



INTER-OFFICE COMMUNICATION
PALM BEACH COUNTY
Planning, Zoning & Building

TO: The Honorable Mary Lou Berger, Mayor
And Members of the Board of County Commissioners

FROM: Jon MacGillis, ASLA
Zoning Director

DATE: May 13, 2016

RE: Unified Land Development Code (ULDC)
Use Regulations Project Update - Transportation Uses

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Overview

In a continuing effort to keep the Board updated on the ULDC Use Regulations Project, Zoning staff will be presenting Transportation Uses under Zoning Director Comments at the BCC Zoning Hearing on May 26, 2016.

Current Status of Project

To date, five of the seven ULDC Use Classifications have been presented to the Board. The last update was on January 27, 2016, and focused on Public and Civic Uses and a general overview of the Project. In addition, staff provided updates to the Board on Industrial and Recreation Uses on February 27, 2014, Residential Uses on September 24, 2015, Utility Uses on October 22, 2015, and Excavation Uses on December 3, 2015.

The tentative timeline for adoption Hearings for the project is the Fall 2016.

BCC Update on Transportation Uses

Overview of Transportation Uses (Attachment 1): Staff is proposing a new Transportation Uses classification which will be comprised of uses related to the movement of people. Uses include Airport, Heliport, Landing Strip, Seaplane Facility and Transportation Facility. Key highlights include:

- Relocation of Airport, Helipad and Landing Strip uses from Public and Civic Use classification;
Relocation of Seaplane Facility from Article 5, Supplementary Standards; and,
Clarify when Heliports or Landing Strips are classified as an accessory use;;
Established new Transportation Facility use with related approval processes and Supplemental Use Standards.

Public input on this Use Classification has been as follows:

- Public Survey - July 14 to August 1, 2014 to solicit input on existing supplementary standards and approval process for Public and Civic Uses including Airports, Helipad and Landing Strip.
Land Development Regulation Advisory Board (LDRAB) Subcommittee meeting on April 11, 2016 for comments and input on proposed amendments.
Presentation to the LDRAB on April 27, 2016. Approved the proposed amendments 14-0 with minor discussion on Heliport accessory to Public Park and Transportation Facility.

Status of Pending Use Classifications

- 1. Commercial Communication Towers: The amendments are generally limited to revisions for consistency with State and Federal regulations, correction of glitches, and reformatting to match construction of the Use Regulation standards.



Public input on this Use Classification has been as follows:

- LDRAB Subcommittee meeting on April 26, 2016.
- Presentation to the LDRAB has been tentatively scheduled for May 25, 2016.

2. **Commercial Uses:** Staff is currently processing amendments for Commercial Uses, which will include a new Temporary Use classification, which will be primarily comprised of temporary uses formerly located under Recreation and Commercial Use classifications.

Public input on this Use Classification has been as follows:

- Public Survey - April 31 to May 30, 2014 to solicit input on existing regulations applicable to Commercial uses in Article 4 of the ULDC.
- Kick-Off Meeting with Industry and Interested Parties on May 15, 2014.
- Subcommittee meetings will be scheduled over during June and July to solicit feedback prior to presentation to LDRAB.

3. **Agriculture Uses:** The original scope of work for Agriculture Uses has been re-evaluated and simplified to focus transition to the new consolidated Use Matrix, and minor updates to references. This classification will be addressed at a later date as part of a future Amendment Round.

Public input on this Use Classification has been as follows:

- Public Survey - October 1 to October 31, 2014 and April 6 to 24, 2015 (to accommodate agricultural community participation).
- Subcommittee meetings will be scheduled in July and August.

Staff has scheduled meetings with each Commissioner in advance of the May 26, 2016 BCC Zoning Hearing to discuss this Transportation Use update.

If you have any questions before the May Hearing, please contact me at 561-233-5234 or William Cross, Principal Site Planner at 561-233-5206.

JM/SR/sr

Attachments: Attachment 1, Transportation Uses

C: Faye Outlaw, Assistant County Administrator
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**ATTACHMENT 1, TRANSPORTATION USES
SUMMARY OF AMENDMENTS
(Updated 5/13/16)**

1
2 **Part 2. New ULDC Art. 4.B.8, Transportation Uses, is hereby established as follows:**

3 **CHAPTER B USE CLASSIFICATION**

4 **Section 8 Transportation Uses**

Reason for amendments: [Zoning] Transportation Uses is a newly proposed Use Classification. The new classification will include Airport, Heliport (formerly known as Helipad), Landing Strip, Seaplane Facility and Transportation Facility.

Air Transportation Related Uses

Regulations related to air transportation uses are addressed in the ULDC, under Article 3 through the Airport Overlay Zone (AZO) and Palm Beach International Airport Overlay (PBIAO); Article 4, for private airports, helipads and landing strips; and, Article 16, Airport Regulations for uses surrounding publicly owned airports within Palm Beach County.

