Building and Development Director determines that the abutting road right-of-way is currently unimproved and is likely to remain unimproved, the street side setback shall be the same as an interior side setback. Setbacks from alleys shall be the same as otherwise applicable side or rear setbacks. In all cases, structures shall comply with the intersection visibility standards of Sec. 9.8.