

Exhibit A

Chapter 17.04: General Provisions and Definitions

17.04.060 – Definitions of general terms.

1. **Modify** Subsection B to add the following definition in alphabetical order:

“Residential scale multi-family” means a single structure with two, three, or four dwelling units that is situated on a single lot and designed in such a manner and scale to be compatible in neighborhoods that are predominately made up of single-family and two-family uses. Residential scale multi-family shall not be considered multi-family for the purpose of use classification.

Chapter 17.08: Zoning Districts and Land Uses

17.08.010 – Zoning Districts Established.

3. **Modify** Subsections B.1 and B.2 as follows:

1. Single-Family and Residential Scale Multi-Family Districts:

2. ~~One and Two-Family~~ Single-Family, Two-Family, and Residential Scale Multi-Family Districts:

17.08.020 – Zoning Districts Described.

4. **Modify** Subsections B.1 and B.2 as follows:

1. Single-Family and Residential Scale Multi-Family (RS and RS-A) Districts. Intended for single-family and residential scale multi-family residential development at a variety of densities, these districts may be applied to preserve the character of developed residential areas that are predominately single-family in nature and recommended to remain so by the general plan. These districts also may be applied to establish single-family character in developing areas at densities recommended by the general plan.

- a. RS80, RS40, RS30 Districts. Designed for low intensity single-family and residential scale multi-family development, these districts are appropriate for implementing the residential low density policies of the general plan. These districts may also be appropriate within selected areas of natural conservation policy that are environmentally suitable and can be provided necessary support services.

- b. RS20, RS15, and RS10 Districts. Designed for relatively low to moderate intensity single-family and residential scale multi-family development, these districts are appropriate for implementing the residential low-medium policies of the general plan. These districts may also be appropriate within selected areas of natural conservation policy, with urban services. The RS20 and RS15 districts may be applied along edges of areas classified within residential low density policy that have suitable physical characteristics and good street access.

- c. RS7.5, RS7.5-A, RS5, RS5-A, RS3.75 and RS3.75-A Districts. Designed for higher intensity single-family and residential scale multi-family development, these districts are appropriate for implementing the residential medium density policies

of the general plan. As a general rule, these districts should have good access to either arterial or collector streets with the RS3.75 and RS3.75-A districts located in proximity to mass transit service.

2. ~~One and Two-Family~~ Single-Family, Two-Family, and Residential Scale Multi-Family (R and R-A) Districts. The R and R-A districts are intended either for established residential subdivisions where the pattern of development contains both one-and two-family structures and where maintaining a mixture of housing types is desirable or for the development of new general plan.
 - a. R80 and R40 Districts. Intended for low intensity ~~one and two-family~~ single-family, two-family, and residential scale multi-family development, these districts are appropriate for implementing the residential low density policies of the general plan. These districts may also be appropriate within selected areas of natural conservation policy that are environmentally suitable and can be provided necessary support services. The R40 district also may be appropriate for selected areas policed for low-medium density development.
 - b. R30 and R20 Districts. Intended for low to moderate intensity ~~one-family and two-family~~ single-family, two-family, and residential scale multi-family development, these districts are appropriate for implementing the residential low-medium density policies of the general plan. These districts also may be appropriate within those areas of natural conservation policy that are environmentally suitable and have urban services.
 - c. R15, R10, R8 and R8-A Districts. Intended for medium intensity ~~one-family and two-family~~ single-family, two-family, and residential scale multi-family development, these districts are appropriate for implementing the residential medium density policies of the general plan. The R8 and R8-A districts also may be applied to areas policed for medium-high density residential development. Generally, these districts should have good access to either arterial or collector streets.
 - d. R6 and R6-A Districts. Intended to provide for higher intensity ~~one-family and two-family~~ single-family, two-family, and residential scale multi-family development, this district is appropriate for implementing the residential medium or medium-high density policies of the general plan. This district should have good access to arterial streets with preference given to locations with mass transit service.

Section 17.08.030 - District land use tables.

5. **Modify** the district land use tables as follows:

