

## Commissioner Shepard’s Friendly Amendments

### Roosters and Noisy Fowl

Change Table 13.10.645-1 Requirements for Small Animals be modified to reflect a maximum number of roosters, peacocks, tom turkeys, guinea fowl or similar noisy fowls be changed from 4 per acre to 4 per parcel.

<b>Table 13.10.645-1: Requirements for Small Animals</b>		
	<b><u>RA, PE</u></b>	<b><u>RR, R-1</u></b>
<u>Minimum parcel size, general</u>	<u>6,000 sq. ft.</u>	<u>6,000 sq. ft.</u>
<u>Minimum parcel size for rooster, peacock, tom turkey, guinea fowl or similar noisy fowl</u>	<u>1 acre</u>	<u>Not allowed</u>
<u>Maximum density, general</u>	<u>2 per 1,000 sq. ft.</u>	<u>2 per 1,000 sq. ft.</u>
<u>Maximum <b>number of</b> roosters, peacocks, tom turkeys, guinea fowl or similar noisy fowl</u>	<u>4 per <b>parcel</b></u>	<u>Not allowed</u>
<u>Additional standards for beekeeping</u>	<u>Allowed on parcels ½ acre or larger. Hives shall be setback a minimum of 25’ from all property lines and from public or private streets.</u>	<u>Allowed on RR parcels ½ acre or larger. Hives shall be setback a minimum of 25’ from all property lines and from public or private streets.</u>
<u>Enclosures - Parcels up to 1 acre</u>	<u>20 feet to any property line 25 feet to any dwelling Rear 1/2 of parcel</u>	<u>20 feet to any property line 25 feet to any dwelling Rear 1/2 of parcel</u>
<u>Enclosures - Parcels &gt;1 acre</u>	<u>40 feet to any dwelling or property line Rear 1/3 of parcel</u>	

### Planning Commission Reviews

Amend the use charts in Chapter 13.10 reflect a Conditional Use Permit approved by the Planning Commission for the following types of projects in zones where a Use Permit is required:

- Animal Shelters;
- Retail Stores greater than 50,000 square feet;
- Parks;
- Museums;
- Organized camps (staff to confirm that master plan reviews are included);
- Continuing care retirement communities with over 100 occupants;
- Commercial projects over 10,000 square feet; and
- Community facility projects over 10,000 square feet.

Title 13 Chapter 13.10 ZONING CODE--Changes for MOTION -changes in underline

All changes passed by the PC for a recommendation to the Board of Supervisors shall be incorporated directly into the General Plan or zoning code or other draft documents prior to the issuance of the Board agenda packet where the Sustainability Update will be considered by the Board.

### **Ordinance and Permit Administration**

Page 7 13.10.260(B)(1) Intensification of Use, Nonresidential. means any Any change or expansion of a nonresidential use which will result in: 1) ~~both~~ a greater than 10 percent increase in vehicle trips ~~and or~~ more than 110 new daily vehicle trips whichever is smaller, or . parking need and ~~more than two spaces or which is determined by the Planning Director likely to result in a significant new or increased impact due to potential traffic generation, noise, smoke, glare, odors,~~ 2) 10% increase in hazardous materials, water use, and/or sewage generation shall be an “intensification of use” for the purposes of this chapter.

### **Agricultural Districts**

Page 2 - 13.10.311(B) Retain original language

The purposes of the A Agriculture Zone District are to support a diversity of farm operations on agricultural land in the County which is not designated Type 1, Type 2 or Type 3, but which contributes to open space and/or rural character and may constitute a productive natural resource; to encourage noncommercial agricultural uses such as family gardening and family animal raising; to encourage and provide for noncommercial agricultural uses, such as family farming and animal raising, and to allow limited appropriately scaled commercial agricultural activities, on the small amounts of agricultural land remaining in the County which are not designated as commercially suitable, but which still constitute a productive natural resource; to provide for agricultural uses of a higher intensity in rural areas than those allowed in the RA Residential Agricultural Zone District where such use is compatible with the surrounding land uses and the environmental constraints of the land; to provide for agricultural support uses such as agricultural service establishments, agricultural processing facilities and produce markets, and agriculturally related uses such as tree service and kennels as scaled, sited and designed to protect agricultural production, minimize land use conflicts and to maintain the public health and general welfare; to maintain options for a diversity of farm operations;

to implement the agricultural preservation policy of Chapter 16.50 SCCC; and to maintain productive open space and rural character in the County.

