

Combined UDC # 1, 2, 6 and 7 - Text Changes for Adoption - February 24, 2014					
#	Page	Section	Comment	Response	Resolution
1	Pg.1-2	1.1.6	Add: Appendix A shall include approvals of rezoning and conditional uses from January 1, 2000 to the effective date of the UDC. Also, includes any lawsuit and targeted properties and protected districts. When a property abuts a protected district the site plan shall be reviewed and approved by Mayor and City Council. Items controlled by conditions of approval such as days and hours of operation, buffers, limitations of uses, noise levels shall be enforceable.	Adoption	
2	Pg. 1-4	Sec. 1.4	Add new Section: Design Guidelines	Adoption	
3	Pg. 1-4	Sec. 1.4.1	Add new Section: Use and Enforcement of Design Guidelines The Unified Development Code Design Guidelines adopted by Mayor and City Council by Resolution and subsequently amended and adopted by reference in this article are flexible in interpretation of compliance of the design standards as determined by staff, and the design review board or the historic preservation commission, whichever has jurisdiction, in the case of individual development applications. It is the intent of this article that all developments be in accordance with the applicable standards established in the UDC Design Guidelines, but that the final authority to determine whether a development is consistent or inconsistent with these guidelines shall rest with the design review board or the historic preservation commission, whichever has jurisdiction, subject to appeal provisions. To this end, the board or commission may exercise its own judgment in applying these design guidelines and may approve variations or determine such guidelines to be not applicable as they pertain to a particular piece of property or development wherein the board's or commission's judgment the spirit and intent of the guidelines are maintained or that the resulting development, absent consistency with these guidelines, will be appropriate and compatible with the uses and structures within the respective overlay district, design district, or citywide as the case may be.	Adoption	
4	Pg. 2-2	2.1.1 D	Remove the words "or attached".	Adoption	
5	Pg. 2-4	2.1.1 J	Change "typically" to "is designed to accommodate" - Remove "s"	Adoption	
6	Pg. 2-5	2.2.3	Rearrange the "of" and "number" in the third sentence	Adoption	
7	Pg. 2-6	2.2.6 B	Remove public and private use - change to common open space	Adoption	
8	Pg. 2-5	2.2.5	add the word "not" before considered	Adoption	
9	Pg. 2-6	2.2.7 B 2	All outdoor amenity space shall be located at grade	Adoption	
10	Pg. 2-6	2.2.7 B 5 a and b	Ground level - add "common area"; Upper level - add "common area".	Adoption	
11	Pg. 2-7	2.2.8 B 5	Change "outside" to "inside"	Adoption	
12	Pg. 2-7	2.2.8.B 6	Change the word "must" to the word "may".	Adoption	
13	Pg. 2-7	2.2.8.B 7	Change the word "must" to the word "may".	Adoption	
14	Pg. 2-7	2.2.9 C	Add sentence: Automobile drive-thru is not permitted in the build-to zone.	Adoption	
15	Pg. 2-9	2.2.12 A	Remove "theater fly space"	Adoption	
16	Pg. 2-14	2.2.18 G. 6	Add: "The depth of the forecourt cannot exceed the general width."	Adoption	
17	Pg. 2-15	2.2.19 B 1 and 2	Add last sentence of 1 to 2 dealing with width of garage door	Adoption	

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18	Pg. 2-15	2.2.19 B 7	Add: C. Administrative Alternate Finding The Zoning Director may, in accordance with Section 13.9, approve an alternate garage option subject to all of the following findings: 1. The approved alternate meets the intent of the garage option regulation; 2. The approved alternate does not negatively impact pedestrian circulation and safety; 3. Measures are taken to mitigate the visual impact of the garage design; and 4. The required garage setbacks are met.	Adoption	