	Residential					Mixed Use				Office				Commercial					Downtown (DTC)				Shopping Center				
Key: P-Permitted PC-Permitted w/conditions* SE-Special exception* A-Accessory* O-Overlay * Refer to Chapter 17.16 for standards	RS80 through RS3.75-A	R80 through R6-A	RM2 through RM20-A-NS	RM40 through RM100-A-NS	MHP	MUN, MUN-NS, MUN-A, and MUN-A-NS	MUL, MUL-NS, MUL-A, and MUL-A-NS	MUG, MUG-NS, MUG-A, and MUG-A-NS	MUI, MUI-NS, MUI-A, and MUI-A-NS	ON	OL	OG and OG-NS	OR20 through OR40-A-NS	ORI, ORI-NS, ORI-A, and ORI-A-NS	CN, CN-NS, CN-A, and CN-A-NS	CL, CL-NS, CL-A, and CL-A-NS	CS, CS-NS, CS-A, and CS-A-NS	CA and CA-NS	CF and CF-NS	North	South	West	Central	SCN and SCN-NS	SCC and SCC-NS	SCR and SCR-NS	
Residential Uses:																											
Single-family	P	P	P	P		P	P	P	P	P		PC	P	P	PC	PC	PC	PC	PC	P	P	P	P	PC	PC		
Two-family		PC	P	P		P	P	P	P			PC	P	P	PC	PC	PC	PC	PC	P	P	P	P	PC	PC		
<u>Residential scale multi-family</u>	<u>PC</u>	<u>PC</u>	<u>PC</u>	<u>PC</u>		<u>PC</u>	<u>PC</u>	<u>PC</u>	<u>PC</u>	<u>PC</u>		<u>PC</u>	<u>PC</u>	<u>PC</u>	<u>PC</u>	<u>PC</u>	<u>PC</u>	<u>PC</u>	<u>PC</u>	<u>PC</u>	<u>PC</u>	<u>PC</u>	<u>PC</u>	<u>PC</u>	<u>PC</u>		
Multi-family			P	P		P	P	P	P			PC	P	P	PC	PC	PC	PC	P	P	P	P	P	PC	PC	P	

Chapter 17.12: District Bulk Regulations

17.12.020 – District Bulk Tables.

6. **Modify** Subsection A as follows:

A. District Bulk Table 17.12.020A establishes the bulk requirements for ~~one-family and two-family dwellings~~ single-family, two-family, and residential scale multi-family uses in residential districts.

7. **Modify** Table 17.12.020A by deleting its title in its entirety and replacing it as follows:

SINGLE-FAMILY, TWO-FAMILY, AND RESIDENTIAL SCALE MULTI-FAMILY USES

8. **Modify** Note 3 of Table 17.12.020A as follows:

Note 3: ~~Single-family, and two-family, and residential scale multi-family dwellings~~ uses in the RM9-A, RM9-A-NS, RM15-A, RM15-A-NS, RM20-A, RM20-A-NS, RM40-A, RM40-A-NS, OR20-A, OR20-A-NS, OR40-A, OR40-A-NS, ORI-A, ORI-A-NS, MUN-A, MUN-A-NS, MUL-A, MUL-A-NS, MUG-A, MUG-A-NS, MUI-A, and MUI-A-NS shall use the build-to zone standards listed in Table 17.12.020D.

17.12.030 – Street Setbacks.

9. **Modify** Subsection C.3.b as follows:

b. When there are fewer than four ~~single-family, or two-family, or residential scale multi-family houses~~ structures on the same block face that are oriented to the same street and that follow the established development pattern, then the minimum required street setback shall be the average setback of all ~~single-family, or two-family, or residential scale multi-family houses~~ structures on the same block face that are oriented to the same street and that follow the established development pattern.

10. **Modify** Subsection C.3.d as follows:

d. When there are no other ~~single-family, or two-family, or residential scale multi-family houses~~ structures on the same block face, oriented to the same street and that follow the established development pattern, then the value provided in Table 17.12.030A shall determine the setback.

11. **Modify** Table 17.12.030A by deleting its title in its entirety and replacing it as follows:

STREET SETBACKS FOR SINGLE-FAMILY, TWO-FAMILY, AND RESIDENTIAL SCALE MULTI-FAMILY STRUCTURES

17.12.035 – Street setbacks within the urban zoning overlay district.

12. **Modify** Subsection D as follows:

- D. Special Setback Regulations for All Uses (Excluding Single-Family, ~~and Two-Family, and Residential Scale Multi-Family Uses Dwellings~~) Within the Urban Zoning Overlay District:
1. In all districts, a principal or accessory structure may be located closer to the street or property line than as permitted by this section or by Tables 17.12.020B, 17.12.020C, and 17.12.030B based on the review and approval of a Special Exception by the Board of Zoning Appeals.
 2. An applicant shall provide evidence to the board as provided in Section 17.12.060.F.3 that the proposed building setbacks shall not create an adverse impact on adjacent properties nor detract from a strong pedestrian-friendly environment.
 3. The board shall consider a recommendation from the historic zoning commission and planning commission as provided in Section 17.12.060.F.4.

17.12.060 – Building height controls.

13. **Modify** Subsection B as follows:

- B. Special Height Regulations for Single-Family, ~~and Two-Family, and Residential Scale Multi-Family Structures Dwellings~~.
1. ~~Single-family and two-family dwellings structures shall not exceed three stories.~~
 2. Residential Scale Multi-Family structures shall not exceed two stories, except in instances where there is a three-story residential structure on an adjoining lot oriented towards the same block face where the maximum height shall be three stories.
 3. On all lots with a lot size less than forty thousand square feet, accessory structures shall not exceed one story or sixteen feet in height.
 4. On all lots with a size with forty thousand square feet or more, accessory structures located to the rear of the principal dwelling may be two stories or twenty-four feet in height provided that the full side and rear setbacks required by the applicable district are provided. If not so established in historic overlay districts, the zoning administrator shall establish height regulations based upon the recommendation of the historic zoning commission.

