



ULDC REVISIONS - PERMISSION TO ADVERTISE

BCC HEARING, JANUARY 11, 2023

I. General Data

Project Name: Commerce Future Land Use (FLU) Designation
ULDC Articles: 3, 4
Project Manager: Lisa Amara, Zoning Director
Agency Manager: Kevin Fischer, Planning Director
Staff Recommendation: Staff recommends ***approval*** based on the findings and conclusions presented in this report.

II. Item Summary

Summary: The item before the Board is a request for permission to advertise a County initiated proposed revision revising the Unified Land Development Code (the "Code") to implement amendments to the Comprehensive Plan adopted by Ordinance 2022-024, Commerce Future Land Use, to establish a new industrial future land use designation called Commerce (CMR). This report proposes to revise the Code as follows:

- Establish two categories of Industrial uses, light and heavy
- Add a column for the new CMR designation in the Use Matrix and assign allowable uses and approval processes
- Add property development regulations and planned development thresholds for CMR
- Modify supplemental standards to incorporate the new CMR FLU designation

Assessment: Planning Ordinance 2022-024, Commerce Future Land Use, established a new Commerce (CMR) future land use designation specifically for light industrial uses. The new designation was established in order to allow the Board to review and consider proposed light industrial uses to ensure that each project is appropriately located and compatible with adjacent land uses, and ensure that the approval does not introduce heavy industrial uses, which may not be appropriate at the particular location.

III. Hearing History

LDRAB/LDRC Recommendation: *Scheduled for January 17, 2023*

Board of County Commissioners Permission to Advertise: January 11, 2023

Board of County Commissioners First Reading: *January 26, 2023*

Board of County Commissioners Adoption: *February 23, 2023*

IV. Intent

This proposed revision would revise the Code to implement amendments to the Comprehensive Plan adopted by 2022-024, Commerce (CMR) Future Land Use, as summarized below.

- Establish two categories of Industrial uses, light and heavy
- Add a column for the new CMR designation in the Use Matrix and assign allowable uses and approval processes
- Add property development regulations and planned development thresholds for CMR
- Modify supplemental standards to incorporate the new CMR FLU designation

V. Background

On August 25, 2022, the Palm Beach County Board of County Commissioners adopted revisions to the Comprehensive Plan's Future Land Use Element (FLUE) by the adoption of Ordinance 2022-024, Commerce Future Land Use. The ordinance established a new industrial future land use designation and made related changes to:

- Establish a third industrial future land use designation called CMR for light industrial uses, including establishing consistent zoning districts and a concurrent zoning requirement.
- Establish location, frontage, and access requirements for all industrial future land use designations in the Urban/Suburban Tier.
- Establish policies to limit industrial future land use in the Agricultural Reserve Tier to the new CMR future land use designation, and to establish location, frontage, access, and preserve requirements.

The new CMR future land use designation was established specifically for light industrial uses. The new designation was established in order to allow the Board to review and consider proposed light industrial uses to ensure that each project is appropriately located and compatible with adjacent land uses, and ensure that the approval does not introduce heavy industrial uses, which may not be appropriate at the particular location. As with the other industrial future land use designations, the new CMR future land use will be allowed in the Urban/Suburban Tier and not within the Rural and Exurban Tiers. This amendment also established policy guidance for industrial uses in the Agricultural Reserve Tier by establishing location requirements and limiting to the new CMR designation.

VI. Data and Analysis

This section provides data and analysis of the proposed revisions in addition to that provided within the Staff report for Ordinance 2022-024 provided here:

<https://discover.pbcgov.org/pzb/planning/Ordinances/Commerce%20Future%20Land%20Use.pdf>

A. Proposed Amendment

This amendment is comprised of several components, each of which is discussed separately below and corresponds with the specific strike out and underline changes to the Code shown in **Exhibit 1-A, 1-B, and 1-C**.

