

**TOWN OF SAN ANSELMO
ORDINANCE NO. 1044**

AN ORDINANCE OF THE TOWN OF SAN ANSELMO APPROVING A NEGATIVE DECLARATION OF ENVIRONMENTAL IMPACT AND AMENDMENTS TO THE ZONING ORDINANCE, SPECIFICALLY TO: ARTICLES 3, 4, 5, AND 17 OF CHAPTER 10.

SECTION 1.

WHEREAS, on January 27, 2004, the Town Council formed a subcommittee (two Councilmembers and two Planning Commissioners), to review various zoning standards; and

WHEREAS, the subcommittee subsequently met several times to review the current ordinance language and discuss specific changes, with their recommendation made to the Planning Commission in December, 2004.

WHEREAS, the Planning Commission held a duly noticed public hearing on February 7, 2005, and considered the Negative Declaration and Zoning Ordinance Amendments and received comments from staff and the audience; and

WHEREAS, on February 7, 2005, the Planning Commission recommended approval of the Negative Declaration and Zoning Ordinance amendments to the Town Council and specifically requested that comments received from members of the public be forwarded to the Town Council;

WHEREAS, the Town Council announced at their meeting on March 22, 2005, that these ordinance amendments would be continued to the April 12, 2005 meeting, which was subsequently continued from both the April 12 and April 26, 2005 meetings to the May 10, 2005 meeting;

WHEREAS, the Town Council held a duly noticed public hearing on May 10, 2005 and May 24, 2005, to consider the Negative Declaration and introduce an ordinance amending Articles 3, 4, 5 and 17 of Title 10, at which time they considered the recommendations of the Planning Commission and took comments from staff and the audience, and continued the ordinance amendments to June 14, 2005;

WHEREAS, the Town Council held a duly noticed public hearing on June 14, 2005 to consider the Negative Declaration and introduce an ordinance amending Articles 3, 4, 5 and 17 of Title 10, at which time they considered the recommendations of the Planning Commission, took comments from staff and the audience, waived reading, and continued the ordinance amendments for adoption to June 28, 2005;

WHEREAS, the Town Council held a duly noticed public hearing on June 28, 2005, waived reading, approved the Negative Declaration, and adopted the ordinance amendments to Articles 3, 4, 5, and 17 of Title 10.

NOW, THEREFORE, the Town Council of the Town of San Anselmo DOES HEREBY FIND as follows:

SECTION 2. ENVIRONMENTAL REVIEW

That the above project would have no significant impact on the environment.

The Zoning Ordinance amendments should have no adverse impact on land use and planning, geology and soils, hydrology/water quality, air quality, biological resources, mineral resources, hazards/hazardous materials, noise, public services, utilities and service systems, aesthetics, cultural resources, and recreational facilities, and less than significant impacts on population and housing, and transportation/circulation.

SECTION 3. REZONING

That the Zoning Ordinance Amendments are consistent with the General Plan.

The Zoning Ordinance Amendments would be consistent with the General Plan, specifically:


- Article 3 -Table 3A (Land Use Table): limited to a relocation of existing language from Section 10-3.303(c) to Table 3A. No inconsistency with General Plan.
- Article 4 - Table 4A (Development Standards Table): adds design review of roof decks, makes flatland design review cumulative, extends maximum height of chimneys, references inclusionary ordinance, excludes second units. No inconsistency with General Plan.
- Table 4B (Minor Intrusions into Required Residential Development Standards): transfers some Planning Commission review of minor items to administrative review, exempts some items. No inconsistency with General Plan.
- Table 4D (Table of R-1 H Hillside Density District Parcels): strictly cleanup on APN changes and lot status. No inconsistency with General Plan.
- Table 4E (Maximum Sizes of Dwellings on Residential Properties Located above 150 Mean Sea Level Elevation): strictly cleanup on adjusted floor area definition.
- Article 5 (Parking): Provides for garages on vacant lots. No inconsistency with General Plan.
- Article 17: Definitions. Cleanup; and changes to Day Care definitions to be consistent with State regulations. No inconsistency with General Plan.

SECTION 4.

THEREFORE, THE TOWN COUNCIL OF THE TOWN OF SAN ANSELMO DOES ORDAIN that the Zoning Ordinance shall be amended as shown on Exhibit 'A.'