14. **Modify** Subsection C as follows:

- C. Special Height Regulations for Single-Family, ~~and Two-Family, and Residential Scale Multi-Family Structures Dwellings~~ Within the Urban Zoning Overlay District.
1. ~~Single-family and two-family dwellings structures shall not exceed three stories to a maximum height of forty-five feet. Maximum height shall be measured from either the finished grade or, if present, from the ceiling of an exposed basement not more than seven feet above the finished grade. Finished grade shall be determined based on the average elevation of the four most exterior corners of the structure, to the eave or roof deck. Finished grade is the final ground elevation.~~

2. Residential Scale Multi-Family structures shall not exceed two stories to a maximum height of thirty-five feet, except in instances where there is a three-story residential structure on an adjoining lot oriented towards the same block face where the maximum height shall be three stories to a maximum height of forty-five feet. Maximum height shall be measured from either the finished grade or, if present, from the ceiling of an exposed basement not more than seven feet above the finished grade. Finished grade shall be determined based on the average elevation of the four most exterior corners of the structure, to the eave or roof deck. Finished grade is the final ground elevation.
- ~~23.~~ On all lots with a size less than forty thousand square feet, an accessory structure located to the rear of the principal dwelling may have vertical walls rising no higher than sixteen feet from the side and rear setback lines. The roof on the structure shall rise from the side walls at a roof pitch no steeper than the predominant roof pitch of the principal dwelling, except that the vertical walls may extend to the underside of the roof at the gable end of a gabled roof. The top elevation of an accessory structure shall not exceed the top elevation of the principal dwelling.
- ~~34.~~ On all lots with a lot size of at least forty thousand square feet, an accessory structure located to the rear of the principal dwelling may have vertical walls rising no higher than twenty-four feet in height exclusive of a pitched roof, provided that the full side and rear setbacks required by the applicable district are provided. The top elevation of an accessory structure shall not exceed the top elevation of the principal dwelling.

15. **Modify** Subsection F as follows:

- F. Special Height Regulations for All Uses (Excluding Single-Family, and Two-Family, and Residential Scale Multi-Family Uses-Dwellings) Within the Urban Zoning Overlay District, but not including the DTC district:
1. In all districts, a principal or accessory structure may exceed the maximum height at the setback line and/or penetrate the height control plane as shown in Tables 17.12.020B and 17.12.020C, or the maximum height in the build to zone for thirty percent of the façade fronting each public street and/or the maximum heights specified in Table 17.12.020D, based on the review and approval of a Special Exception by the board of zoning appeals.
 2. The top elevation of an accessory structure shall not exceed the top elevation of any principal building or structure located within the development.
 3. An applicant shall provide evidence to the board that the proposed building height shall not create an adverse impact on air, light, shadow, or wind velocity patterns due to the configuration of the building relative to the maximum permitted height standards (including height control plane) and its juxtaposition to, and with, existing structures in the vicinity, or approved, but not yet built structures. In addition, the applicant shall demonstrate that the proposed building height contributes to, and does not detract from, a strong pedestrian-friendly streetscape.
 4. The board shall consider a recommendation from the historic zoning commission, if the property is located within an historic overlay district, and a recommendation from the planning commission as provided in Section 17.40.300. The planning commission shall recommend on the proposed development's consistency with the goals, objectives and standards of any redevelopment district as well as the general plan, including any community, neighborhood or other design plan.

17.12.090 – Conservation Development

16. **Modify** Subsection D.5 as follows:

5. Lots proposed for ~~duplexes~~ two-family and residential scale multi-family uses must meet the minimum lot size of the base zoning district (no reduction in area permitted) and shall comply with ~~the~~ all standards in ~~of~~ Section 17.16.030-~~D~~ ~~of this title~~.

Chapter 17.16 – Land Use Development Standards

17.16.030 – Residential uses.