- **Exhibit 1-A.** This amendment proposed to revise the Use Matrix in Article 4 to add a column for CMR MUPD, and a note establishing that this column applies to both of the Zoning Districts allowed in the CMR designation, MUPD and IL. Both Districts will be subject to the same approval processes and supplementary standards; therefore there isn't a need for two columns. The Industrial uses will be divided into a 'light' and a 'heavy' category reflecting policy direction established in the Comprehensive Plan pursuant to Policy 2.2.4-d. Pursuant to Policies 2.2.4-d and 2.2.4-e, commercial uses in the CMR future land use will be limited to those that are accessory to industrial uses, dispatch, self-storage, and landscape.
- **Exhibit 1-B.** The proposed changes to property development regulations for the new CMR designation and revisions to AGR-MUPD are provided within this exhibit. The changes to the PDRs will apply the same figures for CMR as the Light Industrial (IL) zoning district. The Comprehensive Plan was recently modified by three different ordinances to revise the consistent future land use designations and zoning districts, along with the details of the Multiple Use Planned Development (MUPD) district within the Agricultural Reserve Tier. The language in Article 3 is now obsolete, and rather than replicating language within the Plan, the language will refer the reader to the associated policies.

- **Exhibit 1-C.** The proposed changes within this exhibit incorporate the new CMR designation into Table 4.A.9.B., Thresholds for Projects Requiring Board of County Commission Approval; and modify several uses to incorporate the new CMR designation and related changes. These changes include revisions to allow Fitness Center in Industrial future land use designations within industrial buildings.
- **Exhibit 1-D.** This exhibit provides the proposed changes to Article 4, Use Regulations, supplementary standards for consistency with the uses identified as allowable in the CMR future land use designation pursuant to the Comprehensive Plan.

B. Consistency with the Comprehensive Plan

The proposed amendments will ensure consistency with Ordinance 2022-024, Commerce Future Land Use that is adopted in the Plan. The official Consistency Letter from the Planning Division will be provided at a later date.

VII. Assessment and Conclusions

As demonstrated in this report, the proposed amendment to the Code will implement revisions to the Comprehensive Plan adopted by Ordinance 2022-024. The revisions within this item include changes to establish two categories of Industrial uses, light and heavy, incorporate the new Commerce (CMR) future land use designation. The Planning Division have reviewed the proposed changes and found them to be consistent with the Comprehensive Plan. As such, Staff recommends ***approval*** of this amendment.

Exhibit 1-A - Commerce Future Land Use

Article 4, Use Regulations

Revision Key: Proposed revisions are shown with new text as underlined, deleted text in ~~strike-out~~, and relocated text *italicized*. ~~Stricken and italicized~~ means text to be totally or partially relocated. Relocation notes are shown in brackets as **[Relocated to:]** or **[Relocated from:]**. Unaltered text omitted for brevity is indicated by a series of four bolded periods....

Part 1. ULDC Art. 4.B., Use Regulations, Use Classification (Supplement 30), is hereby amended as follows:

1. Proposed Use Matrix Revisions. Summarized for Brevity

Use Matrix	IL	IG	IND MUPD	EDC MUPD	<u>CMR</u> <u>MUPD</u>
INDUSTRIAL USES					
<u>Industrial Light</u>					
Contractor Storage Yard	D	P	P	-	<u>A</u>
Data and Information Processing	P	P	P	-	<u>D</u>
Manufacturing and Processing	P	P	P	-	<u>A</u>
Medical or Dental Laboratory	P	P	P	-	<u>D</u>
Multi-Media Production	P	P	P	P	<u>D</u>
Recycling Center	A	P	A	D	<u>A</u>
Research and Development	P	P	P	P	<u>D</u>
Warehouse	P	P	P	P	<u>D</u>
Wholesaling	P	P	P	P	<u>D</u>
<u>Industrial Heavy</u>					
Distribution Facility	D	D	P	-	<u>:</u>
Equestrian Waste Management Facility	A	A	A	-	<u>:</u>
Gas and Fuel, Wholesale	A	D	A	-	<u>:</u>
Heavy Industry	A	D	A	-	<u>:</u>
Machine or Welding Shop	P	P	P	-	<u>:</u>
Recycling Plant	A	D	A	-	<u>:</u>
Salvage and Junk Yard	-	A	A	-	<u>:</u>
Towing Service and Storage	P	P	P		<u>:</u>
Truck Stop	A	A	A	-	<u>:</u>
COMMERCIAL USES					
Adult Entertainment	D	D	-	-	<u>:</u>
Auction, Indoor	P	P	P	-	<u>:</u>
Auction, Outdoor	P	P	A	-	<u>:</u>
Car Wash	D	-	P	-	<u>:</u>
Catering Service	P	P	P	-	<u>:</u>
Dispatching Service	P	P	P	-	<u>D</u>
Dog Daycare	P	-	P	-	<u>:</u>
Electric Vehicle Charging Station Facility	D	D	D	-	<u>:</u>
Landscape Service	P	P	P	D	<u>D</u>
Laundry Service	A	A	A	-	<u>:</u>
Marina	P	P	-	-	<u>:</u>
Microbrewery	D	D	D	D	<u>:</u>
Repair and Maintenance, Heavy	P	P	P	-	<u>:</u>
Repair and Maintenance, Light	P	P	P	-	<u>:</u>
Repair Services, Limited	P	-	P	-	<u>:</u>
Self-Service Storage, Limited Access	D	-	D	-	<u>A</u>
Self-Service Storage, Multi-Access	D	-	D	-	<u>:</u>
Vehicle Sales and Rental, Heavy	A	-	A	-	<u>:</u>
Vehicle Sales and Rental, Light	-	-	-	-	<u>:</u>
Veterinary Clinic	P	-	-	-	<u>:</u>
Vocational Institution	P	P	P	P	<u>A</u>
RECREATION USES					
Arena or Stadium or Amphitheater	-	-	-	-	<u>:</u>

