



**LAND DEVELOPMENT REGULATION ADVISORY BOARD (LDRAB)
USE REGULATIONS PROJECT SUBCOMMITTEE**

TUESDAY, FEBRUARY 26, 2013 AGENDA
2300 NORTH JOG ROAD, CONFERENCE ROOM VC-1E-58
3:30 P.M. – 5:00 P.M.

A. RECAP OF THE USE REGULATIONS PROJECT

- **OBJECTIVES AND PARAMETERS**
- **ELEMENTS TO REVIEW**

B. PROPOSED USE FORMATTING – PRESENTATION/DISCUSSION

- **ART. 1 – DEFINITIONS**
- **ART. 4 - USE REGULATIONS
USER GUIDE**
 - **COMBINED MATRIX (ART. 3 AND ART. 4)**
 - **EXAMPLE OF INDUSTRIAL USE CLASSIFICATION**

C. CONCLUSION

**UNIFIED LAND DEVELOPMENT CODE
USE REGULATIONS PROJECT**



**SUMMARY OF PROPOSED
FORMATTING**

Introduction

The Use Regulation Project is well underway. The two main goals of the Project are to comprehensively review all Code Use definitions, approval processes, thresholds and standards to be done in accordance with the scheduling of the Use Regulations Project; and the formatting of Articles 1, 3 and 4.

This paper will focus on the formatting of Articles 1, 3 and 4 to simplify and consolidate information related to uses.

Purpose of the Use Formatting Exercise

Provide recommendations and examples of proposed changes to Article 1,I, Definition and Acronyms, Art. 3, Overlays and Zoning Districts, and Article 4, Use Regulations to eliminate redundancy, facilitate finding of regulations, consolidate or relocate Code language where needed, and ensure consistency and clarity of most Use-related information contained in the Unified Land Development Code (ULDC).

It is expected to get participation of current and potential users of the Code to obtain comments and recommendations on the proposed Use Formatting changes. **Staff is not soliciting comments on content at this time.** The regulations contained in the industrial uses included in this document are shown here only to serve as an example for how the standards are to be organized in the new formatting.

Key Issues have been listed in this document to relate with the formatting recommendations which are intended to be addressed in this document.

The following pages have been set up for you to provide comments at the end of each article.

ARTICLE 4, USE REGULATIONS

KEY ISSUES:

- Certain standards are repeated within each use where the regulation applies which results in redundant language, and possible discrepancies.
- Approval process contained in multiple use matrices for different districts (i.e. Overlays, PDDs, TDDs and Standard Districts) require users to go back and forth through pages in the Code. Also, multiple matrices do not allow a single view of the possibilities of a use to operate in different districts.
- Use matrices are not consistently indicating the most restrictive approval process. This includes cases in which some uses may be subject to an approval process other than those indicated in the Use Matrix. A Code user may look only at the use matrix failing to review standards which may have other approval processes stated.
- The Board of County Commissioners approval process for standard zoning districts (Class "A" Conditional Use) and PDD and TDD (Requested Use "R") is not consistent between each other.
- "Permitted by Right" approval is a confusing term for some. It has also been noted that the term may also be misconstrued or juxtaposed with Plan terminology "permitted land uses" or other similar Planning or Zoning terminology.
- Supplementary use standards are not consistent or developed in an orderly way through all uses in Article 4.B.1.A, Definitions and Supplemental Use Standards.
- Use regulations contained in Article 4 as well as references to other articles within Article 4.B. are not eligible for variance relief. There are some standards related to other articles in the Code that are not unique to a use, therefore the prohibition to the variance may not be needed.
- Approval process thresholds are based on density or intensity per zoning district regardless of the use specifics.
- Provisions for Flex Space located in Art. 4, Supplemental Use Standards has created confusion for some users, and in some instances permitted flex space uses as noted in Art. 4 may be superseded by existing provisions for principal use permitted in district.
- Separate Chapters for Telecommunications and Excavation uses were previously required due to length of standards for these uses.
- Excavation standards are administered by multiple agencies (i.e. Zoning: approval, setbacks; ERM: environmental standards; Land Development, hauling routes.)