17. **Modify** Section 17.16.030 to add the following as Subsection H:

H. Residential Scale Multi-Family. The residential scale multi-family use shall be permitted provided that the following conditions are met:

1. Location. Residential scale multi-family uses shall only be permitted on lots within the Urban Services District (USD).
2. Design Standards.
 - a. Roof. All dwelling units within a residential scale multi-family structure shall be under a single roof structure. The roof structure must have a minimum pitch of not less than thirty (30) degrees; provided, however, that the roof structure may have a minimum pitch of less than thirty (30) degrees if three or more structures on the same block face that are oriented to the same street have roof structures with minimum pitches of less than thirty (30) degrees.
 - b. Entrances. Residential scale multi-family structures shall have one or two main entrances on the front façade, oriented towards the street frontage. There may be secondary entrances on the side and rear façades.
 - c. Building Layout. Dwelling units within a residential scale multi-family structure shall share common walls and may be situated either wholly or partially over or under other dwelling units.
3. Access, Driveways, and Parking.
 - a. Where existing, access shall be from an improved alley. Where no improved alley exists, a driveway within the street setback may be permitted.
 - b. For a corner lot, the driveway shall be located within thirty feet of the rear property line.
 - c. Driveways are limited to one driveway ramp per public street frontage.
 - d. Parking, driveways, and all other impervious surfaces in the required street setback shall not exceed twelve feet in width.

17.16.070 – Commercial uses.

18. **Modify** Subsection U.2 as follows:

2. ~~Single-family and one and two-family~~ RS, RS-A, R, and R-A zoning districts, all property improvements shall comply with the Chapter 17.12 (District Bulk

Regulations) for single-family, ~~or~~ two-family, or residential scale multi-family uses, depending on the number of units on the property.

Chapter 17.20 – Parking, Loading and Access

17.20.030 – Parking requirements established.

19. **Modify** Table 17.20.030 as follows:

Two-family	2 spaces (no maximum limit in UZO)
<u>Residential scale multi-family</u>	<u>1.5 spaces per unit</u>
Multi-family	1 space per bedroom up to 2 bedrooms; .5 spaces per bedroom for each additional bedroom

17.20.040 – Adjustments to required parking.

20. **Modify** Table 17.20.040 as follows:

On-Street Parking	Single-family, or duplex two-family, <u>or residential scale multi-family residential</u> use is located along one or more public street frontages where public parking is permitted.	One legal on-street parking space (to a maximum of two parking spaces) can be substituted for every required off-street parking space provided the on-street space is located on a public right-of-way immediately abutting the property or tenant space seeking the parking adjustment. Where a partial space straddles an extension of a side property line, the space may be counted by the abutting property owner in front of whose property 50% or more of the space is located.
	Multi-family residential or nonresidential use is located along one or more public street frontages where public parking is permitted.	One legal on-street parking space can be substituted for ½ of every required off-street parking space provided the on-street space is located on a public right-of-way immediately abutting the property or tenant space seeking the parking

17.20.060 – Parking area design standards.

21. **Modify** Subsection D as follows:

D. Residential Parking. Required parking spaces for a single-family, ~~or~~ two-family, or residential scale multi-family dwelling unit shall be a minimum of eight feet wide and twenty feet long. Required parking spaces may be placed end to end. Garage doors opening toward a public street shall be a minimum of twenty feet from the property line. Within the urban zoning overlay district, no off-street parking area or loading area shall be located within any required street setback area, unless it is located on a driveway in accordance with Section 17.20.060G.

22. **Modify** Subsection G as follows:

G. Paving and Marking. Permanent parking areas containing five or more spaces shall be surfaced with asphalt or concrete, or other hard-surfaced dustless materials, and shall be constructed to provide for adequate drainage. Each space shall be marked by a single or double stripe, with stall width measured centerline to centerline. Single-family, ~~and~~ two-family, and residential scale multi-family uses ~~uses dwellings~~ shall be exempt from this requirement. All private driveways and parking areas shall also conform to the requirements of Section 13.12.200.

Chapter 17.24 – Landscaping, Buffering and Tree Requirements

17.24.060 – Special screening requirements.

23. **Modify** Subsection A as follows:

A. Dumpsters and other trash receptacles for all structures other than single-family, ~~and~~ two-family, and residential scale multi-family structures ~~residences~~ shall be screened by an enclosure from public streets and from properties which are zoned or policed for residential use. The following design standards shall apply:

1. Receptacles shall be placed on a concrete pad, constructed from steel reinforced concrete and a minimum of eight inches thick.
2. Enclosures shall consist of a fence or wall constructed of opaque-type materials, such as wood, masonry, or other permanent materials, which prevent direct visibility of the receptacle. Evergreen plants may be used in part to meet the requirement of opacity.
3. Enclosures shall be constructed to a minimum height of one foot higher than the height of the enclosed receptacle, or six feet in height, whichever is higher.
4. Enclosures shall be constructed in such a manner that all structural members, including braces, posts, poles, and other projections, are located within the interior of the enclosure.
5. Unless the service opening is oriented away from adjacent public streets and residential properties, enclosures shall have a service access gate meeting the following design standards:
 - a. Access gates shall be of sufficient size to remove the receptacle from the enclosure.

