

## **Amendments to Chapter 1 – General Provisions**

### **Section 29-1.11**

Move that the definition of artisan industry be modified such that the last full sentence is stricken, and the word "retail" is inserted in front of teaching. So it would read "accessory uses including retail, teaching of these skills to others in the course of fabrication, preparation, or production, and outdoor seating areas".

### **Section 29-1.11**

Add "offices" to the definition of "Personal Services"

### **Section 29-1.11**

Replace the existing definitions of **Front Porch and Stoop** with the following: **The ground floor area consisting of an impervious surface attached to the façade or required building line side of the main building, which is delineated by a change in elevation, surface type or surface texture or combination thereof.**

### **Section 29-1.11**

Add the following definition: **Gas Station/Fueling Center. The sale of vehicle fuel from a facility or lot having pumps and underground storage tanks. Such facility may also include a convenience store which sells convenience-related items to the general public.**

### **Section 29-1.11**

Remove the last full sentence in the definition of "Mechanical and Construction Contractor".

## **Amendments to Chapter 2 – Zoning Districts**

### **Section 29-2.3 & 29-2.3(ii)(F)**

Retain the overlays in the UDC and retain the existing language in paragraph F as written in the East Campus Overlay.

## **Amendments to Chapter 3 – Permitted Uses**

### **Table 29-3.1**

Add police, fire, rec center, higher education, restaurants, bars and nightclubs as a "Conditional Use" to the I-G district.

### **Section 29-3.3 (d)**

Add M-DT to the list of districts that caps maximum number of bedrooms in a single building (29-3.3(d)(7)(i))

### Section 29-3.3(cc)

Add Item #5 which states: Gas station or fuel centers with a convenience stores are permitted within the M-DT Urban General West frontage type, as shown on the M-DT Regulating Plan, and shall not be required to comply with the required building line (RBL) standards.

### Section 29-3.3 (mm)

Motion to amend 29-3.3(mm)(4). Delete reference to **one ton** and replace with **five tons or 10,000 pounds**. Delete reference to **20 feet** and replace with **24 feet**.

### Section 29-3.3 (oo)

Delete item # 1 which states “no outside storage of materials intended for sale....”

## **Amendments to Chapter 4 – Form and Development Controls (except M-DT {Mixed-use Downtown})**

### Section 29-4.3(b)(ii)(B)

Change the 15 percent slope requirement to 25 percent with the requirement of a 10-foot setback or additional setback as required by 12A as related to stream buffers.

### Section 29-4.3(b)(ii)

Strike paragraphs (c), (e), and (f) from the referenced section.

### Section 29-4.3 (c)(3)(i)(K)

Replace the existing provisions with the following: **Four-way intersections of local streets will be platted and constructed as roundabouts unless otherwise approved by the director of public works.**

### Section 29-4.4 (a)(2)(i)(B)

Correct missing text relating the 0.25 space per bedroom parking requirement within the M-DT.

### Section 29-4.4(e)

Revise the maximum percentages of parking as follows: **(e)(1) from 125 percent to 150 percent (both locations), (e)(2) from 150 percent to 200 percent, and (e)(3) to 200 percent -- from 150 percent to 200 percent.**

### Table 4.4-5

Revise the text in the column two above that required for “Bus and Truck Terminals” to read as follows: **1 space for each 50,000 square feet of gross floor area in the structure or part thereof shall be provided. If a common loading dock is present, no off-street loading or unloading spaces are required on-site.**

### Section 29-4.5

Verify that there is not a conflict between Section 29-4.5(b)(3) and Section 29-4.5(g)(1)

#### **Section 29-4.5(b)(4)**

Standardize the reference to the M-DT throughout the UDC, where appropriate, either by its code reference (29-4.2) or abbreviation (M-DT)

#### **Section 29-4.5 (c)(1)(i)(b)**

Add the following text at the end of the provision: **, and shall not include trees, located within a stream buffer, right-of-way or utility easement.**

#### **Table 4.5-1**

Amend the table so that the minimum parcel size (shown in Column 2) for the 120,000-square-foot reserve, the 240,000-square-foot reserve, and the 480,000-square-foot reserve be changed to **30,000 square feet**. Amend the maximum number of parcels (shown in Column 3) for the 480,000-square-foot reserve to **3**. Amend the minimum parcel size (shown in Column 2) for the greater than 480,000 square foot reserve to **180,000 square feet**.

#### **Section 29-4.5(d)(i)**

Replace “Landscape Strip” with **“Landscape Buffer”** in heading line and replace the existing text of the item with the following: **All paved areas with more than 40 feet of length within 25 feet of a street right-of-way shall have at least a six-foot wide landscaped buffer which shall be improved in accordance with the provisions of Section 29-4.5(e)(2) within private yards separating parking areas from abutting street right-of-way.**

#### **Figure 4.5-1**

Replace reference to “strip” with **“buffer”** and revise the dimension from the right of way from 15’ to **25’**.