13.10.311 Agriculture Districts, P 6 in Chart regarding agri-tourism, make the following change:

For A districts within 200 ft of a neighboring residence or adjacent to an R zone with a residence, a CUP is required for events exceeding 12 per year or of any size using amplified music.

### Residential Districts:

13.10.322-1 Residential use Chart

P. 8 Bed and Breakfasts with 12 or fewer rooms, replace AUP with CUP to make consistent with requirements for Vacation Rentals.

Page 9 Recreation, Events and Community Facilities – “Open spaces uses, private, non commercial, not involving structures such as ecological preserves, playgrounds and unpaved sports fields”

Page 10 Wineries -

	RA/SU	RR
Wineries, small	<u>CUP</u>	<u>CUP</u>
Wineries, medium	<u>CUP-PC</u>	<u>CUP-PC</u>

Page 27 Table 13.10.323-2 Multi-Family Residential Standards: Maximum Building Height

Restore 28 ft max building height outside the USL for RM-1.5 to RM-2.5 and RM-3 and to RM-4

- Page 33, 13.10.323, Usable Open Space Requirements for RM and RF developments:

-In the chart on page 33, add the same private open space requirement of 60 sq. feet minimum for the RF zone district to make it consistent with the RM requirement, this would be in addition to the requirement for common open space.

Page 36 –13.10.323 F(2) Affordable Housing. Variations from maximum structural height, maximum number of stories and maximum floor area as defined by FAR may be approved with a residential development permit by the appropriate approving body for 100% affordable housing units developments built onsite or off-site in accordance with SCCC 17.10, 13.10.681 and 13.10.685.”

**Page 38 Restore higher level of noticing**

13.10.323(F)(6)(a) With Increased Yards. An additional height allowance is allowed ~~Building heights which exceed those specified in subsection (E)(2)(b) of this section are allowable~~ if all required yards are increased five feet for each foot over the permitted building height, subject to approval of an MSP, and planning approvals are obtained according to the following table:

Parcel Size (Net Site Area)	Maximum Height Above Existing Grade	Planning Approvals Required
Less than 2-1/2 acres	Over zoning district height limit 28 feet	AUP
2-1/2 acres or larger	Over zoning district height up to 7 additional 28 feet up to 35 feet	MUP
	Over zoning district height + 7 additional 35 feet	AUP

13.10.323(F)(8) FAR parking exemption. Within the USL, Residential Flex, RM-1.5 to RM-2.5 and RM-3 to RM-4 projects that incorporate at least 75% of parking spaces with underground garages, multi-story above-ground garages, or podium parking located on or off site are not subject to a maximum FAR.

**CHAPTER 13.10.331-336 - ZONING REGULATIONS - PART III. DISTRICTS**

**ARTICLE III. COMMERCIAL DISTRICTS**

- Page 2 – Purposes - ~~(9) To maximize efficient energy use and energy conservation in commercial uses, and to encourage the use of locally available renewable energy resources.~~

-Retain 13.10.331A(9) regarding maximizing energy efficiency in commercial districts

Page 9 - 13.10.332(B)(2) Change of use in an existing legal structure in a commercial zone district.

(a) A change of use in an existing legal structure may be approved with a zoning clearance if all the following criteria are met:

(i) The new use is allowed in the zone district; and

(ii) The new use will not result in an intensification of use, and

(iii) There is a use permit or master use permit for the existing use, and/or the new use is specified for the parcel in a town, village, or specific plan.

(iv) The new use would have required an equal or lower level of public notice or hearing than the existing use

Applicable existing discretionary permits and conditions of approval shall remain in effect for the new use.

P.13-Use Permit Required By Zone Chart

-For restaurants greater than 12 seats an AUP is required for all commercial districts.

Table 13.10.332-1 Commercial Uses Chart:

Page 12 Bar/nightclub - Remove from PA (make NA)

Page 15 Retail - community (Department/big box store, home and garden, nursery, auto supplies, office/technology products) In C-1 Zones, change to AUP. Projects over 50,000 square feet subject to CUP-PC

Page 15 Liquor Store - Remove from PA (make NA)

Page 17 Conference facility/auditorium/event hall Needs to be ancillary in VA and CT zone districts

Page 17-18 Funeral/Burial services Change C-2 to CUP

Page 20 Dwellings(single or multi-family) In References and Notes: Residential use may be up to 80% of building square footage at a base density of up to 45 units/acre

P.38, 13.10.334- Special Standards and Conditions for Commercial Districts.