RECOMMENDATIONS:

- Provide clear direction to users by introducing a "User Guide" section.
- Organize uses by use classification:
 - Group related uses (example, all residential uses together);
 - Organize all uses alphabetically within every use classification; and,
 - Include general provisions applicable to every use classification under one single location where feasible.
- Consolidate multiple use matrices (Standard, PDD and TDD) to be located under each use classification. (i.e., Residential use classification will have its own residential use matrix followed by the use standards in that classification and then Commercial use classification will have its own commercial use matrix and so on.)
- Indicate the most restrictive approval process in the Use Matrix.
- Identify prohibited uses in the Use Matrix by using dash.
- Consolidate symbol used for BCC approval (Retain Class A); replace the concept of "Permitted by Right" with other term if feasible.
- Create "General Provision" portion under every use classification to address thresholds applicable to the classification as well as common standards for all uses within the classification.
- Explore possibility to allow variance application to common standards listed under General Provisions.
- Reorganize supplementary use standards to reflect order in which a site is typically reviewed.
- Get feedback from Code users to determine if another term is needed for "Permitted by Right" used in the Use Matrix.

PROPOSED ARTICLE 4, USE REGULATIONS

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ARTICLE 4

USE REGULATIONS

CHAPTER A USER GUIDE

Section 1 Organization

A. Purpose and Intent

Assist the users of the Code in understanding the different alternatives and methodology contained in this Article to locate information relative to what Zoning District Uses are allowed, approval process and specific requirements of every use.

B. FLU Designation and Zoning District Consistency

Before any use is checked in the Use Matrix, determination of consistency between Future Land Use (FLU) and Zoning District needs to be established as contained in Table 3.A.3.B, FLU Designation and Corresponding Standard Zoning Districts, Table 3.A.3.C, FLU Designation and Corresponding Planned Development Districts, and Table 3.A.3.D, TDD Corresponding Land Use.

C. Use Classification

Uses are grouped by specific classification based on their main purpose or function. Uses are classified in the following groups: residential, commercial, recreational, institutional, industrial, agricultural, utilities, commercial communications and other towers, and excavation. Each use classification has a list of use types: e.g. Residential includes Multi-family, Single Family, Zero-Lot-Line, which are presented in alphabetical order in the matrix and supplementary standards. Every use classification is organized as follows:

1. Use Matrix

The use matrix contains approval process applicable to principal or collocated uses. The main parts of the matrix are:

a. Reference Number

Every use is identified with a number in the use matrix that refers to additional use standards that are unique to each use.

b. Approval Process

The consolidated use matrix indicates approval process applicable to Planned Development Districts (PDDs), Traditional Development Districts (TDDs), and Standards Zoning Districts. Designation of an approval process for a use within any district does not constitute an authorization of such use or an assurance that the use will be approved under the Code. The symbols representing the approval processes within the use matrix are further described as follows:

1) Permitted by Right

All uses identified with a "P" in a specific column of the use matrix shall be allowed in that district subject to the use standards contained in this article and all land design elements requested by this Code. A "P" means the use is not subject to any of the Zoning Division approval processes listed below unless a threshold is triggered.

2) Special Permit

Uses identified with an "S" are permitted in the district only if approved by the Zoning Director in accordance with Art. 2.D.2, Special Permit.

3) Development Review Officer (DRO)

Uses identified with a "D" are subject to the Development Review Officer (DRO) approval in accordance with Art. 2.D, Administrative Process.

4) Class B Conditional Use

Uses identified with a "B" are permitted in the district only if approved by the Zoning Commission in accordance with Article 2.B, Public Hearing Process.

5) Class A Conditional Use

Uses identified with an "A" are subject to the Board of County Commissioners approval as contained in Article 2.B., Public Hearing Process. Class A Conditional Use is expanded to include Requested Use (R) which is hereby removed.

6) Prohibited Uses

Uses identified with a dash "-" are prohibited within the district.

7) Review of Use Standards

Review of the use Reference Number for supplementary standards is required regardless of the approval process identified for any use in the use matrix, including prohibited, to further clarify if a use is allowed subject to different approval process when specific circumstances are met.