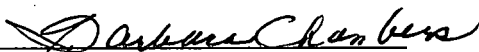
THE FOREGOING ORDINANCE was introduced at a regular meeting of the San Anselmo Town Council on the 14th day of June, 2005, and was adopted at a regular meeting on June 28, 2005, by the following vote:

AYES: Breen, Cooper, Kroot, Thornton
 NOES: None
 ABSENT: Chignell



 Peter Breen, Mayor

ATTEST:



 Barbara Chambers, Town Clerk

EXHIBIT A

Article 3. Land Use Regulations

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10-3.303 Additional Uses Permitted

~~(c) Off-street parking areas in conjunction with commercial uses may be permitted in the "R" Districts on properties adjoining "C" Districts upon the securing of a use permit in accordance with the Section Article 13 of this chapter of the San Anselmo Municipal Code.~~

Relocate above language to Table 3A:

Table 3A

LAND USES	R-1 H	R-1-C	R-1	R-2	R-3	P	C-1	C-2	C-L	C-3
<u>Parking Area, Off-Street⁽¹⁰⁾</u>	-	-	C	C	C	-	-	-	-	-

(10) Off-street parking areas in conjunction with commercial uses may be permitted in the "R" Districts on properties adjoining "C" Districts upon the securing of a use permit in accordance with Article 13 of the San Anselmo Municipal Code.

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DEVELOPMENT STANDARDS TABLE
Table 4A

"DEVELOPMENT STANDARD DISTRICT	R-1 H	R-1-C	R-1	R-2	R-3	P	C-1	C-2	C-L	C-3"
"Density, Maximum (Units/Acre)	(5)(19)1	(6)(19)1	(7)(8)(19)6	(8)(19)12	(8)(9)(19)20	(9)(19)	(9)(19)	(9)(19)	(9)(19)	(5)(19)

"Building Height (11) **(18)** "

"Notes:"

(7) "All new dwellings and all additions (which include decks, **roof decks**, and stairway structures, except those located on the uphill side of the dwelling) greater than five hundred (500) square feet in size on lots located at or above 150 mean sea level . . . "

(8) "All new dwellings and all additions (including open decks, **roof decks**, and stairway structures) require administrative Design Review approval in accordance with the provisions of Section 10-3.1501 of the San Anselmo Municipal Code if the new construction is for a second story which is greater than four hundred (400) square feet in size **on lots below 150 mean sea level. For purposes of determining additions, pre-existing development that will be replaced in kind, will not be counted toward the 400 square feet, where such replacement involves no material change in visual effect due to identical or similar design. Additions constructed after (effective date of this ordinance change) will be looked at cumulatively, henceforth, so that when the 400 square foot limit is triggered by the sum of all additions, design review will be required.**"

(18) A chimney up to 12 square feet may exceed the maximum building height by 4'.

(19) Inclusionary housing requirements for all residential developments. Refer to 10-3.106.

MINOR INTRUSIONS INTO REQUIRED RESIDENTIAL DEVELOPMENT STANDARDS
TABLE 4B

Legend:

"E" Exemption to Standard. No Planning Review Required
"AV" Administrative Variance Required

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ALLOWED SETBACKS ⁽¹⁾⁽²⁾⁽³⁾

Feature	Front	Rear	Interior Side	Street Side	Review Required
Accessory Structure - <u>Detached or Attached</u>					
1. One, detached or attached to an existing structure, and similar in type to gazebo, or tool shed, or play structure and 60 square feet or less than 120 square feet in area and 6' 8' <u>8'</u> or less in height above grade <u>the ground surface</u> ⁽⁵⁾	20'	0'	0'	0'	E
2. One, detached or attached to an existing structure and similar in type to gazebo or tool shed, and 100 square feet or less in area and 8' or less in height above grade.	20'	0'	0'	0'	AV
Arbor and Trellis:					
1. All Freestanding, and 60 square feet or less in area and 8' or less in height above grade <u>the ground surface</u> ⁽⁵⁾ . A distance of 10' shall be maintained from dwellings located on contiguous properties.	0'	0'	3'	3'	E
2. All Freestanding, exceeding 60 square feet in area and exceeding 8' in height above grade <u>the ground surface</u> ⁽⁵⁾ .	20' 0'	0'	0'	0'	AV
3. <u>Attached, extending 3' from building wall</u>	<u>3'</u>	<u>3'</u>	<u>3'</u>	<u>3'</u>	<u>E</u>
Awning, Chimney, Cornice, Eave, Fireplace					
1. All extending not more than 3' from the existing building wall. A distance of 10' shall be maintained from dwellings located on contiguous properties.	3'	3'	3'	3'	E
2. All extending beyond 3' from the existing building wall.	3'	3'	3'	3'	AV
Creek Bank Restoration					
Limited to a 20 foot length measured parallel to the creek bed.	0'	0'	0'	0'	E
Deck, Landing, Stairway - <u>All Uncovered</u>					
1. Up to 30" Less than 3' <u>3' or greater</u> in height above grade <u>the ground surface</u> ⁽⁵⁾ .	0'	0'	0'	0'	E
2. All uncovered, exceeding 30" <u>3' or greater</u> in height above grade <u>the ground surface</u> ⁽⁵⁾ .	14'	14'	6'	10'	E
3. All uncovered, exceeding 30" <u>3'</u> in height above grade <u>the ground surface</u> ⁽⁵⁾ , but not exceeding 5' in height above grade <u>the ground surface</u> ⁽⁵⁾ .	0'	0'	0'	0'	AV
Dormer					
A maximum of one on each wall, the length of each to be no greater than 8' in length as measured parallel to the roof ridge. A distance of 10' shall be maintained from dwellings located on contiguous properties.	3'	3'	3'	3'	E