*(My addition is underlined and deletion is .)*

(A) Mixed use residential and commercial developments

(2) Open space. Minimum 50 square feet open space per dwelling. Open space may be provided through any combination of private and common open space. Each unit must provide private open space accessed through unit. Minimum private open space dimensions 6x6 feet. Minimum usable/active common open space dimensions 15x10 feet.

## **CHAPTER 13.10.611-616 - ZONING REGULATIONS - PART VI. REGULATIONS FOR SPECIAL USES**

### **ARTICLE I. ACCESSORY, TEMPORARY, AND SECONDARY STRUCTURES AND USES**

- Page 10 - Community Events -Change level of review from MUP to CUP, as noted below in underline, for initial use permit only, all renewals remain ministerial

13.10.614 Community events and fundraisers on private residential or agricultural property.

(C) Approval Procedures.

(2) The use of a property for two community events or fundraisers in a year, or one or two events with amplified music, requires approval of a Conditional Use Permit in accordance with SCCC Chapter 18.10, and subject to conditions to ensure compliance with standards provided in subsections (E)(1) and (E)(2). The Conditional Use Permit shall expire five

years after the date of initial issuance and may be renewed as provided in subsection (D) below.

(D) Permit renewal. A Conditional Use Permit for Community Events or Fundraisers may be renewed subject to required findings as provided in SCCC 18.10, and a determination that events were held in substantial compliance with conditions of approval associated with the earlier permit, which would support a presumption that an application for renewal of the use permit will be approved. No public hearing shall be required and action on permit renewal applications shall be by the Planning Director or designee, with notice of the proposed action provided not less than 10 calendar days before issuance or denial of the permit, pursuant to SCCC 18.10.116, Public Notice Requirements for Administrative Permits and Projects. Each use permit that is renewed shall expire five years after issuance and may again be renewed in accordance with this section.

- All sections that reference a MUP for community events on private property be changed to CUP

Page 11, (E) Standards:

(b) Contact person. The Zoning Clearance or Use Permit shall designate a contact person who shall remain on site during events to respond to county or public questions or concerns. The name, address, and telephone number(s) of the local contact person shall be submitted to the Planning Department and mailed to the property owners and occupants of properties located within a 500-foot radius of the boundaries of the parcel on which the use is located. In the event that there are fewer than 10 separate parcels within 500 feet of the exterior boundaries of the subject property, the 500-foot distance shall be extended in increments of 50 feet until owners of at least 10 properties have been notified by mail.

(g) Arrangements shall be made for sufficient parking to serve guests, either on site or at an offsite location served by shuttle, with consideration to the typical level of on-street parking available and an objective of not creating parking impacts.

## **CHAPTER 13.10.631-644 - ARTICLE III. AGRICULTURAL USES**

Page 22 13.10.632(B)(4) Off-site impacts. New agricultural processing facilities shall be sited to minimize impacts to off-site residential uses ~~that are located within 200 feet of the proposed operation.~~ Noise, odor, lighting, or traffic that is offensive to any person of ordinary sensitivities within his or her place of residence shall be considered an impact.

Page 32 Table 13.10.637 -1 Operational Standards for Wineries, Breweries and Distilleries: Create consistency using the standard of “Facilities located on RA, RR zoned parcels or within 500 feet from the property line of a parcel with a residential use” when bifurcating Hours of Operation, Tasting Room Hours, Indoor Events, and Small outdoor marketing events.

On “All other sites” Indoor Events are permitted Monday – Sunday, 11:00 a.m. – 9 p.m.

Large outdoor marketing events (more than 50 guests) for all zones limited to the hours of 11 a.m. to 9 p.m. Any parcel with a commercial use permit, shall have no more than 15 outdoor events per year, inclusive of weddings and similar celebrations, per year. For small wineries and breweries this number shall be 10. Additional large marketing events may be considered with a conditional use permit.

Temporary produce sales area:

Page 40 13.10.640(C)(2)(e) The floor area, excluding storage, does not exceed ~~1,600~~ 800 square feet. If larger, MUP

Produce markets:

Page 40 13.10.640(C)(3)(e) The floor area, excluding storage, does not exceed ~~3,600~~ 1,800 square feet. If larger, MUP

Page 41 13.10.640 13.10.700 Produce Stands - amend square footage to be 800 square feet. If larger, MUP

Page 43 13.10.641(B)(5) On properties within the CA and A zones districts, either a farmstay or bed and breakfast is allowed. Both a farmstay and bed and breakfast are not permitted on the same parcel.