2. General Provisions

This section contains two parts that relates to thresholds and common supplementary standards.

a. Thresholds

Thresholds are consolidated by use classification in one table to identify if BCC or DRO approval processes are needed.

b. Common Supplementary Standards

Use supplementary standards common to all uses within the every use classification are to be listed in this section and may be subject to variance.

3. Use Definition and Standards

Uses are grouped by common functional characteristics and land use compatibility listed within the same classification. The uses are presented in alphabetical order to match the Use Matrix along with the specific definition and supplementary standards.

Section 2 Use Function

The following section clarifies how uses may play different functions in a development and how regulations in this section of the Code related to approval process and supplementary standards should be applied.

A. Principal

As defined in Article 1, principal use is the primary and major purpose for which land or building is used. A principal use is subject to specific use standards and all other design elements required by this Code.

B. Collocated

Collocated uses relate to two or more uses listed in Article 4.B. subject to the approval process contained in the matrix and supplementary standards.

C. Accessory

A use that serves only the principal use; normally associated with a principal use area, extent, function, or purpose. Complete regulations for accessory uses are further described in Article 5.B, Accessory and Temporary Uses.

D. Temporary

Specific uses are listed with use standards that have provisions for temporary activities, operation or function. Temporary uses are subject to Special Permit which are identified with an "S" in the use matrix or clearly stated in the use standards.

E. Flex Space

Flex space is limited to specific industrial and commercial uses and subject to the regulations in Art. 5.B.1.C, Flex Space.

Section 3 Typical Example of Determining Uses

This section intends to allow one such as business owner, land owner, developer, to ascertain where desired uses may be permitted or what uses might be permitted on a specific property.

A. Eligible Districts by Use Classification

To establish or build a particular use, it is necessary to:

1. Determine what kind of use classification the use falls under such as commercial or industrial.
2. Locate the Use Matrix for the specific classification and search in the first column for the applicable use. The top rows of the matrix contain the zoning districts. Cross reference between the use and the zoning districts to determine in what districts the use has approval process. Approval processes are identified with the letter "A" for BCC approval, "B" for Zoning Commission approval, "D" for Development Review Office Approval (DRO), "S" for Special Permit, "P" for Permitted by Right; and Prohibited uses are shown with a dash. Additional provisions related to the approval process may be applicable to the use when the site is located on a particular Overlay as contained in Art. 3.B, Overlays.
3. Consider the Property Development Regulations applicable to every Zoning District when determining feasibility of a use.
4. Review the general standards applicable to all uses within the use classification to which the applicable use belongs to and determine if any thresholds are triggered which could change the approval process from the one indicated in the matrix.
5. Refer to the Supplementary Standards for the use as contained in Art. 4 or the number referenced in the second column of the matrix. These standards are unique and specific to the use.

B. Determine Uses Permitted by Zoning District

To know what use or uses are permitted on a property, the following steps are needed:

1. Determine the applicable zoning district that relate to the property followed by determination of consistency with corresponding Future Land Use designation. If the zoning district is consistent with the FLU, continue determination of the allowable uses; otherwise, possible rezoning or other procedures may be needed.
2. Refer to the use matrix within every use classification to locate the zoning district that pertain to the property and looking down through the zoning district column, identify what uses within the use classification have an approval process. Approval processes are identified with a letter.
3. When several uses are intended to be developed on the same site, there are thresholds to consider that make the site to be developed as Planned Development Districts (PDD) as contained in Art. 3.E. or Traditional Development District (TDD) in Art. Art. 3.F. In such case, the search of uses needs to be done under the portion of the matrix that relates to PDD or TDD and shall be based on the FLU designation or pods. These districts also require determination of consistency with the FLU as stated in Art. 3.A.
4. Consider if the site is within an Overlay for additional standards or approval process that may apply.
5. Repeat steps 4 and 5 from Article 4.A.3.A, Eligible Districts by Use Classification.

