

## EXHIBIT "1"

I. Amending Section 3, *Findings*, by adding a new Subpart D, *Administrative Review*, as shown by the following underscored language:

*Section 3. Findings*

D. Administrative Review. The Board of Commissioners finds that applications for development permits within the transportation corridor that satisfy all standards set forth in Appendix A may be administratively approved by the Zoning Official. Furthermore, the Board of Commissioners find that applications for a development permit within the transportation corridor satisfying the purpose and intent of this IDO may be administratively approved by the Director subject to minor exceptions from the standards as set forth in Appendix A.

II. Amending Section 3. C, *Definitions*, by amending the term "*Applicant*" by deleting the stricken language and adding the underscored language in its place, as follows:

*Applicant.* The property owner, or duly designated agent of the property owner who files an application for a ~~conditional-use~~ development permit pursuant to this Ordinance.

III. Amending Section 5. D, *Types of Uses and Development Permits Not Affected*, by amending subsection 8 to delete subparagraph (b) in its entirety, as shown by deleting the stricken language, as follows:

8. Subdivision of land into four or fewer lots having a minimum lot area of at least four acres, provided ~~(a) that such lots comply with the requirements of section 3.2.43.b of the County Subdivision Regulations, and (b) that no lots in the subdivision have direct access to any transportation corridor.~~

IV. Amending Section 6., *Review and Approval of Affected Development*, by amending Subpart A, *Development Permits*, by deleting the stricken language and adding the underscored language in its place, as follows:

A. *Development Permits.* Notwithstanding any provision of the County's Zoning or Subdivision Ordinances to the contrary, no development permit shall be issued and no New Application shall be approved in the Primary or Secondary Corridors during the term of this Ordinance unless, following all other applicable administrative procedures for the issuance of the development permit, the Applicant has obtained ~~from the Board a conditional-use permit~~ approval pursuant to the provisions of this Ordinance.

V. Amending Section 6., *Review and Approval of Affected Development*, by amending Subpart C, *Staff Review*, by deleting certain stricken language from subparagraph 2 and adding underscored language and new subparagraphs 2(a),(b),(c), and 3 in its place, as follows:

C. *Staff Review.*

## EXHIBIT "1"

1. No application for Development Permit approval or development permit within the transportation corridors shall be processed until the Zoning Official has determined whether the application for such development permit is an application for Development Permit approval (or is exempt from this Ordinance pursuant to Section 5.D. herein), and that said application is complete with respect to all of the information required by this Ordinance. If the application is not complete, the Zoning Official shall so notify the applicant.

2. If the Zoning Official determines that the application is for a Development Permit approval, the Zoning Official shall review such application for Development Permit approval in accordance with the provisions of this IDO ~~and Section 13.0 of the Zoning Ordinance, and shall forward his or her staff report to the Planning Commission within 30 working days of certification of completeness.~~ If the Zoning Official determines that the application is complete, the application shall be processed as follows:

(a). Zoning Official Approval. If the Zoning Official determines that the application satisfies the standards set forth in Appendix A and does not require a minor exception, variance, or conditional use permit, the Zoning Official is authorized to approve the application for a development permit. Upon approval of the application, the Department shall issue a Certificate of Zoning Compliance that sets forth the conditions of approval within 15 working days of certification of completeness.

(b). Minor Exceptions. If the Zoning Official determines that the application does not strictly satisfy the standards set forth in Appendix A , but may be considered as a minor exception, he shall forward the application to the Director. The Director shall review the application and determine whether the application may be authorized as a minor exception. A minor exception is defined as an application that satisfies the purposes and intent of the IDO and no more than an insubstantial deviation from the standards set forth in Appendix A . A minor exception is not considered a variance. If the application is a minor exception, the Director shall authorize the approval of the development permit and require the issuance of a certificate of zoning compliance that sets forth the conditions of approval within 30 working days of certification of completeness.

(c). If the Zoning Official determines that the application does not satisfy the criteria for zoning official approval or minor exception as set forth in subparagraphs (a) and (b) above, the application shall be reviewed in accordance with the provisions of the IDO and Section 13.0 of the Zoning Ordinance, and the Zoning Official shall forward his or her staff report to the Planning Commission within 30 working days of certification of completeness.

3. Appeals to any action by the Zoning Official or Director, as set forth in subparagraphs (a) and (b) above, shall be reviewed as a conditional use permit pursuant to Section 13.0 of the Zoning Ordinance.

VI. Amending Section 6., *Review and Approval of Affected Development*, by amending Subpart G, *Reconsideration/Revocation of Approvals and/or Permits*, by the adding underscored language, as follows:

G. *Reconsideration/Revocation of Approvals and/or Permits.* An application for a Development Permit approval and/or for a development permit within the transportation corridors may be reconsidered and revoked by the Board (or the Director if the approval was granted under Section 6 C 2(a) or (b)), notwithstanding any other provision of the IDO, if it is determined based upon substantial evidence that the application, decision, or permit was based on materially inaccurate or incomplete

information and that correct and complete information was known or was reasonably obtainable by the Applicant.