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ALLOWED SETBACKS (1)(2)(3)

Feature	Front	Rear	Interior Side	Street Side	Review Required
<p>Enclosure of an Area Directly Below an Existing Deck</p> <p>To create additional living area, not to exceed 100 square feet, and provided it does not create separate living quarters.</p>	0'	0'	0'	0'	AV
<p>Enclosure of Existing Roofed Porch</p> <p>Limited to one two sides of an existing dwelling, not to exceed 100 square feet.</p>	0'	0'	0'	0'	E
<p>Fence</p> <p>1. Up to 6' in height above grade <u>the ground surface</u> ⁽⁴⁾⁽⁵⁾.</p> <p>2. Exceeding 6' in height, but not exceeding 10' in height above grade <u>the ground surface</u> ⁽⁴⁾⁽⁵⁾ provided no such fence is adjacent to a street.</p>	0'	0'	0'	0'	E ⁽⁴⁾⁽⁵⁾ AV ⁽⁴⁾⁽⁵⁾
<p>First Story Rear <u>and Side</u> Horizontal Dwelling Infill Extensions</p> <p>1. Incorporating no additional height increase and within the boundaries created by <u>either</u> connecting two points of the <u>rear wall</u> <u>or</u> two points on the same side <u>wall</u> of a n-existing building (notch filler).</p> <p>2. <u>Incorporating no additional height increase and within the boundaries created by connecting one point of a side wall and one point of a rear wall of a building (notch filler).</u></p>	Front 20' <u>20'</u>	Rear 0' <u>0'</u>	Interior Side 0' <u>0'</u>	Street Side 0' <u>0'</u>	Review Req'd E <u>AV</u>
<p>Hot Tub and Mechanical Equipment</p> <p>1. Both inground and a <u>Above the ground surface</u> ⁽⁵⁾, provided the equipment is self-contained within the hot tub unit and acoustically baffled.</p> <p>2. <u>Above the ground surface</u> ⁽⁵⁾.</p> <p>3. <u>Below the ground surface</u> ⁽⁵⁾.</p>	20' <u>8'</u> <u>8'</u>	<u>5'</u> <u>5'</u> <u>5'</u>	<u>5'</u> <u>5'</u> <u>5'</u>	<u>5'</u> <u>5'</u> <u>5'</u>	E <u>AV</u> <u>E</u>
<p><u>Mechanical Equipment</u></p> <p><u>Air conditioning unit, hot tub and swimming pool equipment (not contained in hot tub or swimming pool), all at or under 3' above the ground surface</u> ⁽⁵⁾.</p>	<u>5'</u>	<u>5'</u>	<u>5'</u>	<u>5'</u>	<u>E</u>

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New: Bold and underline font