	Use Matrix			IND	EDC	<u>CMR</u>
		IL	IG	MUPD	MUPD	<u>MUPD</u>
	Campground	-	-	-	-	-
	Entertainment, Indoor	-	-	-	-	-
	Entertainment, Outdoor	-	-	-	-	-
	Fitness Center	-	-	-	-	-
	Golf Course	D	-	A	-	-
	Park, Neighborhood Infill	P	P	-	-	<u>P</u>
	Park, Passive	P	P	P	P	<u>P</u>
	Park, Public	D	D	P	-	<u>D</u>
	Shooting Range, Indoor	D	P	A	-	-
	Shooting Range, Outdoor	-	-	-	-	-
	Zoo	-	-	-	-	-
	INSTITUTIONAL USES					
	Animal Shelter	A	D	-	-	-
	Assembly Institutional Nonprofit	-	-	-	-	-
	Assembly Membership Nonprofit	-	-	-	-	-
	Cemetery	-	-	-	-	-
	College or University	-	-	A	-	-
	Crematory	A	A	A	-	-
	Day Care Limited	-	-	-	-	-
	Day Care General	-	-	-	-	-
	Funeral Home	D	D	D	-	-
	Government Services	P	P	P	P	<u>P</u>
	Homeless Resource Center	A	-	A	-	-
	Hospital	-	-	-	-	-
	Large Family Child Care Home	-	-	-	-	-
	Place of Worship	D	D	-	-	-
	Prison, Jail, or Correctional Facility	-	-	-	-	-
	School – Elementary or Secondary	A	-	-	-	-
	Skilled Nursing or Residential Treatment Facility	-	-	-	-	-
	AGRICULTURAL USES					
	Agriculture, Bona Fide	A	A	-	-	<u>P</u>
	Agriculture, Light Manufacturing	P	P	-	-	<u>P</u>
	Agriculture, Packing Plant	D	D	-	-	<u>P</u>
	Agriculture, Renewable Fuels Production	-	-	-	-	-
	Agriculture, Research and Development	P	P	P	P	<u>P</u>
	Agriculture, Sales and Service	-	-	-	-	-
	Agriculture, Storage	P	P	-	-	-
	Agriculture, Transshipment	D	P	P	P	<u>P</u>
	Aviculture, Hobby Breeder	-	-	-	-	-
	Community Vegetable Garden	P	P	-	-	<u>P</u>
	Equestrian Arena, Commercial	B	B	-	-	-
	Farmers Market	P	P	-	-	-
	Nursery, Retail	B	B	-	-	<u>D</u>
	Nursery, Wholesale	P	P	-	-	<u>P</u>
	Potting Soil Manufacturing	B	D	-	-	-
	Produce Stand	D	D	-	-	-
	Shade House	P	P	-	-	-
	Stable, Commercial	D	D	-	-	-
	Stable, Private	-	-	-	-	-
	Sugar Mill or Refinery	-	A	-	-	-
	UTILITY USES					
	Chipping and Mulching	B	D	B	-	-
	Composting Facility	D	D	P	-	-
	Electric Distribution Substation	D	D	D	D	<u>D</u>
	Electric Power Plant	A	A	A	-	-
	Electric Transmission Substation	A	A	A	A	<u>A</u>

