

Ordinance 24-2011 - Exhibit A

PROPOSED UDO AMENDMENTS

MAY 2011

Amend Article 2 - Section 2.201 to permit farm stands as a limited use in the Commercial General (CG) District and to permit Temporary Manufactured Structures as a limited use in the CA Campus, BP Business Park, and INL Industrial Light Districts.

Table 2.201.B. Nonresidential Uses																
P = permitted use; L = Limited Use review; S = Special Use review; X = prohibited use																
Land Use	Zoning District															
	E R 1	S R 2	G R 3	U R 4	N C 5	R U 6	C N 7	C G 8	CB D 9	C P 10	R T 11	C A 12	B P 13	IN L 14	IN H 15	Limited / Special Use Standard
Temporary Uses																
Farm Stands and Non-profit Sales Activities/Fundraisers	X	X	X	X	X	P	X	L	X	X	X	X	X	X	X	Sec 2.610
Temporary Manufactured Structure	L	L	L	L	L	L	L	L	X	X	X	L	L	L	X	Sec. 2.608

Amend Section 2.305 to comply with recent changes in State legislation pertaining to swimming pool enclosure height from 5 feet to 4 feet.

Sec. 2.305 Swimming Pools and Spas

- A.
- B.
- C.
- D. **Access Restrictions.** Access to pools and spas shall be restricted by either of the following means:
 - 1. Walls or fencing not less than five four feet high and completely surrounding the pool and deck area with the exception of self-closing and latching gates and doors, both capable of being locked. In addition, the pool fence must not be built within the required front yard or required corner lot side yard.

Amend Section 2.406 to permit lesser standards for the enclosure of dumpsters and garbage bins for properties located in INL and INH Districts.

Sec. 2.406 Loading, Truck Access, and Solid Waste Collection

- A.

B.

C. **Solid Waste Collection Facilities, Generally.** Dumpsters or garbage bins may be provided for solid waste collection if it is demonstrated that:

1.

a.

b.

2.

3.

4. The areas where dumpsters and/or garbage bins are stored are fully enclosed by:

a. An opaque wall that is one foot taller than the refuse container and constructed of finished masonry painted the same color as the building, or stone, or brick; or

b. Earthen berms improved with ground cover that are one foot taller than the refuse container and held in place with a retaining wall.

c. The standards of this section may be waived for properties in INL and INH Districts not located adjacent to residentially or commercially zoned or used properties and these facilities may be fully enclosed by a solid fence and gates composed of wood, vinyl or other material of similar durability if it is demonstrated that the facility is located in a side or rear yard and is painted or made of a material to match the predominant color of the primary structure on the property on which the dumpster, recycling or other refuse bin is located.

5. If an enclosure must be located in a front yard, it is designed and constructed to be consistent and compatible with principal building in terms of materials and architecture, and surrounded by landscaping in addition to that required by subsection C.7., below, that is sufficiently dense to completely conceal the enclosure from view from adjacent properties and public rights-of-way.

6. The enclosures have gates which remain closed at all times except when the dumpster or garbage bins are being serviced.

7. The enclosures are landscaped as indicated in **Figure 2.406.A., Trash Enclosure.** This standard may be waived for enclosures located in the rear yard of properties located in INL and INH Districts not located adjacent to residentially or commercially zoned or used properties.

Add a provision that existing multifamily units in the CP Central Place District shall be permitted upon demonstration of adequate parking.

Sec. 2.506 Multifamily

A.

B.

C.

D. CP District.

1. All units shall be accessed by interior hallways;
2. Parking may be surface or structured, but shall be located:
 - a. Behind the building; or
 - b. Underneath the building.
3. Each unit shall be designed and constructed with:
 - a. A balcony; or
 - b. For ground floor units, a patio with a railing.
4. Buildings shall be at least three stories in height.
5. The requirements above shall be waived upon demonstration of adequate parking per Division 9.200 Parking and Loading Calculations.

2.535 C 4 b - Add storage areas, impound areas, etc. to the list of areas of a site used for vehicle sales, rental, and service.