CHAPTER B USE CLASSIFICATION

Section 1 Residential Uses

Section 2 Commercial Uses

Section 3 Recreation Uses

Section 4 Public and Civic Uses

B. General Provisions

1. Development Thresholds

a. Approval Process

Industrial uses shall be subject to the following threshold:

Industrial Thresholds

Thresholds for Projects Requiring Board of County Commission Approval			Thresholds for Projects Requiring DRO Approval	
FLU Designation	Number of Square Footage or Units	Acreage	Zoning District	Number of Units or Square Feet
IND	100,000	-	IL	20,000 square feet
EDC	100,000	-	IG	20,000 square feet

b. Exemptions

Industrial uses located in the PO zoning district that support government facilities or uses located in the Infill Redevelopment Overlay approved by the DRO.

2. Common Supplementary Standards

a. Hours of Operation

Industrial activities conducted within enclosed buildings located 500 feet from residential districts or uses shall not commence business activities prior to 6:00 a.m. nor continue later than 11:00 p.m. Industrial uses with outdoor activities are restricted to operate between 7:00 a.m. to 6:00 p.m. Monday through Friday when located within 1,000 feet of residential districts or uses.

b. Flex Space

The following industrial uses are allowed to have flex space subject to the standards in Art. 5.B.1.C, Flex Space: Contractor Storage Yard, Data and Information Processing, Laboratory Research, Manufacturing and Processing, Medical or Dental Laboratory, Warehouse and Wholesaling, General.

C. Use Definition and Supplemental Use Standards

1. Batch Plant

a. Definition

An establishment engaged in the manufacture, mixing or batching of asphalt, asphaltic cement, cement or concrete products.

2. Contractor Storage Yard

a. Definition

A lot used for the storage of construction material, equipment, or three or more commercial vehicles used by building trades and services, other than construction sites. Mechanical equipment principally used in construction activity shall include but is not limited to bobcats, front-end loaders, over-head cranes, graders, dump trucks, compactors, forklift, steam rollers, earth movers, bulldozer, backhoe, concrete mixer, trenchers, cable/pipe layers or any such equipment that is not a street worthy vehicle. **[Ord. 2005-002]**

b. Accessory Uses

An accessory office shall be permitted subject to Article 5.B, ACCESSORY AND TEMPORARY USES.

c. Screening

For a storage yard contiguous to property in a residential district, an opaque fence/wall a minimum of eight feet in height shall be installed along the inside edge of the required landscape buffer.

d. Barbed Wire

Barbed wire may be installed pursuant to Art. 5.B.1.A.2.c, Dangerous Materials, except when located adjacent to a parcel having a residential FLU designation or use. Barbed wire shall not be visible from any public street. **[Ord. 2011-001]**

3. Data and Information Processing

a. Definition

The use of an establishment for business offices, providing on site- management and operation of clients computer systems or data processing facilities not frequented by the general public.

4. Multi-Media Production

a. Definition

The use of a lot or building for the production of films or videotapes for exhibition or sale. It includes audio/motion pictures and video distribution, postproduction services, motion pictures film laboratories, stock footage film libraries, mass video publication or other related services.

b. Zoning Districts

Parcels with CHO and CG zoning districts shall locate outdoor activities a minimum of 300 feet from a residential district. **[Ord. 2010-005]**

c. Collocated Use

Permitted to be developed in CRE FLU or CR Zoning District when collocated to recreation use in which Multi-Media Production is an integral or supportive part of the principal use on site. The use shall be subject to DRO approval unless other thresholds are triggered.

5. Gas and Fuel, Wholesale

a. Definition

A business primarily engaged in the sale of fuels (liquid and gaseous) to businesses engaged in the retail sales of such products to individual end users, or the sale of large volumes of said products to such large end user consumers as commercial airlines, or motor freight carriers. These facilities shall be subject to the following requirements:

b. Location

- 1) Shall not be located within any run-way protection zone
- 2) Shall not be located adjacent to any residentially zoned property, or land currently used for residential.

c. Lot Size

Shall be located on no less than five (5) acres of land. This limitation may be waived if the proposed collocation is part of a larger project, such as an airport or distribution terminal.