Page 2 - Table 13.10.645-1: Requirements for Small Animals

Minimum parcel size, general	RA, PF	RR, R-1
Maximum <del>density</del> <u>number</u> for rooster, peacock, tom turkey, guinea fowl or similar noisy fowl	4 per <del>acre</del> <u>parcel</u>	Not allowed

### Chapter 13.10.700 Definitions

Add definition Hoop house” means an agricultural shade structure as described in SCCC 12.10.315.”

### **Chapter 13.11 - SITE STANDARDS-Site Development Permit Chart**

-In chart on P 9 of 13.11.037, add, PC hearing for any projects over 15 units

In two to three years, or at staff’s discretion, staff shall return to the commission to evaluate the public hearing review levels and make recommendations as necessary

## General Directions on the Sustainability Plan and Chapter 18.10

### **Title 18 - Noticing Requirements-General:**

Within two years of implementation of Sustainability Plan code changes, return to the Planning Commission for a study session to review efficacy of noticing requirements of AUP, ASP, CUP, and CSP projects and review effect of elimination of noticing requirements of MUP, MSP (previously Level IV that did require noticing) and make appropriate recommendations as necessary.

### **18.10.112 P. 15 (C), Items Requiring Public Hearings**

**(C) Regular or Conditional Public Hearing Permits.**-Add “Density Bonus Projects” to this list, so that projects with a density bonus receive a public hearing. *(Makes code consistent with City of SC code).*

**18.10.113 Neighborhood notification and meeting requirements** -*Change 300 to 500 ft for purposes of noticing for neighborhood meeting, as indicated below to increase transparency and participation:*

1) For all development that requires a discretionary approval at permit or legislative action that is acted upon by the Planning Commission or Board of Supervisors, (also known as Level VI or VII application process), the applicant shall conduct a neighborhood meeting to explain the proposed development to and solicit comments from those in attendance. The County Supervisor from the district in which the proposed development is located, the Planning Director, and all owners and occupants within 500 feet of the exterior boundaries of the project parcel shall be notified. In the event that there are fewer than 10 separate parcels within 500 feet of the exterior boundaries of the property involved in the application, said 500-foot distance shall be extended in increments of 50 feet (e.g., 550, 600, 650) until owners of at least 10 properties have been notified. The notification shall be by first class mail and shall include a brief description of the proposed development and the date, time and location of the neighborhood meeting.

### **18.10.116 Public notice requirements for administrative permits and projects. (Previously Level IV) (public notice)**

—Notice of pending action. Replace 300 ft. with 500 ft, to increase noticing.

(1) The County shall mail notice via postcard or letter to the applicant, to the owners of the subject property, to the owners of the subject property, to the owners of all property within 500 feet of the exterior boundaries of the subject property and to all lawful occupants of properties within 500 feet of the subject property, including all lawful occupants of the subject property. Such notices and mailing list shall be based on a mailing list generated by the County. In the event that there are fewer than 10 separate parcels within 500 feet of the exterior boundaries of the property involved in the application, said 500 foot distance shall be extended in increments of 50 feet (e.g., 550, 600, 650) until owners of at least 10 properties have been notified by mail.

### **18.10.117 Public hearing notice requirements for regular or conditional permits and projects.**

For this section, change 300ft to 500 ft. to make consistent with noticing requirements of 18.10.116

**18.10.118 Additional public hearing notice requirements for legislative matters.** -Ensure consistency with noticing requirements with 18.10.117, and 116, changing 300ft requirement to 500ft.

**18.10.140**, P 38, After the second sentence which ends with “necessary to maintain consistency”. Add the following sentence: “Substantial conformance, as used in this section, means that the permits and approvals must be in harmony with the policies, objectives and land use programs of the General Plan.”

### **Design Standards and Appendix J to General Plan:**

Express opposition to Road Diet design in Portola and current road design proposals

### **Appendix I: TDM Plans**

- Remove reducing parking spaces as a TDM strategy
- Only allow unbundled parking as a strategy in developments of 25 units or more, and when the developer offers subsidized bus passes; the reason for this change was that current alternative transportation including SC Metro isn't able to accommodate people's transportation needs yet at this point