	Use Matrix			IND	EDC	<u>CMR</u>
		IL	IG	MUPD	MUPD	<u>MUPD</u>
	Landfill or Incinerator	-	-	-	-	<u>-</u>
	Minor Utility	D	D	D	D	<u>D</u>
	Renewable Energy Solar Facility	D	D	D	D	<u>D</u>
	Renewable Energy Wind Facility	A	A	A	A	<u>A</u>
	Solid Waste Transfer Station	A	B	A	-	<u>-</u>
	Water or Wastewater Treatment Plant	D	D	A	-	<u>-</u>
	TRANSPORTATION USES					
	Airport	-	A	A	A	<u>A</u>
	Heliport	D	D	A	A	<u>A</u>
	Landing Strip	-	A	A	A	<u>A</u>
	Seaplane Facility	-	A	A	-	<u>-</u>
	Transportation Facility	-	-	-	-	<u>-</u>
	EXCAVATION USES					
	Agricultural Excavation	A	A	-	-	<u>-</u>
	Type 1A Excavation	-	-	-	-	<u>-</u>
	Type 1B Excavation	-	-	-	-	<u>-</u>
	Type 2 Excavation	A	A	A	A	<u>A</u>
	Type 3A Excavation	A	A	-	-	<u>-</u>
	Type 3B Excavation	A	A	-	-	<u>-</u>

Exhibit 1-B - Commerce Future Land Use

Article 3, Zoning Districts

Revision Key: Proposed revisions are shown with new text as underlined, deleted text in ~~strike-out~~, and relocated text *italicized*. ~~Stricken and italicized~~ means text to be totally or partially relocated. Relocation notes are shown in brackets as **[Relocated to:]** or **[Relocated from:]**. Unaltered text omitted for brevity is indicated by a series of four bolded periods....

Part 2. ULDC Art. 3.E.3.D, Overlays and Zoning District, Planned Development Districts (PDDs), Multiple Use Planned Development (MUPDs), Property Development Regulations (pages 167-168, Supplement 30), is hereby amended as follows:

CHAPTER E PLANNED DEVELOPMENT DISTRICTS (PDDs)

Section 3 Multiple Use Planned Development (MUPD)

D. Property Development Regulations

The minimum lot dimensions, maximum FAR, maximum building coverage, and minimum setbacks in the MUPD district are indicated in [Table 3.E.3.D, MUPD Property Development Regulations](#), unless otherwise stated.

Table 3.E.3.D – MUPD Property Development Regulations

FLU Designations	Min. Lot Dimensions			Max. FAR (2)	Max. Building Coverage	Min. Setbacks (1)			
	Size (4)	Width and Frontage	Depth			Front	Side	Side Street	Rear
CL	3 ac.	200'	200'	-	25%	25'	C – 15' R – 30'	25'	C – 20' R – 30'
CH	5 ac.	300'	300'	-	40% (3)	30'	C – 15' R – 30'	30'	C – 20' R – 30'
CL-O	3 ac.	200'	250'	-	25%	25'	C – 15' R – 30'	25'	C – 20' R – 30'
CH-O	5 ac.	200'	200'	-	40% (3)	30'	C – 15' R – 30'	30'	C – 20' R – 30'
CMR	3 ac.	200'	200'	-	45%	30'	C – 15' R – 40'	30'	C – 20' R – 40'
IND	5 ac.	300'	300'	-	45%	30'	C – 15' R – 40'	30'	C – 20' R – 40'
EDC	5 ac.	300'	300'	-	45%	30'	C – 15' R – 40'	30'	C – 20' R – 40'
CR	5 ac.	300'	300'	-	30%	30'	C – 15' R – 40'	30'	C – 20' R – 40'
INST	5 ac.	300'	300'	-	30%	30'	C – 15' R – 30'	30'	C – 20' R – 30'
Residential Uses and Recreation									
ZLL	Refer to Art. 3.D.2.B, Zero Lot Line (ZLL) .								
TH	Refer to Art. 3.D.2.A, Townhouse .								
MF	Apply the RM Zoning District regulations in Table 3.D.1.A, Property Development Regulations .								
Recreation Pod	Apply PUD Recreation Pod regulations.								
Neighborhood Park	Apply PUD neighborhood park regulations.								
[Ord. 2007-001] [Ord. 2014-025] [Ord. 2015-031] [Ord. 2019-005] [Ord. 2021-023]									
Notes:									
C	Indicates the building setback if the lot abuts a parcel with a non-residential zoning district or FLU designation, that does not support a residential use. [Ord. 2015-031]								
R	Indicates the setback from an adjacent parcel with residential zoning. [Ord. 2015-031]								
1.	Setbacks are measured in linear feet from the boundary of the MUPD.								
2.	The maximum FAR shall be in accordance with FLUE Table 2.2-e.1 of the Plan, and other related provisions, unless otherwise noted, and shall include all residential and non-residential buildings. [Ord. 2019-005] [Ord. 2021-023]								
3.	The maximum building coverage for CH and CH-O FLU designations may be increased to 60 percent for developments with both residential and non-residential uses. [Ord. 2021-023]								
4.	An MUPD with split or multiple FLU designations shall apply the minimum acreage of the more restrictive FLU designation. [Ord. 2021-023]								