VII. Amending Section 6., *Review and Approval of Affected Development*, by amending Subpart J, *Fees for Processing Application*, by deleting the stricken language and adding new subparagraphs (a), (b), and (c) as shown by the following underscored language:

*J. Fees for Processing Application.*

1. Due to the regulatory nature of the IDO and the benefit provided through the conditional use permit process, the Board of Commissioners finds that it is necessary to establish a reasonable processing fee to defray the cost of the administrative services and functions requiring time commitments from County employees involved in reviewing the application. The fee shall allow the County to recover up to, but not more than, the costs associated with administering the IDO. Based upon the foregoing, the Board of Commissioners hereby establishes ~~a conditional use application processing fee of \$550.00~~ the following fee schedule:

(a) Application approved under Section 6 C 2(a) - \$275.00

(b) Application approved under Section 6 C 2(b) - \$325.00

(c) Application approved under Section 6 C 2(c) - \$550.00.

2. All processing fees paid shall be non-refundable but may be credited against the total fee the applicant is required to submit where the application is denied under 6 J 1(a) or (b) and resubmitted under 6 J 1(c)..

VIII. Amending Section 7., *Conditional Use Permit Requirement and Standards*, by deleting the stricken language and adding the underscored language in its place, as follows:

*Section 7. Conditional Use Permit Requirements and Standards.* No development permit within the Primary or Secondary Corridors shall issue ~~occur unless the Board has issued a conditional use permit for such development and has~~ is found that:

IX. Amending Section 7., *Conditional Use Permit Requirement and Standards*, by amending Subpart D by adding the underscored language in its place, as follows:

*D.* The proposed development meets all requirements set forth under Section 6 C 2(a), 6 C 2(b), or for a conditional use permit set forth in Section 13.0(7) of the Zoning Ordinance;

X. Amending Appendix A, Article 1, *Development Review*, by amending Section 1.1, *Minimum Submittal Requirements*, by deleting the stricken language and adding the underscored language in its place, as follows:

~~Unless specifically exempted in writing by the Director of Community Development,~~ the applicant shall submit the following information and drawings as part of the application for a conditional use development permit:

XI. Amending Appendix A, Article I, *Development Review*, by amending Section 1.1, *Minimum Submittal Requirements*, Subpart B, by deleting the stricken language and adding the underscored language in its place, as follows:

B. An accurately scaled site plan prepared by a registered architect, landscape architect, registered surveyor, or registered engineer showing the locations and dimensions of building footprints of all existing and proposed buildings, parking spaces, driveways, landscape areas, utility easements and alignments, stormwater improvements, ~~existing and proposed topography at 2-ft. contour intervals~~, the metes and bounds of the lot or parcel, and the metes and bounds of the extent of development, which shall be referred to hereinafter as the development area.

XII. Amending Appendix A, Article VI, *Architectural Design*, by amending Section 6.4, *Roof Lines*, Subpart A, *Buildings and Accessory Structures of Less than 5,000 Square Feet*, by adding the underscored language in its place, as follows:

A. Buildings and accessory structures of less than 5,000 square feet of gross floor area shall be designed with minimum 4:12 roof pitches (four feet in rise for every twelve feet in run) or may be designed with flat roofs having three (3) plane parapets where each side that is visible from the Transportation Corridor right-of-way. Banding and roofing materials of accessory structures, which shall include, but not be limited to gasoline sales island canopies, shall match the materials and colors of the primary structure. Roofing materials for pitched or mansard roofs shall be limited to the following:

1. Metal standing seam.
2. Shingles with a slate, tile or metal appearance.
3. Tile, slate or stone.
4. Wood shake or wood shake appearance.

XIII. Amending Appendix A, Article VII, *Use Limitations*, by amending Section 7.4, *Specific Use Standards*, Subpart A, and Subpart B, by deleting the stricken language and adding the underscored language in its place, as follows:

*7.4 Specific Use Standards.* The following standards apply to specific uses that may be established within the corridor overlay districts:

A. Outdoor display of automobiles, campers, recreational vehicles, boats, farm vehicles, manufactured or modular homes is authorized in the primary and secondary corridor overlay district by ~~conditional use development~~ permit subject to the placement of all display items on a paved or a porous surface approved by the engineer. Modular or manufactured homes must be skirted or bermed to conceal supports.

B. Outdoor display of any other goods, other than that specifically provided for in 7.4 A, shall be limited to screened areas located on the opposite side of the primary structure from the Transportation Corridor right-of-way so as to screen the use from the Transportation Corridor right-of-way.

XIV. Amending Appendix A, Article VII, *Use Limitations*, by amending Section 7.4, *Specific Use Standards*, by adding Subpart C as shown in the underscored language, as follows:

C. Temporarily Outdoor Display Permit (TODP)

1. Intent. It is the intent of the Temporarily Outdoor Display Permit (TODP) to establish a temporary outdoor display use of a limited area in a commercial zoning district within the overlay districts.