19	Pg. 3-5	3.1.7, 3.1.8, 3.1.9	Remove wording in RS-6, RS-4 and R-CC "Suburban Residential" from intent statement. Add: "Other areas as defined by the Complan, only in exceptional situations"	Adoption	
20	Pg. 3-9	3.2.1 chart	Remove Attached house as a building type in the R-CC district	Adoption	
21	Pg. 3-9	3.2.1	Remove Carriage House as a building type in R-CC, R-TH, RM-2 and RM-3 districts	Adoption	
22	Pg. 3-9	3.2.1	Add Carriage House as a building type in the AG-43 district	Adoption	
23	Pg. 3-11	3.2.3	Change rear setback for accessory structure from 15' to 10'	Adoption	
24	Pg. 3-11	3.2.3 Coverage	change: RS-18 [R-1] to 30%	Adoption	
25	Pg. 3-11	3.2.3 Coverage	change: RS-12 [R-2] to 35%	Adoption	
26	Pg. 3-11	3.2.3	Change the Accessory Structure Setback - located in the rear or side yard from 15' to 10' setback in the RS-12, RS-9, RS-6 and RS-4 districts	Adoption	
27	Pg. 3-12	3.2.4	RS-9 - Add: Common open space - 20%	Adoption	
28	Pg. 3-16	3.2.8	Cottage court - building coverage 60%	Adoption	
29	Pg. 3-16	3.2.8 2 G	Eliminate the 0' or	Adoption	
30	Pg. 3-18, 4-12, & 5-12 6-6	3.2.9, 4.3.5, and 5.3.7	Add the site and lot dimensions from 3.2.9 townhouse to 4.3.5 and 5.3.7	Adoption	
31	Pg. 3-24, 4-31, 5-28, 6-22	3.3.1, 4.4.1, 5.4.1, 6.4.1	Matrix showing buffers between districts	Adoption	
32	Pg. 3-26	Use table	Institutional - remove from R-TH and make it conditional in RM-2 and RM-3	Adoption	
33	Pg. 3-26	Use Table	Multi Family - Remove from R-TH and Conditional in RM-2 and RM-3	Adoption	
34	Pg. 3-29	Use table	Remove Accessory apartment, attached from the RS-9, RS-6, RS-4, R-CC, R-TH, RM-2 and RM-3 districts	Adoption	
35	Pg. 3-29	Use table	Add Accessory apartment, attached to the AG-43 district as a "C" use	Adoption	
36	Pg. 3-29	Use table	Add an "C" to Carriage House, existing lot in the AG-43 district	Adoption	
37	Pg. 3-29	Use table	Add an "C" to Carriage House, lot subdivided in the AG-43 district	Adoption	
38	Pg. 3-30	Use table	Remove "Livestock" as a conditional use in the RM-3 district	Adoption	
39	Pg. 3-33	3.5.5 Index Map	Change Index Map to Nesbit Lakes		
40	Pg. 3-49	3.6	Remove: Transfer Development Rights	Adoption	
41	Pg. 4-3	4.1.4	change drawing to reflect actual nature of SH	Adoption	
42	Pg. 4-12	4.3.5	Townhouses - building coverage - 75% in all districts	Adoption	
43	Pg. 4-20	4.3.9	SH Build to zone measure 5' to 10'	Adoption	
44	Pg. 4-29	4.3.13	PV approvals should be processed like a rezoning change section to 13.4	Adoption	
45	Pg. 4-35	Use Table	Make Car Wash C - Conditional in NX	Adoption	
46	Pg. 4-35	Use table	Remove "Carriage House, existing lot" from the RX, NX, and CX districts	Adoption	
47	Pg. 4-35	Use table	Remove "Carriage House, lot subdivided: from the CX district	Adoption	
48	Pg. 4-35	Use table	Remove Accessory apartment, attached from the RX, NX, and CX districts	Adoption	
49	Pg. 4-35, 5-32, 6-26	Use table	Add as a use "Distillery" C- Conditional where Microbrewery's are allowed.	Adoption	
50	Pg. 5-12	5.3.7	Townhouses - building coverage - 75% in all districts	Adoption	
51	Pg. 5-31	(Use table)	Change the "P" to a "C" for remote parking in the DH district	Adoption	

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52	Pg. 5-32	Use Table	Add "Carriage Houses" P- Permitted into DX	Adoption	
53	Pg. 6-25	(Use table)	Personal service and restaurant - make "Limited" in OP	Adoption	
54	Pg. 6-26	(Use table)	Remove "Livestock raising" and "Poultry raising" from all employment districts	Adoption	
55	Pg. 7-9	Use table	Park, Recreation field (up to 2 acres) - C -conditional	Adoption	
56	Pg. 8-3	5 times	Change title to HOD : Historic Overlay District - Change all -HP to -HOD	Adoption	
57	Pg. 9-6	9.3.3 A	Add to the end after social services "and educational "	Adoption	
58	Pg. 9-3	9.2.1 B h	Change "9.7.20" to "9.7.21"	Adoption	
59	Pg. 9-7	9.4.1 F 1	Change "rectory" to "clergy house"	Adoption	
60	Pg. 9-10	9.5.1 B 1	Remove "aging"	Adoption	