- b. Access gates shall be constructed of opaque-type materials which prevent direct visibility of the receptacle.
 - c. Access gates shall be constructed with a latch to keep the access gate closed when the receptacle is not in use.
 - d. Access gates shall not open directly onto public streets or sidewalks.
6. Enclosures may have an additional side door for accessing the receptacle. This additional side door may be up to three feet in width and may be secured or unsecured.
 7. Receptacles shall be located in the rear of the building or structure which they service. If a receptacle cannot be placed behind the building or structure it services, the location shall be determined by the department of codes administration.
 8. Receptacles must remain readily accessible to the Nashville Fire Department.
 9. When used as an alternative to traditional dumpsters or other trash receptacles, below grade (deep well) refuse collection and recycling systems shall be screened by a decorative wall, solid fence, or year-round landscaping. The wall, fence, or plantings must be of a height equal to or greater than the height of the refuse collection and recycling equipment being screened.

17.24.075 – Plans for street trees and streetscape.

24. **Modify** Subsection B.2 as follows:

2. Single-family, ~~or two-family,~~ or residential scale multi-family construction. All provisions of this section shall apply to the construction of new single-family, ~~or new attached or detached two-family,~~ or new residential scale multi-family structure(s) on a vacant lot, including lots on which all structures have been or are planned to be demolished.

Chapter 17.28 – Environmental and Operational Performance Standards

17.28.020 – Applicability.

25. **Modify** Subsection F.4 as follows:

4. The construction of a single-family, ~~or two-family,~~ or residential scale multi-family structure ~~dwelling unit~~ on a platted lot existing at the time of the enactment of the ordinance codified in this title; a lot depicted on a preliminary plat of subdivision having a valid approval by the planning commission on the effective date of the ordinance codified in this title; and subsequently recorded in compliance with that preliminary approval shall also be exempt.

17.28.030 – Hillside development standards.

26. **Modify** Subsection A.1 as follows:

1. Single-Family, or Two-Family, or Residential Scale Multi-Family Lots. The following provisions of this section shall not apply to single-family, ~~or two-family,~~ or residential scale multi-family lots equal to or greater than one acre in size. For lots of less than one acre, any natural slopes equal to or greater than twenty-five percent shall be platted outside of the building envelope and preserved to the greatest extent possible in a natural state. The planning commission may authorize the creation of a single-

family, or two-family, or residential scale multi-family lot of less than one acre in size with natural slopes equal to or greater than twenty-five percent subject to the following standards and conditions:

- a. The resulting lot shall be designated as a "critical lot" on the final plat of subdivision approved by the metropolitan planning commission and the department of public works;
- b. For natural slopes that generally rise away from the fronting street, the building envelope width shall be as approved on all preliminary plats approved prior to March 1, 2006. After March 1, 2006, a building envelope on less than twenty percent natural slope and a minimum width of seventy-five feet at the building line shall be provided, or
- c. For natural slopes that are generally parallel with fronting street, the building envelope width shall be as approved on all preliminary plats approved prior to March 1, 2006. After March 1, 2006, a building envelope on less than twenty percent natural slope and a minimum width of seventy-five feet at the building line shall be provided, or
- d. For natural slopes that generally fall away from the fronting street, a building envelope on less than twenty-five percent natural slope shall be provided;
- e. A certified engineer can demonstrate, through the use of special design and construction techniques, that a residential structure will be constructed on the lot in a manner which effectively minimizes disturbance of the hillside and optimizes the preservation of mature trees and will not adversely impact the storm water runoff on down slope or adjacent properties;
- f. All specially noted design, construction and drainage standards shall be incorporated into the preliminary and final subdivision plat approvals, and recorded in the form of a covenant running with the land; and
- g. The clearing of trees exceeding eight inches in diameter from those natural slopes equal to or greater than twenty-five percent shall be minimized by sensitive construction techniques.

27. **Modify** Subsection A.2 as follows:

2. Single-family, and/or two-family, and/or residential scale multi-family subdivisions in areas characterized by twenty percent or greater slopes shall employ the conservation development provisions of Section 17.12.090. In general, lots so created shall be grouped on those portions of the site that have natural slopes of less than twenty percent. The planning commission may authorize lots on natural slopes ranging up to twenty-five percent, subject to the special standards and conditions noted above. Large contiguous areas containing natural slopes in excess of twenty-five percent should be recorded as either common or natural open space and permanently maintained in a natural state.

17.28.040 – Floodplain/floodway development standards.