ALLOWED SETBACKS ⁽¹⁾⁽²⁾⁽³⁾

Feature	Front	Rear	Interior Side	Street Side	Review Required
<p><u>Parking Deck, Driveway, Supporting Structure: (all u Uncovered)</u></p> <p>On both downslope and upslope lots having minimum average lot slope of 25%. A minimum area to provide three parking spaces shall be required for a new single family dwelling as a condition of approval.</p>	0'	0'	0'	0'	AV
<p><u>Parking Spaces on Uphill Lots</u></p> <p>With retaining walls greater than 6' in height above grade the ground surface <u>the ground surface</u> ⁽⁴⁾, but less than 10' in height above grade the ground surface <u>the ground surface</u> ⁽⁵⁾. Note: a minimum area to provide three parking spaces shall be required for a new single family dwelling as a condition of approval.</p>	0'	0'	0'	0'	AV
<p><u>Raising of Structures (originally constructed without setback requirement and not having been granted a setback variance): Includes: Dwelling, Attached Carport, Attached Garage, and Accessory Building.</u></p> <p>4. Including the roof, walls, and foundation, a total of 2' above the existing dwelling building <u>building</u> height, not to exceed the height limitation of the applicable zoning district.</p> <p>2. Detached Carport, Detached Garage, and Detached Accessory Building, including the roof, walls and foundation, a total of 2' above the existing building height, not to exceed the height limitation of the applicable zoning district.</p>	0'	0'	0'	0'	E
<p><u>Replacement in Kind</u></p> <p>1. Existing parking decks, except for structures subject to design review.</p> <p>2. Existing retaining walls, except for structures subject to design review.</p> <p>3. Other existing structures, including dwellings, except for structures subject to design review.</p> <p><u>All existing structures legally erected (either before applicable ordinances or with applicable Building permit and Planning approval). Includes relocating structure from an existing 0' property line setback to a 2' maximum setback for maintenance purposes. Does not include other dimension changes.</u></p>	0'	0'	0'	0'	E
<p><u>Retaining Wall, up to 4' in height above grade the ground surface</u> ⁽⁵⁾.</p>	0'	0'	0'	0'	E

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ALLOWED SETBACKS ⁽¹⁾⁽²⁾⁽³⁾

Feature	Front	Rear	Interior Side	Street Side	Review Required
Swimming Pool					
1. Both inground and a <u>Above the ground surface ⁽⁵⁾, measured at the outside edge,</u> provided the equipment is acoustically baffled.	20'	8' <u>5'</u>	8' <u>5'</u>	8' <u>5'</u>	E
2. <u>Above the ground surface ⁽⁵⁾, measured at the outside edge.</u>	<u>8'</u>	<u>5'</u>	<u>5'</u>	<u>5'</u>	<u>AV</u>
3. <u>Below the ground surface ⁽⁵⁾, measured at the outside edge.</u>	<u>8'</u>	<u>5'</u>	<u>5'</u>	<u>5'</u>	<u>E</u>
Window: Bay, Greenhouse, Box					
1. All extending not more than 3' from the building wall and no greater than 8' in length. A distance of 10' shall be maintained from dwellings located on contiguous properties.	3'	3'	3'	3'	E
2. All extending more than 3' from the building wall and greater than 8' in length.	3'	3'	3'	3'	AV

Notes:

- (1) All other structures that intrude into the minimum required setback areas shall require Planning Commission variance review unless a determination is made by the Planning Director that a particular structure is similar in kind to one of the above listed structures which are considered either an exception or subject to administrative variance review.
- (2) For R-1 H, R-1 C, and R-1 properties located at or above 150 mean sea level elevation, design review shall take precedence over the above listed exceptions.
- (3) **For all residential properties, second unit ordinance conditions shall take precedence over the above listed exceptions.**
- (4) Fences located within twenty (20') feet of a property line fronting a street are subject to a separate permit review by the Public Works Director. Refer to Footnote (15) of Table 4A.
- (5) **Ground Surface: Ground level at time of construction, unless otherwise determined per Footnote (12) of Table 4A.**

TABLE OF R-1-H (HILLSIDE DENSITY DISTRICT) PARCELS **For 06/28/05**

TABLE 4D

* Multiple parcels under one ownership
 ** The number of units established for these parcels is based on the assumption of their combined development.