Airport, helipad and landing strip were relocated from the Public and Civic Use Classification, while Seaplane Facility was relocated from Article 5, Supplementary Standards to be consolidated under the Transportation Use Classification. Since 2003 (Ord. 2003-067), Airport, Landing Strip and Helipad definition and Supplemental Use Standards have been consolidated but shown as three separate uses in Table 4.A.3.A - Use Matrix, Public and Civic Uses. The amendment addresses the uses individually in the Supplemental Use Standards consistent with the Use Matrix as further specified below. The amendment will also clarify where and how Helipad and Landing Strip are considered accessory uses.

Transportation Facility

A new use Transportation Facility was added as a result of the analysis made to the existing Transportation Facility use under the Industrial Use Classification review. Since 1992, Transportation Facility has regulated the movement of people and goods in certain zoning districts in the ULDC. During the Industrial Use Classification review, staff separated Transportation Facility into two uses: Transportation Facility and Distribution Facility to clarify the distinction between the movement of people and goods. Research and analysis concluded that the movement of people and goods is not similar in terms of overall operation and impact. The movement of people is consistent with transportation uses (bus stops, train station) while movement of goods is consistent with an industrial use (railroad or truck terminals). As a result, Distribution Facility has been established as an Industrial use.

5
6 **A. Transportation Use Matrix**

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8 **Use Matrix has been provided as a separate handout for ease of use.**

Reason for amendments: [Zoning] The following section will address General Transportation standards related to private Airports, Heliports, Landing Strips and Seaplane Facilities which will be subject to local, state and federal regulations. Public airports and collocated uses will continue to be regulated by Article 3.B.2, Airport Zoning Overlay (AZO). Article 3.B.2 regulates airports and non-airport related uses for the following Palm Beach County airports: Palm Beach International Airport (PBIA), PBC Glades Airport (Pahokee), Park Airport (Lantana), and Palm Beach North County Airport. Article 16, Airport Regulations establishes additional standards applicable to the regulation of incompatible uses or building height near airport runway approach zones, and Review Procedures for Airport Land Use Noise Zones, among other similar topics. Standards were relocated from Airport standards to the general section as they mostly apply to all air transportation uses. The relocation of the language clarifies the following:

- Setback requirements related to landing area, navigation aid or structure;
- Increasing structure height would not require increase in setbacks if preempted by State or Federal regulation;
- Hangars may be allowed as principal structures related to airports only. Hangars, as accessory structures, are prohibited in the front yard for Heliports, Landing Strips and Seaplane Facilities. The relocation also addresses lot size limitations for hangars, accessory to Agriculturally Classified uses as established by State Statutes; and,
- Additional Federal (Federal Aviation Administration - FAA) and State regulations (Florida Department of Transportation - FDOT) may apply to private Airports, Heliports, Landing Strips and Seaplane Facilities. Florida Statutes prohibit counties from requiring the applicant to obtain any State or Federal permit unless said permit has already been denied.

9 **B. General Transportation Standards for Aviation Related Uses**

10 *All Airports, Heliports, Landing Strips and Seaplane Facilities not owned and operated by the*
11 *State of Florida, PBC, or a hospital shall comply with the following standards: [Relocated from*
12 *Art. 4.B.8.C.1. Airport, below]*

13 **1. Setbacks**

14 *a. No structure or navigation aid shall be located within 50 feet of any property line.*
15 *[Relocated from Art. 4.B.8.C.1.h, Setback, below]*

16 *b. There shall be a 100-foot setback between the edge of the landing area, as defined by*
17 *the FDOT, and the property line. [Relocated from Art. 4.B.8.C.1.h, Setback, below]*

18 **2. Structure Height**

**ATTACHMENT 1, TRANSPORTATION USES
SUMMARY OF AMENDMENTS
(Updated 5/13/16)**

A variance shall not be required for a structure to exceed the height limit for the district in which the use is located, if the additional height is required by Federal law or F.S. Florida Statutes. [Relocated from Art. 4.B.8.C.1.i, Building Height, below]

3. Hangars

Storage buildings for aircraft shall be allowed as principal structures. Hangars accessory to an Agriculturally Classified Use as established by State Statutes shall be located on parcels containing a minimum of 20 acres [Relocated from Art. 4.B.8.C.1.g, Hangars, below]

4. FAA and FDOT Requirements

DRO and Class A Conditional Use approvals as related to FAA and FDOT requirements shall be in accordance with F.S. 125.022(4), Development Permits.

C. Definitions and Supplementary Use Standards for Specific Uses

1. Airport, ~~Landing Strip or Helipad~~

HISTORY: Airport use definition and Supplementary Standards were first referenced in the 1957 Land Use Code as an Airplane Landing Field and in the 1973 Code as Airports, Landing Strips and Heliports with use specific supplemental standards. The definition and supplemental standards were amended by the 1992 Code rewrite (Ord. 1992-020), 1993-004, 1995-008, 1999-037, 2000-015, 2001-001, 2001-029, 2001-062, 2001-100, 2003 Code rewrite (Ord. 2003-067), 2005-002, 2006-036, 2009-040, 2010-005, and 2013-018.