Sec. 2.535 Vehicle Sales, Rental, and Service

A.

B.

C. **Standards for All Districts Except CBD.** Vehicle sales, rental, and service establishments are permitted if it is demonstrated that:

1. Repair bays do not front an adjacent public right-of-way or toward land that is zoned for residential use.
2. No more than one elevated display is used, and the display raises the vehicle no more than three feet off the ground.
3. Accessory uses and structures, such as car wash facilities and their incidental functions (vacuums and air compressors) are set back a minimum distance of 50 feet from all rear and side yards of a residentially zoned or used property.
4. No existing buildings shall be re-used for vehicle sales, rental and service unless:
 - a. All lighting is brought into compliance with **Article 9, Parking, Loading, Access and Lighting**.
 - b. All outdoor vehicle display areas / lots, vehicle storage areas and impound yards are screened in accordance with **Article 10, Landscaping**

Division 2.600 Temporary Uses

Sec. 2.610 Farm Stand and Nonprofit Sales

- A. **Generally. Farm stands and Non-profit Sales activities shall only be permitted where the owner or operator of the center has provided written approval of the use of the property and the operator of the stand has submitted a plan for the location and types of merchandise to be sold, and shall meet the standards of this Section.**
- B. **Sale Area. It shall be permitted only where a surplus of parking above the amount of required parking is used and is located on an all-weather dustless paved surface or other surface approved by the City Engineer.**
- C. **Setback. No such use shall be closer to any public road frontage than a distance equal to the width of the required bufferyard/landscape area for the district in which the activity is located.**
- D. **Frequency and Duration. Each property is permitted a maximum of one stand at a time on the property.**
- E. **Non-profit sales activities shall not be permitted in the RU Rural District.**

Amend Article 6 Section 6.102 Applicability to describe specific situations when the requirement to subdivide a parcel for the conveyance of property may be waived.

Division 6.100 Purpose and Applicability

Sec. 6.102 Applicability

The standards of this Article apply to all types of land development where the site is altered to accommodate development, regardless of the nature of the permit or approval, including:

- A. **Subdivision Plat.** Land shall not be divided for conveyance until a plat has been approved and submitted to the City for recording in the public records. A subdivision plat shall be required when the owner of a tract of land within the City divides the tract into two or more parts to lay out a subdivision of the tract; lay out suburban, building, or other lots; or lay out streets, alleys, squares, parks, or other parts of the tract intended to be dedicated to public use or for the use of the purchasers or owners of the lots within the tract. A subdivision includes a division regardless of whether it is made by using a metes and bounds description in a deed of conveyance or in a contract for a deed, by using a contract of sale or other executory contract to convey, or by using any other method. **The standards of this section shall not apply to a single division of land following written notification from the owner of the property in question in the event that a property or portion of property to be conveyed is compliant will all applicable bulk and density standards as detailed in Article 3 District Intensity and Bulk Standards and will not result in:**
 - 1. **Access to any right of way or other approved access easement for any adjacent property being blocked.**
 - 2. **Creation of any landlocked or unbuildable parcel per the standards of the zoning district in which the resulting parcel(s) are located.**

Amend Article 9 Parking to provide to for flexibility in calculation of parking standards for industrial uses.

Sec. 9.202 Calculation of Required Parking Spaces

- A. **Floor Area.** Where the number of parking spaces in **Table 9.201, Minimum Parking and Loading Requirements**, is calculated based on the floor area of the use. However, the measurement of floor area shall not include restrooms, **generally unoccupied defined and enclosed utility areas housing equipment for HVAC, Plumbing, or similar purposes** and areas that are designed and used exclusively for storage. **For the purpose of calculation of required parking for industrial uses, a narrative describing maximum typical usage of building or site areas, including number of employees and visitors per largest shift and number of employees normally primarily stationed in warehouse areas and other areas normally considered storage as described above on the largest shift may be provided. In the case of Industrial uses, regardless of other factors, the final required number of spaces required shall not be less than the calculation described above plus twenty percent or based on the floor area calculation for basic floor area above, whichever is greater.**