2. Administrative Review. The Board of Commissioners finds that a temporary outdoor display of sales and products, which are related to the primary business use of the lot or parcel, may be permitted under administrative review and by approval from the Zoning Official for a limited time period.

3. Applications. Applications for a TODP shall include an appropriate number of copies of a completed application to be filed on forms prescribed by the Department. The application shall contain the following:

(a) The notarized signatures of the applicant and at least 51% of all record titleholder(s) shall appear upon the application;

(b) The nonrefundable application fee of \$25.00 shall be paid for each permit event;

(c) Any other information reasonably necessary to make determinations as to conformity with the provisions of this Subpart, and as applicable, conformity with the standards herein;

(d) A separate statement of the applicant that recognizes the temporary nature of the TODP and that certification that the applicant and landowner shall cause the removal of the temporary outdoor display on the termination of the permit event of the TODP; and

(e) The application shall comply with Paragraph C 7, General Conditions.

4. Administrative Approval. All applications will be subject to review for completeness by the Zoning Official. During the review process, the Zoning Official may confer with the Director before making a written decision on the application. If the requirements of this section are satisfied, the Zoning Official shall issue a TODP within three (3) days of receipt of a completed application. If the requirements of this subsection are not met, the Zoning Official shall deny the application for the TODP.

5. TODP Use Defined in Time. Where a TODP is granted, the use may continue for a three (3) consecutive day period (hereinafter referred to as a "permit event").

6. Renewal of a TODP. An applicant may renew the TODP for a total of six (6) permit events for every calendar year. The renewal application shall comply with paragraph C 7, General Conditions. To reapply, the applicant shall submit the following:

(a) A completed application to be filed on forms prescribed by the office of community development;

(b) A nonrefundable application fee of \$25.00;

(c) Other information reasonably necessary to make determinations

as to conformity with the provisions of this Subpart; and

(d) A separate statement of the applicant that recognizes the temporary nature of the TODP and that certification that the applicant and landowner shall cause the removal of the temporary outdoor display on the termination of the permit event of the TODP.

7. General Conditions. The following general conditions shall apply before a TODP is issued.

(a) The lot or parcel shall be designated within a commercial zoning district;

(b) The outdoor display of products shall be related to the primary business use of the lot or parcel; and

(c) The total temporary display area that may be permitted is no more than fifteen percent (15%) of the total floor area of the retail business located upon the lot or parcel. All outdoor display shall be set back a minimum of five (5) feet from the public right-of-way. No vacant lot or parcel may be used as for a TODP, except as provided in paragraph 8.

8. Holiday TODP. From October 1 through the end of the calendar year, a property owner having property within the overlay districts may submit an Application for a Holiday TODP, in compliance with Paragraph 3 (a), (b), (c), and (d), that complies with the following:

(a) The lot or parcel may be designated in any zoning district;

(b) The Holiday TODP may be granted for sixty (60) consecutive days;

(c) The total temporary display area under a Holiday TODP is 10,000 square feet;

(d) A vacant lot or parcel may be used for a temporary outdoor display area under a Holiday TODP; and

(e) Outdoor display and sales shall be limited to agricultural and horticultural products. By way of example but not being limited thereto, such products may be trees, wreaths, and pumkins.

9. Posting of TODP Card or Holiday TODP Card. Where a TODP or Holiday TODP has been granted, the permit holder or his/her agent shall post the TODP card or Holiday TODP in a conspicuous location on the lot or parcel, visible from the transportation corridor, and if not visible from that vantage, the TODP card or Holiday TODP shall be posted to be visible from the nearest street or road. The TODP card or Holiday TODP shall be protected from the weather and placed in such position and the permit holder shall maintain the TODP card or Holiday TODP in such position until such permit event has expired.

10. Any violation of this section, its paragraphs, provisions, standards, or conditions herein or placed upon the TODP, including Paragraph 8, shall terminate the TODP. At the expiration of the TODP or in the event the TODP is terminated, all outdoor display items, products, and the like shall be immediately removed so as to comply with the permanent outdoor display provision of this IDO.

11. Appeal of Decisions. Any person, persons or entities whose application for a TODP is denied by a decision by the Zoning Official may appeal the decision within 30 days of their denial to the Board of Commissioners. Failure to file an appeal within 30 days of the decision of the Zoning Official shall result in a final decision. With the transmission of the appeal, the Zoning Official shall include the written reasons for the denial and any other pertinent circumstances that may be relevant to the appeal.

(a) The appeal shall be posted and advertised as a conditional use permit and appeal from an application for a TODP prior to being placed on the agenda for a hearing.

(b) The Board of Commissioners shall review the decision of the Director under the standards set forth in section 13.0 of the zoning ordinance. Any person, persons or entities jointly or severally aggrieved by any decision by the Board of Commissioners on a TODP, including Paragraph 8, may take an appeal to the superior court of the county by writ of certiorari.