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1. MAXIMUM ALLOWABLE NUMBER OF UNITS FOR THE CORRESPONDING PARCELS

Assessor's Parcel No.	Number of Units	Assessor's Parcel No.	Number of Units	Assessor's Parcel No.	Number of Units
5-011-60	5	7-097-06	1	7-191-06 *	1
5-011-64	2	7-071-03 *		7-201-09 *	1
<u>5-011-66</u>	<u>1</u>	7-101-02 *	42 **	7-192-07	1
<u>5-011-67</u>	<u>1</u>	7-154-04 *		7-201-02	1
5-031-32	4	<u>7-360-01</u>	<u>1</u>	7-201-06	1
<u>5-031-36</u>	<u>1</u>	<u>7-360-02</u>	<u>1</u>	7-201-08	2
5-031-35 *		<u>7-360-03</u>	<u>1</u>	<u>7-201-13</u>	<u>1</u>
5-031-38		<u>7-360-04</u>	<u>1</u>	<u>7-201-14</u>	<u>1</u>
5-081-07 *	5 **	<u>7-360-05</u>	<u>1</u>	7-201-10	3
5-081-19 *		<u>7-360-06</u>	<u>1</u>	<u>7-201-15</u>	<u>2</u>
5-043-16 *		7-101-04 *	3 **	7-241-49 *	4
5-043-22 *		7-154-04 *		7-241-51 *	4
5-043-31 *	4 **	7-121-40	1	<u>7-241-73</u>	<u>1</u>
177-220-54 *		7-131-04	4	<u>7-241-74</u>	<u>1</u>
177-133-13 *		<u>7-131-58/59</u>	<u>1</u>	7-241-50	4
<u>5-320-01</u>	<u>1</u>	7-131-15 *	4	<u>7-241-75/76</u>	<u>1</u>
<u>5-320-02/05/06</u>	<u>1</u>	7-142-04 *	3	7-241-56	4
<u>5-320-03</u>	<u>1</u>	7-182-03 *	4	<u>7-241-68</u>	<u>1</u>
<u>5-320-04</u>	<u>1</u>	<u>7-340-01</u>	<u>1</u>	7-241-66	1
5-062-73	2	<u>7-340-02</u>	<u>1</u>	7-241-67	1
5-300-15	8	<u>7-340-03</u>	<u>1</u>	177-171-07	
5-300-25	2	<u>7-240-04</u>	<u>1</u>	177-250-67	1 **
<u>5-300-29</u>	<u>1</u>	<u>7-340-05</u>	<u>1</u>	177-190-05	5
<u>5-300-30</u>	<u>1</u>	7-154-02	1	177-220-50 *	
6-013-41	2	7-154-03	1	177-250-40 *	42 **
6-091-05	1	7-154-07	1	177-250-41 *	
6-091-56	1	<u>7-370-01/02</u>	1	<u>177-220-66</u>	<u>1</u>
6-172-03 *		7-182-07	1	<u>177-220-67</u>	<u>1</u>
6-172-04 *		7-097-02 *		<u>177-220-68</u>	<u>1</u>
6-172-06 *		7-097-05 *	2 **	<u>177-250-57</u>	<u>1</u>
6-172-07 *	2 **	<u>7-097-07 *</u>		<u>177-250-58</u>	<u>1</u>
6-172-08 *		7-141-04 *		<u>177-250-59</u>	<u>1</u>
6-172-09 *		7-191-03	1	<u>177-250-60</u>	<u>1</u>
<u>6-172-13</u>	<u>1</u>	7-191-07	1	<u>177-250-61</u>	<u>1</u>
<u>6-172-14</u>	<u>1</u>	7-191-10	2	<u>177-250-62</u>	<u>1</u>
6-172-10	1			<u>177-250-64</u>	<u>1</u>
6-181-42	2			<u>177-250-65</u>	<u>1</u>
7-031-28	1			<u>177-250-66/68</u>	<u>1</u>
				177-250-31	1

2. ~~MAXIMUM ALLOWABLE NUMBER OF UNITS (INCLUDING EXISTING PLUS NEW) FOR THE CORRESPONDING PARCELS (SOME OF WHICH ARE ONLY PARTIALLY DEVELOPED)~~

(All moved under No. 1 above)

~~3. 2.~~ DENSITIES FOR THE FOLLOWING PARCELS SHALL BE RECOMMENDED BY THE PLANNING COMMISSION AFTER A SPECIAL PUBLIC HEARING AND AFTER ACCEPTABLE ACCESS HAS BEEN DEMONSTRATED IN JOINT COOPERATION WITH THE TOWN OF FAIRFAX

Assessor's Parcel Number

7-071-02

7104-04

7-071-01

**Table of Maximum Sizes of Dwellings on Residential Properties
Located Above 150 Mean Sea Level Elevation (Table 4 E)**

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"Notes:

(1) Adjusted Floor Area is defined as the gross ~~interior~~ **exterior** floor area **(as measured from the exterior framing of the outside wall)** in the main dwelling . . ."