28. **Modify** Subsection C as follows:

C. Residential Development. Residential development on property encumbered by natural floodplain or floodway on the effective date of the ordinance codified in this section shall comply with the following, except for the installation of streets and utilities where required by the planning commission to alleviate an undue hardship:

1. Single-Family, or Two-Family, or Residential Scale Multi-Family Lots. Land area designated as natural floodplain or floodway on the effective date of said section may be included within a residential lot, but if manipulated, shall not be counted towards satisfying the minimum lot size requirements of the base zoning district. Any residential lot, or any portion of a residential lot, containing natural floodplain shall be designated as a "critical lot" and minimum finished floor elevations shall be established on the final plat of subdivision approved by the metropolitan planning commission and the department of water and sewerage services.
2. Grouped lots. A single-family, and/or two-family, and/or residential scale multi-family subdivision proposed on property containing natural floodplain and floodway areas shall employ the conservation development Section 17.12.090 or the Planned Unit Development (PUD) cluster lot option of Section 17.36.070. Residential lots under the conservation development or PUD cluster lot option may be grouped within the manipulated areas of the natural floodplain. Any residential lot, or any portion of a residential lot, containing natural floodplain shall be designated as a "critical lot" and minimum finished floor elevations shall be established on the final plat of subdivision approved by the metropolitan planning commission and the department of water and sewerage services. Protected floodway and floodplain areas shall not be excluded from the calculation of gross land area for purposes of determining lot yield pursuant to Section 17.12.090.

17.28.065 – Trees.

29. **Modify** Subsection C.3.b as follows:

b. Residential properties shall attain the following tree density factors:

- i. Property within a single-family, and/or two-family, and/or residential scale multi-family residential subdivision for which the preliminary site plan is filed with the planning commission after the date of enactment of this subsection shall attain a tree density factor of at least fourteen units per acre using retained or replacement trees, or a combination of both, excluding the area of the building lots. Proof of compliance with this requirement shall be provided prior to the release of any applicable public infrastructure bonds.
- ii. Requirements for individual single-family, and two-family, and residential scale multi-family residential lots.
 - (1) Individual single-family, and two-family, and residential scale multi-family lots, other than those lots zoned AG or AR2a, shall include at least one two-inch caliper tree for each thirty feet of lot frontage (or portion thereof), excluding alley frontage. Such trees must be chosen from the Urban Forestry Recommended and Prohibited Tree and Shrub List, and shall be of a form and quality set out in the American Standard for Nursery Stock (ANSI Z60.1, latest edition).
 - (2) Individual single-family, and two-family, and residential scale multi-family lots on a cul-de-sac shall attain a tree density factor of at least two two-inch caliper trees for each thirty feet of lot frontage (or portion thereof). Such trees must be chosen from the Urban Forestry Recommended and Prohibited Tree and Shrub

List, and shall be of a form and quality set out in the American Standard for Nursery Stock (ANSI Z60.1, latest edition).

- (3) If the width of an individual single-family, and two-family, or residential scale multi-family lot is less than twenty-five percent of the average lot depth, the lot shall attain a tree density factor of at least seven units per acre using retained or replacement trees, or both.
- (4) Proof of compliance with this subsection shall be provided prior to the issuance of a certificate of occupancy.

iii. Alternative tree density requirements for single-family, and two-family, and residential scale multi-family residential lots. In lieu of the requirements of subsection 2.a.ii of this section, a home builder may petition the urban forester for credit for retaining existing trees on the building lot, provided that the overall tree density, including both replacement and retained trees, is not less than seven units per acre. Retained trees used to satisfy this requirement shall be protected according to Section 17.28.065.A. Proof of compliance with this requirement shall be provided prior to the issuance of a certificate of occupancy.

30. **Modify** Subsection C.8 as follows:

8. Subdivision developments, other than single-family, and two-family, and residential scale multi-family residential subdivisions required to meet the tree density requirements of subsection 2. of this section, shall be exempt from the tree replacement provisions of this title during the phases of construction to install streets, utilities and drainage structures required to be installed or bonded prior to recording of a final plat, so long as: (1) the tree survey includes the area to be disturbed by the construction of streets, utilities and required drainage facilities; and (2) the removal of protected and heritage trees, as set forth in subsection 17.28.065, is confined to the area of disturbance determined by the planning commission to be the minimum area necessary to install the infrastructure required by the subdivision regulations; and (3) so long as no protected and heritage trees, as set forth in subsection 17.28.065, are to be removed outside of the agreed upon disturbed area. Development of individual parcels within the subdivision must comply with the tree replacement provisions unless exempted by other provisions of this title.

17.28.100 – Lighting.

31. **Modify** Subsection A to amend the definition of “Residential” as follows:

“Residential” means any zoning lot in a residential or agricultural zoning district that has as its primary use a as single-family, two-family, or residential scale multi-family ~~home or duplex.~~

Chapter 17.36 – Overlay Districts

17.36.070 – Residential Standards.