F. AGR-MUPD

Properties in the Agricultural Reserve Tier with an MUPD are subject to the policies within Future Land Use Element of the Comprehensive Plan, including but not limited to Objective 1.5The following standards shall apply to MUPDs in the AGR Tier. [Ord. 2017-002]

1. Conflict with Other Applicable Regulations

If a conflict exists between provisions for an AGR-MUPD and other Articles of this Code, the AGR-MUPD provisions shall prevail except where superseded by State or Federal laws. [Ord. 2017-002]

2. 60/40 Preserve/Development Requirements

New applications for an MUPD in the AGR Tier greater than 16 acres in size as of January 1, 2016, as determined by FLUE Policy 1.5.1-q of the Plan, shall consist of two areas, the Preservation Area and the Development Area. Both areas shall be rezoned to the MUPD district and comply with the following: [Ord. 2017-002]

a) Preserve Area

1) Minimum Land Area

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~~A minimum of 60 percent of the gross acreage, less roadways identified on the Thoroughfare Identification Map, shall be designated as an AGR Preserve Area. [Ord. 2017-002]~~

~~2) Standards and Requirements~~

~~a) Use Regulations~~

~~Permitted uses shall be the same as those permitted in the Preserve Area of an AGR-TMD. [Ord. 2017-002]~~

~~b) Requirements~~

~~The Preserve Area shall comply with the requirements of Art. 3.E.2.F.3, Preserve Area, with exception to the following: [Ord. 2017-002]~~

- ~~(1) References to residential development or PUD shall be considered synonymous with residential or non-residential development or MUPD, respectively; [Ord. 2017-002]~~
- ~~(2) Art. 3.E.2.F.3.b, Uses; and, [Ord. 2017-002]~~
- ~~(3) Art. 3.E.3.F.3.d, 80/20 Contiguity Requirement. [Ord. 2017-002]~~

~~b. Development Area~~

~~The remaining land area, not to exceed 40 percent of the gross acreage less right of way as shown on the Thoroughfare Identification Map, may be developed as an MUPD, subject to the following: [Ord. 2017-002]~~

~~1) Agricultural Reserve Design Elements~~

~~The Development Area shall comply with FLUE Policy 1.5.1-r, Ag Reserve Design Elements. [Ord. 2017-002]~~

~~2) Residential Mixed Use~~

~~Residential uses shall be permitted in accordance with the standards for residential uses in an AGR-TMD. [Ord. 2017-002]~~

Exhibit 1-C - Commerce Future Land Use
Article 4 - Development Thresholds

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Part 3. ULDC Table. 4.A.9.B, Use Regulations, User Guide and General Provisions, Development Thresholds, Thresholds for Projects Requiring Board of County Commission Approval (page 11, Supplement 30), is hereby amended as follows:

CHAPTER A USER GUIDE AND GENERAL PROVISIONS

Section 9 Development Thresholds

B. Public Hearing Approval

Any amendment to an existing development, or new construction of residential, commercial, or industrial projects that meets or exceeds either the maximum square footage or units, or maximum acreage of Table 4.A.9.B, Thresholds for Projects Requiring Board of County Commission Approval, shall be reviewed and approved as a PDD or TDD in accordance with Art. 2.B.7.B, Conditional Uses and Official Zoning Map Amendment (Rezoning) to a PDD or TDD. Projects that meet or exceed the thresholds of this Table that do not meet the access and dimension requirements of a PDD or TDD; are not allowed to be a PDD or TDD by the Plan; or for non-residential projects, consist of only one use, shall be approved as a Class A Conditional Use.