Article 5. Parking (10-3.506)

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10-3.506 Parking space: Location

(a) Parking spaces may be located off-site from the use they are intended to serve only if the parking space or spaces are within 150 feet of the lot on which the use they are intended to serve is located and that the off-site parking spaces are ~~reserved in perpetuity and exclusively for the use they are intended to serve by the recordation of a deed restriction or other appropriate instrument.~~ **an appropriate agreement. Said agreement shall be in a form approved by the Town Attorney and reserved in perpetuity unless removed by approval of the Planning Commission.** Parking spaces provided on a parcel for an off-site use must be spaces in excess of the minimum Code required parking spaces for the use on that parcel providing the parking.

- (b) Garages to accommodate (a) above may be allowed upon vacant property subject to the following:**
- 1. The garage structure shall be exclusively used for the parking of vehicles. Water connections shall be permitted. No sewer connections shall be allowed to such structure.**
 - 2. Deed restrictions in (a) above shall further limit the use of the garages for the parking vehicles for the exclusive use of the property they are intended to serve.**
 - 3. Planning Commission Design Review shall be obtained in accordance with Article 15 of this Chapter.**
 - 4. The maximum size of such garages shall not exceed five hundred (500) square feet in floor area.**
 - 5. Such garages shall otherwise meet all requirements of this Chapter.**

Article 17. Definitions (10-3.1701)

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- **Accessory Building**

Change: "Accessory Building" means a building detached from the primary building on the same lot and which is necessary for the operation or use of the lot or primary building and which is incidental and subordinate to the primary use of the lot or to the primary building. That portion of a residential garage or carport, whether attached or detached, and which provides covered area greater than that necessary to park vehicles of a number in excess of that required to serve the use, as required by Article 5 of Chapter 3 of the San Anselmo Municipal Code, shall be considered an accessory building, **unless it meets the requirements of 10-3.506**. A storage shed, whether prefabricated or constructed on-site, shall be considered an accessory building. Also includes "accessory structure."

- **Arbor**

Add: "**A horizontal open-air structure over a garden, walkway or driveway.**"

- **Awning**

Add: "**A roof-like structure, as over a window or door, that serves as a shelter or shading device.**"

- **Bay Window**

Change: ". . . a window which projects from the face of a building, ~~and which does not serve as living or working space and does not add floor area~~ (**permanent window seat or counter permitted**), and which has a bottom sill height no less than two (2') feet above the adjoining finished floor.

- **Building Height**

Change: ". . ." ~~Building h~~ **Height**" ". . . vertical distance measured from the average level of the highest and lowest point of that portion of the lot covered by the building to the highest point on the roof, ridge, or parapet wall including all ~~chimneys and antennas~~ (television, radio, **cellular**, and satellite). Public utility transmission and distribution lines are not included in this definition."

- **Day Care, Large Family Day Care Home**

Change: ". . . or supervision of seven ~~(7)~~ **nine (9)** to twelve ~~(12)~~ **fourteen (14)** children . . ."

- **Day Care, Small Family**

Change: ". . . or supervision of six ~~(6)~~ **eight (8)** or fewer children . . ."

- **Floor Area Total**

Article 17. Definitions (10-3.1701)

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Change: ". . . the sum of the gross horizontal areas of all floors of a building measured from the exterior faces **framing** of the exterior **outside** walls, or perimeters of horizontal surfaces if such horizontal areas are partially or wholly un enclosed.

- **Ground Surface:**

Add: "**Predevelopment Ground Elevation.**"

- **Planning Director**

Change: ". . . the Planning Commission **Director of the Planning Department** of the Town of San Anselmo."

- **Story**

Change: ". . . that portion of a building **with a measured distance of six (6') feet or more** between any **finished or unfinished floor or ground surface** and the floor next above, except that the topmost story of a building shall be that portion included between the topmost floor and the top surface of the roof above the topmost floor."

- **Structure**

Change: ". . . any improvement constructed or erected so as to project ~~thirty (30") inches~~ **thirty-six (36") inches** . . . **Both covered and uncovered parking spaces shall also be considered structures for purposes of setback requirements.** Patios, walls and similar improvements which have a finished height less than ~~thirty (30") inches~~ **thirty-six (36") inches** above the existing grade and **creek bank restoration** shall not be considered structures. . ."

- **Trellis** *: wording change since Planning Commission public hearing:

Add: "**Open-Air, horizontal structure used to shade the side of a building or support plants.**"