61	Pg. 9-14	9.5.9 C 2	Change: 5,000 to 7,500	Adoption	
62	Pg. 9-15	9.5.10 C	Change: Gas to Fuel - 5,000 SF to 7,500 SF	Adoption	
63	Pg. 9-16	9.5.10 D 1 & 2 B	Change: Gas to Fuel - 5,000 SF to 7,500 SF	Adoption	
64	Pg. 9-16	9.5.10 G 1	Remove PV - required in all retail districts	Adoption	
65	Pg.10-2	10.1.3, B, 2	Decrease the minimum to "10"	Adoption	
66	Pg. 10-3	parking table	Add: Use - Townhouse - Vehicle Parking - 1.75 per unit and .5 guest parking per unit, Bicycle parking - none	Adoption	
67	Pg. 10-9	10.1.13 I	Change graphic to meet NX layout by pushing building to the street and parking around side and back	Adoption	
68	Pg. 10-12	10.2.1 C 1 & 2	Remove ", use or"	Adoption	
69	Pg. 10-13	10.2.5 A 4	Change "outside" to "inside"	Adoption	
70	Pg. 10-15	10.2.6 B	Add after the word screened: "by a landscape strip" Add new sentence : Perimeter screening that is not next to a public streets shall be a minimum of 5	Adoption	
71	Pg. 10-15	10.2.7 B	Add at the end of paragraph: Shrubs shall be provided to screen paved areas and parking lots from the right-of-way. Shrubs shall be two (2) foot at planting, two (2) rows deep and shall provide a screen within three (3) years of planting.	Adoption	
72	Pg. 10-16	10.2.8 3	Remove: " Glass block"	Adoption	
73	Pg. 10-18	10.2.10 A 8	Replace: "may be no" with "does not exceed"	Adoption	
74	Pg. 10-23	10.3.7 E 2	Read as follows: A non-exposed neon window sign stating "OPEN" not greater than 5' square feet in area ...	Adoption	
75	Pg. 10-39	10.3.24 C 4	remove the word "exposed"	Adoption	
76	Pg. 11-3	11.2.6 A	Change 20 units to 10 units for Common open space requirement	Adoption	
77	Pg. 11-3	11.2.6 A	Add: RS-9 and R-TH	Adoption	
78	Pg. 11-3	11.2.6 B 2 E	Remove - Landscaped stromwater management facilities: and	Adoption	
79	Pg. 11-3	11.2.6 B 2	Add: Easements for "underground" drainage	Adoption	
80	Pg. 11-7	11.4.1 A	Add: "as reference in the Transportation Master Plan."	Adoption	

#	Page	Section	Comment	Response	Resolution
81	Pg. 11-26	11.5.1	Sec. 11.5. Infrastructure Sufficiency / Public Improvements 11.5.5 Required Improvements Generally - Add: A. To facilitate the efficient and adequate provision of transportation, water and sewer and to secure public safety, every subdivision and site plan shall be subject to a determination of the sufficiency of infrastructure. B. Infrastructure shall be considered sufficient when it is demonstrated to have capacity to accommodate the demand generated by the proposed development.	Adoption	
82	Pg. 11-26	11.5.3. c	Add a "d" - All development or redevelopment that requires detention ponds, retention ponds, and /or water quality features: Such features shall be located outside any required buffer.	Adoption	
83	Pg. 12-49	12.9.2	Reword first sentence: Effective screening shall be achieved with gates.	Adoption	
84	Pg. 13-3	Table 13.1	1)Design Review Minor - move A-PH to Design Review Board, 2) Permit Review Land Disturbance Permit Add: A-PH under Board of Zoning Appeals, 3)Quasi-Judicial Review Variance Add PM to Historic Preservation Commission and 4)under Public Notice Published -Y	Adoption	
85	Pg. 13-3	Table 13.1	Variance -Public Notice- Published "Y"	Adoption	
86	Pg. 13-6	13.3.4 D 2	Remove entire paragraph	Adoption	
87	Pg. 13-7	13.4.4 B 1	Add: form, "proposed site plan"	Adoption	
88	Pg. 13-10	13.4.8	13.4.8 What If I Need a Concurrent Variance?	Adoption	
89	Pg. 13-10	13.4.8	The City Council shall not approve a concurrent variance unless there are extraordinary and exceptional conditions or practical difficulties pertaining to the particular piece of property in question because of its size, shape or topography that are not applicable to other properties in the same zoning district. In making this determination, the City Council shall also consider all of the following criteria:	Adoption	