32. **Modify** Subsection A as follows:

- A. Clustering Single-Family, ~~and~~ Two-Family, and Residential Scale Multi-Family Lots.
1. Residential lots within a PUD district may be grouped to a greater extent than allowed by the conservation development provisions of Section 17.12.090 in return for extraordinary protection of environmentally sensitive areas in a natural state. With proper environmental protection, a PUD master development plan may recapture up to one hundred percent of the average density achievable by similarly zoned land with no environmental constraints. The actual achievable density for any given master development plan may be less depending upon the extent of environmentally sensitive areas to be protected and the minimum lot requirements established below.
 2. Recreational facilities.
 - a. Any property owner or developer of a subdivision clustering single-family, ~~and~~ two-family, and residential scale multi-family lots within a PUD district as provided in subsection A.1. of this section shall install and/or construct recreational facilities on a portion of the required undeveloped common open space. For purposes of this section, "recreation facilities" means active play facilities (including but not limited to tennis courts, basketball courts, swimming pools, playgrounds, baseball/softball diamonds or volleyball courts) and passive amenities (including but not limited to walking trails, picnic shelters or gazebos, shared docks, and similar passive recreation amenities). Proposed recreation facilities shall be defined on the Master Development Plan and shall be demonstrated appropriate to the intended demographics of the single-family, ~~and~~ two-family, and residential scale multi-family portion of a PUD.
 - b. Recreational facilities required pursuant to this subsection shall be located within usable open space areas and shall not be constructed within the following areas:
 - (1) Natural areas with slope greater than fifteen percent;
 - (2) Within the floodplain;
 - (3) Within a sinkhole; or
 - (4) Within areas that would impact cultural resources.
 - c. At a minimum, recreational facilities shall be constructed and/or installed in accordance with the following schedule:
 - (1) Residential developments containing fewer than twenty-five dwelling units shall be exempt from the requirement to install recreation facilities.
 - (2) One recreational facility shall be installed for developments containing between twenty-five and ninety-nine total residential dwelling units, plus an additional recreational facility for every one hundred residential dwelling units in excess of the first ninety-nine dwelling units.
- B. Common Open Space. Except for those portions of a master development plan required for the installation of streets and essential utilities, the following areas shall be designated as common open space and protected by a recorded plat in accordance with Section 17.40.120.
1. Large contiguous areas of natural slopes of twenty percent or greater in all districts. The planning commission may authorize the creation of lots within natural slopes ranging up to twenty-five percent subject to the standards and conditions set out in Section 17.28.030;
 2. Areas classified as natural floodway in a predevelopment state;
 3. Two-thirds of the area classified as natural floodplain in a predevelopment state;
 4. Areas containing protected Cedar Glade plant species as established by Section 17.28.060;
 5. Streams, creeks and major drainage features;

6. Areas classified as wetlands; and 7. Landscape buffer yards as required by Chapter 17.24, Article IV.

Notwithstanding the above, a minimum of fifteen percent of the gross land area shall be designated as common open space for single-family and two-family, and residential scale multi-family development. Whenever feasible, areas of common open space within a master development plan should be interconnected in a cohesive and continuous manner.

C. Minimum Lot Sizes. The minimum size of lots created for single-family, and/or two-family, and/or residential scale multi-family development may be less than the standard lot sizes normally required for the underlying zoning district(s) by Table 17.12.020A, subject to the following restrictions.

1. The minimum size of perimeter lots oriented towards an existing street shall be at least ninety percent of the minimum size required by Table 17.12.020 A for the actual zoning of the property. If, however, the opposite property has previously developed with smaller lot sizes, or has a currently approved plan of development with smaller lot sizes, the planning commission may permit the perimeter lots to be of a comparable size to those opposite lots within the overall size limitations established by this section.

2. Perimeter double-frontage lots oriented to an internal street may be reduced in size the equivalent of one zoning district provided that a standard C landscape buffer yard is provided within common open space along that boundary. Alternatively, perimeter double frontage lots may be reduced in size the equivalent of two districts with the installation of a standard D landscape buffer yard.

3. Perimeter lots otherwise abutting a conventional R/R-A or RS/RS-A subdivision may be reduced in size the equivalent of one zoning district with the installation of a standard B landscape buffer yard located within common or natural open space, as applicable. Perimeter lots may be reduced in size the equivalent of two zoning districts with the installation of a standard C landscape buffer yard.

D. Required Setbacks. The minimum yard and street setback requirements for all residential lots shall be those established by Chapter 17.12 for the alternative zoning district assigned to that particular phase by the adopted master development plan, unless explicitly established otherwise according to Section 17.36.060G. The minimum rear yard setback for double frontage lots along the perimeter of a master development plan shall be no less than the standard street setback requirement of Chapter 17.12.

17.36.380 – I-440 Impact Area 1.

33. **Modify** Subsection C.1 as follows:

1. The design of Interstate 440 addressed the objectionable visual and auditory impacts typically cited as reasons why property near a major highway is unsuitable for residential use, particularly single-family, and two-family, and residential scale multi-family housing. Therefore, areas in close proximity to Interstate 440 will remain suitable and appropriate for residential use, and zoning policy should be to vigorously support the preservation and protection of the existing stable housing and neighborhoods adjoining the Interstate 440 corridor with particular emphasis on areas presently zoned for single-family, and two-family, and residential scale multi-family type housing.