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Table 4.A.9.B – Thresholds for Projects Requiring Board of County Commission Approval (1)

FLU Designation (3)	Threshold Number of Square Footage or Units (4)	Acreage
Residential (Excluding RR FLU)	200 du (including density bonus), or 50 acres	50 ac.
AGR (with Residential-Only) (2)	- 250 acres	250 ac.
CLO, CL	30,000 sq. ft.	-
CHO, CH, CR, MLU, INST	50,000 sq. ft.	-
CL	30,000 sq. ft.	-
CH	50,000 sq. ft.	-
IND, CMR, EDC	100,000 sq. ft.	-
INST	50,000 sq. ft.	-
CR	100,000 sq. ft.	-
MLU	50,000 sq. ft.	-
EDC	100,000 sq. ft.	-
Notes:		
1.	Land area devoted to retention pursuant to the requirements of the C-51 drainage basin, or land area devoted to vegetation preservation pursuant to Art. 14.C, Vegetation Preservation and Protection, excluding AGR or Sector Plan Preserve Areas, shall not be counted toward the maximum acreage threshold.	
2.	PDDs or TDDs in the AGR Tier are limited to the 80/20 PUD, 60/40 PUD, or AGR-TMD (FLUE Policy 1.5.1-a).	
3.	There are no thresholds for the UC or UI FLU designations.	
4.	Dwelling units shall include any density awarded as part of a density bonus program.	

....

Exhibit 1-D - Commerce Future Land Use
Article 4 – Supplementary Standards

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Part 4. ULDC Art. 4.B, Use Regulations, Use Classification, (pages 38, 40, 44.1, 45, 46, 48, 51, 52, 56, 58, 60, and 65 Supplement 31), is hereby amended as follows:

CHAPTER B USE CLASSIFICATION

....

Section 2 Commercial Uses

....

C. Definitions and Supplementary Use Standards for Specific Uses

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16. Gas and Fuel Sales, Retail

....

f. Accessory Use

Retail Gas and Fuel Sales may be allowed as an accessory use to Wholesale Gas and Fuel in industrial districts with IND or EDC FLU designation, subject to Class A Conditional Use approval, and the following:

- 1) Gas and fuel sold retail shall be limited to motor fuels sold wholesale;
- 2) Maximum of four fueling positions;
- 3) Maximum of one wall or freestanding sign, where permitted, not to exceed six feet in height, or 25 square feet of sign face area.
- 4) Wholesale Gas and Fuel Sales may include regional corporate headquarters or maintenance facility for a State-regulated public utility that sells natural gas or other similar fuels.

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22. Laundry Service

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c. Approval Process

- 1) In all commercial zoning districts including Commercial Pod of PIPD and PUD, where the use is allowed, the use may be:
 - a) Permitted by Right if less than 3,000 square feet of GFA.
 - b) Allowed subject to DRO approval if less than 5,000 square feet of GFA.
- 2) **Industrial Districts, Except CMR FLU designation and Commercial Pod of a PIPD**
May be allowed subject to DRO approval if less than 15,000 square feet of GFA.

....

e. Zoning Districts – Industrial Except CMR FLU designation and Commercial Pod of a PIPD

- 1) The use shall be limited to facilities serving the hospitality industry and commercial cleaner centers; and
- 2) Shall not include customer drop-off or pick-up on site, or utilize customer-operated machinery.

....

30. Repair and Maintenance, Heavy

....

e. Nuisances

1) Enclosed Repair Activities

All repair and maintenance activities shall be conducted within an enclosed structure, except in the IL and IG districts with IND FLU designation, and PDDs with an IND FLU designation, where in compliance with Art. 5.B.1.A.3, Outdoor Storage and Activities.

