

**LAND USE AND ZONING COMMITTEE AMENDMENT**

The Land Use and Zoning Committee offers the following first amendment to File No. 2019-493:

- (1) On **page 1, line 16, after "PUD;" insert "PUD SUBJECT TO CONDITIONS;"**; and
- (2) On **page 2, line 27, strike "Exhibit 3 - Written Description dated June 11, 2019." and insert "Revised Exhibit 3 - Revised Written Description dated October 30, 2019."**; and
- (3) On **page 2, line 28, strike "Exhibit 4 - Site Plan dated June 6, 2019." and insert "Revised Exhibit 4 - Revised Site Plan dated October 30, 2019."**; and
- (4) On **page 2, line 28<sup>½</sup>, insert** a new Section 2 to read as follows:

**"Section 2. Rezoning Approved Subject to Conditions.**  
This rezoning is approved subject to the following conditions. Such conditions control over the Written Description and the Site Plan and may only be amended through a rezoning.

(1) Townhome development shall not exceed 130 units.

(2) The covenants, conditions and restrictions governing the townhome development shall include the following provisions enforceable by the owners' association:

(a) Initial sales of townhomes for rent shall not exceed 10% at any one time.

(b) Parking of vehicles across any portion of a sidewalk within the townhome development is prohibited.

(3) Due to concerns about noise and potential nuisance lighting, no basketball courts shall be installed within the recreation portions of the townhome development.

(4) If the roads in the townhome development are private, the owners' association shall be responsible for maintaining the same, and purchasers of units from the developer must sign a written acknowledgment thereof.

(5) Along the north and east boundaries of the townhome development, the following buffers, fencing and setback shall be required:

(a) A 10 foot natural buffer extending inward from the property line.

(b) An 8 foot fence on the interior boundary of the natural buffer.

(c) A minimum 10 foot rear yard setback between the natural buffer and buildings.

(6) Adjacent to existing residential single family uses, within the interior boundary of the natural buffer, a minimum of one 3" caliper shade tree shall be planted every 25 linear feet, except where such tree would require the removal of an existing shade tree of 3" caliper or greater.

(a) Trees planted on individual platted lots shall be owned and maintained by each property owner. However, the owners of the individual lots shall not be permitted to remove trees required by Part 12 of

the Zoning Code, and this prohibition shall be included in the covenants, conditions and restrictions.

(b) Trees planted in areas deemed to be common area space shall be owned and maintained by the owners' association.

(7) Along the roadway bordering the southern boundary of the North Parcel (the Southern Boundary), the following buffering is required:

(a) Within Buffer Sections "C-C" and "D-D" as delineated on the Revised Site Plan dated October 30, 2019, fencing and landscaping shall be installed in accordance with the figure shown on "Site Plan Attachment 1."

(b) Within those portions of the Southern Boundary that exclude the foregoing Buffer Sections "C-C" and "D-D", trees shall be planted as specified in Sec. 656.1222, *Ordinance Code*, but no fencing is required."; and

- (5) Remove **Exhibit 3** and attach **Revised Exhibit 3**.
- (6) Remove **Exhibit 4** and attach **Revised Exhibit 4**.
- (7) Renumber the remaining Sections.
- (8) On **page 1, line 1**, amend the introductory sentence to add that the bill was amended as reflected herein.

Form Approved:

/s/ Shannon K. Eller

Office of General Counsel

Legislation Prepared By: Shannon K. Eller

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