6 Heavy Industry

a. Definition

An establishment engaged in the basic processing and manufacturing of materials or products predominately from extracted or raw materials, or a use engaged in storage of, or manufacturing processes utilizing flammable, hazardous, or explosive materials, or processes which potentially involve hazardous or commonly recognized offensive conditions. Typical uses include manufacturing and warehousing of chemicals, dry ice, fertilizers, fireworks and explosives, pulp and paper products, and radioactive materials; fat rendering plants; slaughterhouses and tanneries; steel works; and petroleum refineries.

b. Fireworks

The retail sale of fireworks from a permanent fireworks storage facility or establishment shall be limited to an accessory use.

7. Research and Development

a. Definition

An establishment engaged in industrial, scientific or medical research, testing, and analysis, including support services and structures. Typical uses include natural science/manufacturing research facilities and product testing/quality control facilities.

b. Overlays

- 1) Within the URAO and IRO developments shall be a minimum of two (2) acres and shall not consist of any residential balance.
- 2) A research laboratory located in the Bioscience Research Protection Overlay (BRPO) and the IL District may be approved by the DRO and shall not be subject to the limitations of Table 4.A.3.A, Thresholds for Projects Requiring Board of County Commissioner Approval. **[Ord. 2007-001]**

c. Accessory Use

A research laboratory shall be permitted as an accessory use to a college or university.

d. Accessory Structures

Outdoor manufacturing, processing, storage or testing shall be limited to industrial districts only.

8. Machine Shop

a. Definition

A wholly enclosed workshop where machines, machine parts, or other metal products are fabricated. Typical uses include machine shops, tool and die fabrication, and sheet metal shops.

9. Manufacturing and Processing

a. Definition

An establishment engaged in the manufacture, predominantly from previously prepared materials, of finished products or parts, including processing, fabrication, assembly, treatment and packaging of such products, and incidental storage, sales and distribution of such products, but excluding heavy industrial processing. Typical uses include factories, large-scale production, wholesale distribution, publishing and food processing.

b. Zoning Districts

- 1) Manufacturing and processing shall only be allowed as a requested use in a MUPD with EDC or MLU land use.
- 2) Outdoor manufacturing, processing or storage shall be limited to industrial zoning districts only.

Other Items Considered

SUPPLEMENTAL USE STANDARDS STANDARDIZED LIST AND ORGANIZATION OF TOPICS (Code Construction)

In order to establish consistency in the use and organization of terminology for Supplemental Use Standards, a centralized list will be maintained and updated, as needed. Most Supplemental Use Standards fall under similar headings, while there will be occasions when one off topic titles will be required. The latter will always fall to the end of the standardized list, as applicable.

- | | |
|---------------------------------|---------------------------|
| a) Definition | l) Building Area |
| b) Alternative Approval Process | m) Building Height |
| c) Nonconformities | n) Accessory Uses |
| d) Tier Specific | o) Collocated Uses |
| e) Overlay | p) Accessory Structures |
| f) FLU Designation | q) Nuisances |
| g) Zoning Districts | r) Parking Related Topics |
| h) Location | s) Landscaping |
| i) PDRS/Lot Size | t) Signage |
| j) Access | u) Other |
| k) Setbacks | |

OTHER ARTICLES SUMMARY OF KEY ISSUES – RECOMMENDATIONS

In addition to the specific changes noted for Article 1.1.2, Definitions and Art. 4, Use Regulations, there will be multiple use related amendments to other Articles, including but not limited to:

- Art. 3.B, Overlays:
 - Consolidation of Use Matrices for all Zoning Districts will require deletion of Use Matrices for the URAO and IRO.
- Art. 3.D, District Specific Regulations
 - Possible relocation of General provisions applicable to multiple use classifications, such as hours of operation for non-residential uses.
- Art. 3.E, PDDs:
 - Consolidation of Use Matrices for all Zoning Districts will require deletion of Use Matrices for the PDDs.
- Art. 3.E.5, PIPD:
 - Introduce EDC pod and clarify that EDC FLU designation in PIPD does not allow Light Industrial FLU uses.
- Art. 3.F, TDDs:
 - Consolidation of Use Matrices for all Zoning Districts will require deletion of Use Matrices for TDDs.
 - Provisions for MUPD within a TTD require correction of scrivener's errors related to incorrect reference to CH-O future land use designation, whereas the Plan requires use of the Economic Development Center designation.