34. **Modify** Subsection D.1 as follows:

1. Subarea 1-A Policies (Map 1-A). Base zoning district changes to higher density or nonresidential zone districts are inappropriate. Residential planned unit developments are appropriate. Such developments that contain other than ~~one~~single-family, or two-family, or residential scale multi-family type housing structures should be limited to locations along the fringes of this area and careful consideration should be given to design so adjoining ~~one~~single-family, and two-family, and residential scale multi-family development is not adversely affected.
35. **Modify** Subsection D.4 as follows:
4. Subarea 1-D Policies (Map 1-D). Rezoning to any nonresidential base or overlay district is inappropriate. High-density residential development should be limited to the frontage of West End Avenue and should not extend to the frontage of streets parallel to and one block removed from West End Avenue. In areas zoned for ~~one~~single-family, or two-family, or residential scale multi-family type residential uses, residential planned unit developments with ~~one~~single-family, and two-family, and residential scale multi-family type housing only are appropriate; changes to higher density base districts in these areas are not appropriate. Residential uses along secondary streets should be protected by preserving the primary function of these streets of serving institutionally and residentially generated traffic from this and adjoining areas.
36. **Modify** Subsection D.7 as follows:
7. Subarea 1-G Policies (Map 1-G). Rezoning to any nonresidential base or overlay district is inappropriate in this area. Base district zoning changes to permit higher densities should be avoided. Residential planned unit development overlay zoning may be considered in the area between Interstate 440 and Sharondale Drive provided: (a) such developments contain only ~~one~~single-family, and/or two-family, and/or residential scale multi-family type housing; and (b) the conditions hazardous to traffic and pedestrians along Sharondale Drive are first remedied. The area should be protected from heavy volumes of traffic resulting from any extensive development in adjoining areas, particularly Subarea 1-E.
37. **Modify** Subsection D.10 as follows:
10. Subarea 1-J Policies (Map 1-J). Residential base zone district changes to higher density zones should be avoided. Residential planned unit developments may be permitted in areas where lot sizes are substantially greater than minimum zoning requirements and prevailing lot sizes such as the lots fronting the west margin of Hazelwood Drive and lots fronting both sides of Cedar Lane west of Hazelwood Drive. Such PUDs should be limited to ~~one~~single-family, and two-family, and residential scale multi-family type housing except where they would be between existing multifamily developments. Rezoning to nonresidential zones should be limited to commercial planned unit developments to improve the developability of shallow lots fronting on Hillsboro Pike provided: (a) the intensity of the development in the PUD does not exceed that permitted in the base zone of the lot fronting on Hillsboro Pike, (b) generous buffering is provided to protect adjacent residential uses, and (c) access is not oriented to the adjoining residential areas.
38. **Modify** Subsection D.12 as follows:

12. Subarea 1-L Policies (Map 1-L). Residential base district zoning changes to higher density zones should be avoided. Reduced site size residential planned unit developments should be considered and should be limited to ~~one single-family, and two-family, and residential scale multi-family~~ type housing structures. No rezoning to nonresidential base or overlay zone districts should be permitted.

17.36.620 – Residential accessory structure overlay district.

39. **Modify** Subsection F as follows:

F. Eligible Zoning Districts. Residential accessory structure overlay districts shall only be applicable in ~~single family (RS₁ and RS-A₁) and one- and two-family (R₁ and R-A)~~ residential zoning districts. Residential accessory structure overlay districts shall not be applied to property within specific plan (SP) zoning districts.

17.36.675 – Two-story residential overlay district.

40. **Modify** Subsection F as follows:

F. Eligible Zoning Districts. Two-story residential overlay districts shall only be applicable in ~~single family (RS₁ and RS-A₁) and one- and two-family (R₁ and R-A)~~ residential zoning districts. Two-story residential structure overlay districts shall not be applied to property within specific plan (SP) zoning districts.

17.36.730 – Detached Accessory Dwelling Unit Overlay District.

41. **Modify** Subsection A.3 as follows:

3. Properties within a DADU overlay shall not share lot lines with ~~single-family residential~~ RS/RS-A zoned properties that are not in the overlay district.

Chapter 17.40 – Administration and Procedures

17.40.660 – Nonconforming structures.

42. **Modify** Subsection D.3 as follows:

3. A nonconforming structure utilized for ~~the a~~ a ~~single-family, use of two-family, or residential scale multi-family~~ use that is damaged or destroyed by any involuntary means may be fully reconstructed so long as there is not a substantial increase in the degree of non-conformity of the structure.

17.40.740 – Generally.

43. **Modify** Subsection C.2 as follows:

2. Rezoning the property from an office, commercial, or industrial district to a ~~residential or residential single-family~~ R/R-A or RS/RS-A district;