90	Pg. 13-10	13.4.8	A. A literal interpretation of the provisions of this UDC would effectively deprive the applicant of rights commonly enjoyed by other properties of the zoning district in which the property is located;	Adoption	
91	Pg. 13-10	13.4.8	B. Granting the requested variance will not confer upon the property of the applicant any special privileges that are denied to other properties of the zoning district in which the property is located;	Adoption	
92	Pg. 13-10	13.4.8	C. The requested variance will be in harmony with the purpose and intent of this UDC and will not be injurious to the neighborhood or to the general welfare;	Adoption	
93	Pg. 13-10	13.4.8	D. The special circumstances are not the result of the actions of the applicant;	Adoption	
94	Pg. 13-10	13.4.8	E. The variance requested is the minimum variance that will make possible the proposed use of the land, building or structure;	Adoption	
95	Pg. 13-10	13.4.8	F. The variance does not permit a use of land, buildings or structures, which is not permitted by right in the zoning district; and	Adoption	
96	Pg. 13-10	13.4.8	G. The variance does not reduce the lot size below the minimum lot size allowed in the zoning district; and	Adoption	
97	Pg. 13-10	13.4.8	H. The variance does not increase the maximum allocation of sign area or the maximum area of an allowed sign type.	Adoption	
98	Pg. 13-12	13.5.9 F 2	Remove the "s" from the word Article	Adoption	
99	Pg. 13-15	13.6.4 K	Remove the word "less" and replace with "fewer"	Adoption	
100	Pg.13-19	13.7.4	Remove P - parking lots	Adoption	

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101	Pg. 13-20	13.7.7. B 3	Remove "and must be followed" at the end of the sentence.	Adoption	
102	Pg. 13-21	13.7.10 B 1	The use of "complete and compliant"	Adoption	
103	Pg. 13-25	13.8.12	Remove "other items" and add word "installed" before right-of-way	Adoption	
104	Pg. 13-31	13.11.7	13.11.7 What Approval Criteria Are Used?	Adoption	
105	Pg. 13-31	13.11.7	The Board of Zoning Appeals shall not approve a variance unless there are extraordinary and exceptional conditions or practical difficulties pertaining to the particular piece of property in question because of its size, shape or topography that are not applicable to other properties in the same zoning district. In making this determination, the Board of Zoning Appeals shall also consider all of the following criteria:	Adoption	
106	Pg. 13-31	13.11.7	A. A literal interpretation of the provisions of this UDC would effectively deprive the applicant of rights commonly enjoyed by other properties of the zoning district in which the property is located;	Adoption	
107	Pg. 13-31	13.11.7	B. Granting the requested variance will not confer upon the property of the applicant any special privileges that are denied to other properties of the zoning district in which the property is located;	Adoption	
108	Pg. 13-31	13.11.7	C. The requested variance will be in harmony with the purpose and intent of this UDC and will not be injurious to the neighborhood or to the general welfare;	Adoption	
109	Pg. 13-31	13.11.7	D. The special circumstances are not the result of the actions of the applicant;	Adoption	
110	Pg. 13-31	13.11.7	E. The variance requested is the minimum variance that will make possible the proposed use of the land, building or structure;	Adoption	
111	Pg. 13-31	13.11.7	F. The variance does not permit a use of land, buildings or structures, which is not permitted by right in the zoning district; and	Adoption	
112	Pg. 13-31	13.11.7	G. The variance does not reduce the lot size below the minimum lot size allowed in the zoning district; and	Adoption	
113	Pg. 13-31	13.11.10	Change the word "is" to "and"	Adoption	
114	Pg. 14-11	"P" definitions	Add "DR and CIV" to the protected district list	Adoption	
115		5 times	Remove the "s" on the word "toward" throughout the UDC	Adoption	
116			Change label " Downtown" to "Downtown Historic District"	Adoption	