#### **Section 29-4.5 (e)(2)(iii)(c)**

Revise the referenced section to read as follows: **Shrubs and flowering plants that cover a minimum of fifty (50) percent of the remaining area with a minimum of twenty-five (25) percent of that plant material being in flowering shrubs.**

#### **Section 29-4.5(g)(3)(i)**

Add at the end of the provision the words **“or utility easement”**

#### **Section 29-4.5(g)(3)(ii)(a)**

Add the following text **“large to medium”** before the words “deciduous trees”

#### **Section 29-4.8(d)**

Delete all the text that follows the word “apply” in the first sentence.

## **Amendments to M-DT (Mixed-use Downtown)**

### **Section 29-4.2**

Delete the Section 29-4.2(4), detached frontage, of the M-DT provisions.

### **Section 29-4.2 (c)**

Extend the “Urban General” BFS on Ninth Street such that it ends within 30 feet Park Avenue.

### **Section 29-4.2 (c)**

Add 608 Cherry Street to the M-DT Regulating Plan map as a civic structure.

### **Section 29-4.2 (c)**

Remove the alley segment east of Hitt Street between property addressed as 8 and 10 Hitt Street from the M-DT Regulating Plan.

### **Section 29-4.2 (c)**

Amend the M-DT Regulating Plan so that the Urban Storefront building form standard is extended east all the way to west edge of the Hitt Street right of way.

### **Section 29-4.2(c)**

Revise the M-DT Regulating Plan such that its boundary line is moved to the center line of St. James as it travels from Park to Ash and retract that small tails that are remaining back to the intersection of St. James and Ash and St. James and Park.

### **Section 29-4.2(c)**

Amend the M-DT Regulating Plan to change the frontage of Locust Street to the center of the intersection with Waugh and then north on Waugh to Broadway from Townhouse/Small Apartment to Urban General. The tail of Townhouse/Small Apartment south of Locust would remain unchanged.

### **Section 29-4.2(d)(6)(v), Section 29-4.2(d)(9)(iii)**

Delete the words “shopfronts” and “bay windows” from both of those sections.

### **Section 29-4.2(d)(6)(vii)**

Revise graphics and text to adjust rear alley setback from **25-feet to 12-feet**.

### **Section 29-4.2(d)(6)(xii)**

Strike the word “metal picket” and replace it with “material”.

### Section 29-4.2(d)(6)(xii)

Added “private landscape buffer” as an option to requiring a street wall to be constructed of masonry, or ornamental materials.

The revised provision will read as follows: **Street walls may be constructed utilizing either masonry, ornamental materials, or a private landscape buffer in accordance with the provision of Section 29-4.5(d)(i), or any combination thereof. Walls may be opaque or partially open and may include landscaping.**

### Section 29-4.2(d)(8)

Add a new Item (ii) which states: **Balconies shall not project more than 2 feet forward of the required building line (RBL).** All sections following this new item shall be renumbered accordingly.

**Section 29-4.2(d)(8)(ii)(A)** – (revised to (iii)(A) per amendment above)

Add a period after the following “... or other means” and delete the remaining text in the sentence.

### Section 29-4.2(d)(9)(xii)

Revise section text regarding privacy fence maximum height to read **eight (8) feet.**

**Section 29-4.2 (d)(11)** (Not approved @ 11/10/16 meeting . Shown for reconsideration)

**Amend second sentence to read as follows: Proposed expansion of existing civic structures that include new functional square footage or construction of a new structure desired to be designated as a “civic structure” shall require a formal Regulating Plan amendment in accordance to the provisions for a “zoning map amendment” as described in Chapter 5 of this UDC.**

### Section 29-4.2(d)

Add a new paragraph 12 titled **“Gas Station or Fueling Centers with a convenience Store”**. Renumber existing paragraph 12 to 13. Add the following text to new paragraph 12: **A gas station or fueling center with a convenience store shall be a permitted use within the Urban General West frontage type, as shown on the Regulating Plan, and shall not be subject to the required building line setback as defined for other uses within said frontage type.**

**Section 29-4.2 (d)(12)** – (becomes paragraph 13 based upon above amendment)

Replace the first sentence with the following: **All new buildings and/or a change in use shall have a plan for the management, collection, storage, and disposal of solid waste.**

### Section 29-4.2(e)(1)(ii)(B)

Remove open area requirements, revise to add requirement for “residential open area” with four (4) or more units, as follows, and relocate to Section 29-4.2(d)(7). Revise existing cross-referenced text aligned with added requirements. Make corresponding amendments to each Building Form Standard (BFS). Revise the heading of this section to read “Open Area”

- 1) Non-residential Open Space Requirements. Private or public open area shall be provide for buildings greater than 10,000 square feet in buildable area, according to the following schedule:

- i. Ten (10) percent of the total buildable area shall be allocated as open area.
  - ii. In addition to item (i), above, buildings that contain four (4) or more dwelling units shall provide private or public open area as prescribed Item (2), below.
  - iii. Thirty-three (33) percent of required public or private open area may be satisfied through the use of balconies of individual units meeting the requirement of item (v), below, or rooftops.
  - iv. Retail sales that have sales floors for customers and commercial services that provide customer seating or gathering areas, such as restaurants, lodging, and entertainment uses, shall not be subject to the minimum open area requirement.
  - v. Private or public open area may be located on any floor or combination of floors or any location on the lot provided it is accessible to all residents or tenants of the building the open area requirement is intended to benefit.
  - vi. Any single private or public open area, with the exception of individual balconies, shall be a minimum of seventy (70) square feet and shall have a minimum dimension of seven (7) feet and a minimum contiguous area of 70 square feet.
- 2) Residential Open Space Requirements. Private or public open area shall be provided in any building, regardless of its buildable area, which contains four or more dwelling units, according to the following schedule:
- i. 70 square feet per dwelling unit (efficiency; 1-2 bedrooms); 100 square feet per dwelling unit (3 or more bedrooms).
  - ii. Private or public open area may be located on any floor or combination of floors or any location on the lot provided it is accessible to all residents or tenants of the building the open area requirement is intended to benefit.
  - iii. Any single private or public open area, with the exception of individual balconies, shall be a minimum of seventy (70) square feet and shall have a minimum dimension of seven (7) feet and a minimum contiguous area of 70 square feet.

**Section 29-4.2 (e)(1)(iii)(b)**

Revise the language from 10,000-square-foot gross floor area to 10,000-square-foot buildable area (Item 1, Item 1(ii), and Item 2)

**Section 29-4.2(e)(1)(iv)(B)**

Revise text to include subparts (i) and (ii). Existing text to become subpart (i). Subpart (ii) to read as follows: **Balconies are permitted and may be counted as “private open area” when their minimum size is 8-foot wide and 5-foot deep. Balconies shall not project more than 2-feet forward of the RBL.**

**Section 29-4.2(e)(1)(iv)(B)** – (to become 29-4.2(e)(1)(iv)(B)(i) based on above amendment)

Delete the all text following the word “façade”

**Section 29-4.2(e)(1)(v)(B)(1)**

Delete “or retail sales uses” from the provision.

**Section 29-4.2(e)(2)(v)(B)(1)**

Delete “or retail sales uses” from the provision.

### Section 29-4.2(e)(3)(v)(C)(3)

Delete the current text and replace with the following: **On townhouse sites, a detached dwelling unit is permitted in the buildable area at the rear of the site or lot line subject to the provisions of 29-3.3(gg)(4).**

#### Figure 4.2-7, Figure 4.2-11

Revise figures to make sure “street wall” height is consistent through the document what the height requirements of Section 29-4.2 (d)(6)(xi)

#### Figures 4.2-8, 4.2-11, 4.2-15, 4.2-16, 4.2-18

Amend Figure on **4.2-8** to indicate 10% open area and delete reference to it being “contiguous”. Figure **4.2-11** street wall height needs to be revised to four to eight feet. **Figure 4.2-15** delete elevated floor requirement. **Figure 4.2-16** add “public” after “private” in reference to open space and adjust arrows showing open space to include the full extent of the buildable area. They seem to be pointing to a reduced area as delineating or what can be made open space. **Figure 4.2-18** adjust the RBL so it shows the porch encroachment only two feet forward of it.

#### Figure 4.2-8

Revise graphics and text to adjust rear alley setback from **25-feet to 12-feet**.

#### Figure 4.2-12

Amend Figure 4.2-12 to change open area from 15% to 10%, “contiguous” needs to be deleted; “public” needs to be added after “private”; the arrows showing the buildable area needed to be extended to actually show the buildable area. Add lot building limit line shown on this figure, since that is described in the text.

#### Figure 4.2-12

Revise graphics and text to adjust rear alley setback from **25-feet to 12-feet**.

#### Figure 4.2-17

Revise balcony dimensions to 8-feet wide by 5-feet deep to match Urban General/Shopfront building form standard.

#### Figure 4.2-17

Revise figure to have privacy fence permitted height **4' to 8'**.

### **Amendments to Chapter 5 – Procedures and Enforcement**

#### Section 29-5.5(a)(1)(c)

Revise the provision to remove the 6-month time limit and restore the 12-month time limit. Add the following at the end of the provision: **Such time period may be extended upon application to the Board of Adjustment.**

## **Amendments to Appendix A**

### **Appendix A – M-DT Urban Space Standards (d)(3)(ii)(DT Alley)**

Revise the table below graphic as follows:

1. Line 2 to require 3-foot (3') pervious side area.
2. Add asterisk (\*) behind the text in Line 2 indicating that such area will not be used for plant material.
3. Line 7 to specify 18-foot (18') pavement width.