

AMEND Section 154.114.B to read:

B. Non-Conforming Uses, Structures & Improvements.

1. Any Structure, Improvement, or Use lawfully existing upon the effective date of this Chapter, or any subsequent amendment, that does not conform to the provisions of this Chapter may be continued provided that there is no increase or enlargement in the degree or manner of non-conformance.
- ~~2. A legal non-conforming Use existing under Ordinance No. 613, as amended (Chapter 154 as the same was in effect immediately prior to the effective date hereof), of a premise or Structure may be continued provided that there is no increase or enlargement of the degree or manner of non-conformance.~~
- ~~3. A conforming Use or Structure which~~2. A conforming Use or Structure that does not meet the area, yard or Height standards of this Chapter may be changed or enlarged provided there is no increase in the specific non-conformity. Landscape and parking standards must be met.
- ~~4.3.~~ If a non-conforming Use is discontinued or ceased for a period of one year, any subsequent Use must conform to the provisions of this Chapter.
- ~~5. Resumption, restoration, or reconstruction of the Structure or land may be authorized by the Zoning Board of Appeals if the Board determines said resumption, restoration, or reconstruction represents a marked decrease in the degree of non-conformance, improves the character of the neighborhood and is of decided benefit to Adjacent conforming Uses. The Board may impose such structural changes, Building or site modifications or other requirements it deems necessary to meet the above requirements. This Section 154.114.B.5 shall not be construed to permit the continuance of prior non-conforming Use.~~
- ~~6. A Structure that has been damaged by fire or other cause to the extent of more~~4. Damaged or demolished Structures may be repaired or rebuilt as follows:
 - a. When a Structure is voluntarily demolished, the Structure may be repaired or rebuilt only if the dimensions and Use of the Structure are in conformity with the provisions of this Chapter.
 - b. When a Structure is damaged by a fire or another casualty event beyond the owner's control and the total destruction is equal to or greater than 50% of its the Structure's replacement value must, the Structure may be repaired or rebuilt in conformity with the provisions of this Chapter unless the Board finds that the re-Development of the site represents a marked decrease in the specific non-conformance per Section 154.114.B.4, and there is an equivalent Use. only:
- ~~7. A Building that has been damaged by fire or other cause to the extent that more than 60% of its replacement value must be repaired or rebuilt~~
 - I. If the dimensions and Use of the Structure are in conformity with the provisions of this Chapter unless ; or
 - II. The ZBA approves such work pursuant to Section 154.114.B.6 below.
 - c. When a Structure is damaged by a fire or another casualty event beyond the owner's control and the total destruction is less than 50% of the Structure's replacement value, the Structure may be repaired or rebuilt so long as there is

no increase or enlargement in the degree or manner of non-conformance. If such repairs or rebuilding are completed within 2 years of the Board finds that date of the re-Development would destruction, a lawful nonconforming Use that was in existence immediately prior to the destruction may be continued.

d. For purposes of this Section, the percentage of replacement value shall be calculated by taking the documented cost for the reconstruction or repairs (the numerator) and dividing that number by the pre-damage fair market value of the property (the denominator) and multiplying the result in a substantial decrease in the non-conformance per Section 154.114.B.4, and there is an equivalent use. by 100.

8- 5. Notwithstanding any other provision of this Chapter, the following work may be done without affecting the lawful non-conforming status of a Use, Building, Structure or Improvement:

- a. Ordinary Maintenance
- b. Strengthening or restoring any portion of a Structure or Improvement to a safe condition, provided no material enlargement results.
- c. Repairing or replacing interior walls, fixtures, wiring or plumbing.
- d. Repaving driveways and parking lots, replacing exterior windows and siding, and painting exterior structures and fixtures.

6. In addition to any other allowance under this Section, the Zoning Board of Appeals may allow the resumption, restoration, or reconstruction of a Structure if:

- a. The Board determines that the resumption, restoration, or reconstruction results in a marked decrease in the degree of non-conformance, improves the character of the neighborhood and is of decided benefit to Adjacent conforming Uses; and
- b. The Structure is used for a Use permitted under this Chapter or for a non-conforming Use lawfully existing at the time the application to the Board is filed. The Board may impose conditions on the applicant to ensure these standards are met.

AMEND Section 154.410.B.4.v.vi to read:

In order to preserve the traditional character of the neighborhoods in the CD-3 and CD-3L districts, all two-family dwellings not legally existing in those districts as of (date of adoption) shall comply with the following additional standards:

AMEND Table 154.411.A (Bicycle Parking) to read:

Commercial, Retail, ~~Professional~~ & Service Uses

All uses 1 space per 2,000 sf gross floor area up to 20,000 sf; 1 space per 5,000 sf gross floor area thereafter.

ADD Section 154.613.C.2.c to read:

Development without on-site vehicular parking unless the application is accompanied by information that demonstrates there is sufficient parking available either on-site or in the vicinity of the site to reasonably meet the parking demands for the site as developed.

ADD Section 154.613.E.1.i to read:

For all projects for which no vehicular parking is proposed, except for those located within the Central Business District, a parking plan shall be provided which shall include the following minimum information:

- i. Highest peak hour trip generation for all proposed uses calculated using the rates provided in the Institute of Transportation Engineers Trip Generation Manual of most recent adoption.
- ii. Anticipated actual peak hour trips, if higher or lower than the rate identified in part i above along with a narrative explanation of the discrepancy.
- iii. The quantity and location of all public parking (structures, lots, and on-street) within 300 feet of the project boundaries, if available.
- iv. The location of any proposed shared private parking, if available.