....

f. Outdoor Parking or Storage

- 1) The outdoor storage of disassembled vehicles, equipment, or parts shall be prohibited, except in the IL and IG districts with IND FLU designation, and PDDs with an IND FLU designation.

....

35. Retail Sales

....

g. Collocated Use

A Retail Sales use may be Permitted by Right in the ~~IL, IG, PO,~~ or IPF Zoning District or MUPD with an INST FLU designation when collocated with an Animal Shelter. [Ord. 2018-018]

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- h. Unmanned Retail Structure**
An unmanned structure which stores or dispenses items for sale, rent, or customer pick-up.
-
- 2) Accessory Use – Industrial Zoning Districts Except with CMR FLU designation**
May be allowed as an accessory use to Data and Information Processing, Research and Development, Government Services, or Wholesaling.
-
- 37. Self-Service Storage**
-
- d. Accessory Uses –~~Industrial Districts~~**
~~A maximum of 1,000 square feet of the rental office may be devoted to Where permitted in industrial districts, a Self-Service Storage use may include accessory retail use, limited to the rental and sale of retail items used for moving and storage, such as hand trucks, cartons, tape, and packing materials.~~
-
- 40. Vehicle or Equipment Sales and Rental, Heavy**
-
- c. Approval Process**
-
- 2) IL District with IND FLU Designation, MUPD with IND FLU Designation, and Light Industrial Pod of a PIPD – Rental Equipment**
The rental of construction equipment, moving trucks or trailers, farm equipment, and farm implement and machinery sales and rental uses may be allowed subject to DRO approval.
-
- e. Lot Size**
-
- 2) IL District with IND FLU Designation**
A minimum of one acre.
-
- 41. Vehicle Sales and Rental, Light**
-
- e. Zoning Districts**
-
- 4) IL District with IND FLU Designation – Automobile Rental**
An Automobile Rental may be allowed in the IL Zoning District where the front or side street property line is adjacent to a Major Street, subject to a Class A Conditional Use approval. [Ord. 2021-006]
-
- 42. Veterinary Clinic**
-
- g. Collocated Use**
- 1) A Veterinary Clinic may be Permitted by Right in the IG with IND FLU Designation, PO, or IPF Zoning District or MUPD with an INST FLU designation when collocated with an Animal Shelter. [Ord. 2018-018]
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- 43. Vocational Institution**
- a. Definition**
An establishment, that is not an Elementary or Secondary School, offering regularly scheduled instruction and training in industrial, mechanical, construction, technical, commercial, clerical, managerial, or artistic skills.
- b. Typical Uses**
A Vocational Institution may include but is not limited to business, real estate, building, and construction trades; machinery operation and repair; electronics, computer programming, and technology; automotive or aircraft mechanics and technology; beauty or art school; or, instruction leading to a high school diploma.
- c. Zoning District – CN and CC**
Shall be limited to 3,000 square feet of GFA.
- d. Industrial FLU Designation –~~Industrial~~**
A Vocational Institution that requires the use of heavy machinery, mechanical, construction, or industrial equipment such as auto repair, masonry, automotive operation or repair, metal fabrication, welding, mechanical, or electrical repair shall be limited to sites with the IND industrial FLU designation excluding Commercial Pod of a PIPD.
- e. Nuisances**
The use shall be conducted within an enclosed building in a non-industrial zoning district where the use is allowed unless separated 250 feet from a parcel of land with a residential FLU designation or use.
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1
2 **CHAPTER B USE CLASSIFICATION**

3
4 **Section 2 Recreation Uses**

5
6 **C. Definitions and Supplementary Use Standards for Specific Uses**

7
8 **3. Entertainment, Indoor**

9
10 **b. Typical Uses**

11 Indoor Entertainment may include, but not be limited to: bowling alleys, bingo parlors, pool
12 halls, billiard parlors, banquet and reception facilities, and video game arcades.

13 **c. Approval Process – CC, CG, MUPD with Commercial FLU designation, and PIPD**
14 **Zoning Districts**

15 An Indoor Entertainment use encompassing less than 3,000 square feet of floor area may
16 be Permitted by Right. [Ord. 2021-023]

17
18 **5. Fitness Center**

19 **a. Definition**

20 An establishment containing multi-use facilities for conducting recreational sport activities.

21 **b. Typical Activities**

22 Typical sport activities may include but is not limited to aerobic exercises, weight lifting,
23 running, swimming, racquetball, handball, squash, dance studios, and martial arts studios.

24 **c. Approval Process**

25 **1) CC Zoning District and MUPD with CL FLU Designation**

26 a) A Fitness Center that has less than 8,000 square feet of GFA shall be Permitted
27 by Right.

28 b) A Fitness Center with more than 8,000 square feet but less than 15,000 square
29 feet shall be subject to DRO approval.

30 **2) Commercial Pod of PUD**

31 A Fitness Center less than 10,000 square feet may be Permitted by Right. [Ord. 2018-
32 018]

33 **d. Zoning District – CN Zoning District**

34 The use shall be limited to 3,000 square feet of GFA when located in CN Zoning District
35 and shall not include outdoor activities.

36 **e. CMR, EDC, and IND FLU Designations Existing Approvals – IL Zoning District and**
37 **Light Industrial Pod of PIPD**

38 A Fitness Center may be approved within an industrial building for up to 50% of the total
39 building square footage, legally established in the IL Zoning District or Light Industrial Pod
40 of a PIPD prior to March 2, 2017 shall be considered legal conforming.

41
42 **CHAPTER B USE CLASSIFICATION**

43
44 **Section 5 Industrial Uses**

45 **A. Industrial Use Matrix**

46
47 **C. Definitions and Supplementary Use Standards for Specific Uses**

48
49 **6. Heavy Industry**

50 **a. Definition**

51 An establishment engaged in the basic processing and manufacturing of materials or
52 products predominately from extracted or raw materials, or a use engaged in storage of,
53 or manufacturing processes utilizing flammable, hazardous, or explosive materials, or
54 processes which potentially involve hazardous or commonly recognized offensive
55 conditions.

56 **b. Typical Uses**

57 Typical uses include asphalt or concrete plant; manufacturing and warehousing of
58 chemicals, dry ice, fertilizers, fireworks and explosives, pulp and paper products, and
59 radioactive materials; fat rendering plants; slaughterhouses and tanneries; and, steel
60 works.

61 **c. FLU Designation – EDC and CMR**

62 Heavy Industry shall be prohibited in the EDC and CMR FLU designations.

63 **d. Fireworks**

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

66 **8. Manufacturing and Processing**

67 **a. Definition**

68 An establishment engaged in the manufacture, predominantly from previously prepared
69 materials, of finished products or parts, including processing, fabrication, assembly,

treatment, and packaging of such products. This use also includes incidental storage, sales, and distribution of such products, but excludes heavy industrial processing.

b. Typical Uses

Typical uses include factories, large-scale production, wholesale distribution, publishing, and food processing.

c. Zoning Districts with a CH FLU Designation

A facility located in these zoning districts: CG, IRO, MUPD, or Commercial Pod of a PIPD shall comply with the following additional requirements: [Ord. 2020-001] [Ord. 2021-023]

1) Outdoor Storage and activities shall be prohibited. [Ord. 2020-001]

d. Heavy Industry Manufacturing and Processing

A facility engaged in manufacturing and/or processing that causes or results in the dissemination of dust, smoke, fumes, odor, noise, vibration, light, or other potentially objectionable effects beyond the boundaries of the lot on which the use is conducted shall be considered a “Heavy Industry” use. Heavy industrial uses can include those that engage in the processing, manufacturing, or storage of flammable, hazardous, or explosive materials or products, or processes which potentially involve hazardous or commonly recognized offensive conditions

....
14. Salvage or Junk Yard

a. Definition

An establishment used primarily for the collecting, storage, and sale of scrap metal or discard material; or for the collecting, dismantling, storage, and salvaging of machinery or vehicles not in running condition; or for the sale of parts thereof. Salvage may also include architectural salvage which consists of building materials and fixtures recovered prior to the demolition of buildings or structures.

b. Approval Process

Architectural salvage may be allowed subject to DRO approval in the following zoning districts:

- 1) IL or IG with and IND FLU designation;
- 2) MUPD with an IND FLU designation; or,
- 3) IND/L or IND/G Pod of a PIPD.