Reason for amendments: [Zoning] Revise the definition:

- Partially relocate “*All airports, landing strips, and helipads not owned and operated by the State of Florida, PBC, or a hospital shall comply with the following standards*” to the new General Transportation Uses standard. General standards are established to consolidate regulations for air transportation uses into one location.
- Delete the reference to ownership in definition.
- To clarify that a standalone use such as landing strip or heliport shall not be deemed an airport.

a. Definition

Any ~~public or privately owned or operated~~ facility designed to accommodate landing or take-off operations of aircraft. ~~All private airports, landing strips, and helipads not owned and operated by the State of Florida, PBC, or a hospital shall comply with the following standards:~~ [Relocated to Art. 4.B.8.B, General Transportation Standards, above]

Reason for amendments: [Zoning] Partially relocate the Accessory Landing Strip standard. The Use will be defined and the language will be relocated and clarified in its own section. The purpose is to ensure that Landing Strip is not misunderstood to be an Airport.

a. Accessory Landing Strip

~~Defined as any private ground facility designed to accommodate landing and take-off operations of aircraft used by individual property owners, farm operators, or commercial operations.~~ [Partially relocated to Art. 4.B.8.C.3, Landing Strip, below]

Reason for amendments: [Zoning] Partially relocate the Agricultural Reserve (AGR) and Agricultural Residential (AR) reference. A new Supplementary Standard will be established to address accessory Heliports and Landing Strips to Agriculturally Classified Uses as established by State Statutes in certain zoning districts.

b. AGR and AR Tiers

~~Only landing strips, hangars and helipads accessory to a bona fide agricultural use shall be permitted.~~ [Partially relocated to Art. 4.B.8.C.2 Heliport, Art. 4.B.8.C.3 Landing Strip below, and Art. 4.B.8.B, General Transportation Standards, above]

Reason for amendments: [Zoning] Delete provision related to location of the use in the Rural Residential (RR) Future Land Use (FLU) designation associated with the Commercial Recreation (CRE) Zoning District as this zoning district is not consistent with that FLU designation.

c. CRE District

~~An airport, landing strip, or helipad shall not be located in an RR FLU designation.~~

Reason for amendments: [Zoning]

Delete the FAA and FDOT requirements for Airspace Analysis and Landing Area. Additional State and Federal regulations will apply for private Airports, Heliports, Landing Strips and Seaplane Facilities. Florida Statutes prohibit counties from requiring the applicant to obtain any State or Federal permit unless said permit has already been denied.

Relocate the following supplemental standards to the General Transportation Standards:

- Lot Size related to accessory hangars; and,
- Hangars, Setback and Building Height.

**ATTACHMENT 1, TRANSPORTATION USES
SUMMARY OF AMENDMENTS
(Updated 5/13/16)**

General Transportation standards will address common regulations for air transportation uses.

d. Airspace Analysis

~~A helipad shall demonstrate that the FAA has conducted an airspace analysis and a preliminary Airport License Report has been prepared by the FDOT. Any alteration in ground facilities, or the addition of navigation aids designed to facilitate an instrument approach capability, shall require a new application if the original approval was granted for Visual Flying Rules (VFR).~~

e. Landing Area

~~Private airports, landing strips, and helipads shall comply with the minimum dimensions required by FDOT. Helipads shall comply with Heliport Design Guide as required by the FAA.~~

Reason for amendments: [Zoning] Lot Size - relocate and consolidate reference to accessory Helipads with the Heliport standards below. Same principle is applied to accessory Landing Strip.

f. Lot Size

~~Helipads accessory to a farm residence shall be located on parcels containing a minimum of ten acres. Landing strips and hangars accessory to agricultural uses shall be located on parcels containing a minimum of 20 acres.~~ [Partially relocated to Art. 4.B.8.C.2 Heliport, Art. 4.B.8.C.3 Landing Strip below, below and Art. 4.B.8.B, General Transportation Standards, above]

g. Hangers

~~Storage buildings for aircraft shall be allowed as principal structures.~~ [Relocated to Art. 4.B.8.B, General Transportation Standards, above]

h. Setback

~~No structure or navigation aid shall be located within 50 feet of any property line. In addition, there shall be a 100-foot setback between the edge of the landing area, as defined by the FDOT, and the property line.~~ [Relocated to Art. 4.B.8.B, General Transportation Standards, above]

i. Building Height

~~A variance shall not be required for a structure to exceed the height limit for the district in which the use is located, if the additional height is required by Federal law or F.S.~~ [Partially relocated to Art. 4.B.8.B, General Transportation Standards, above]

Reason for amendments in the Matrix: [Zoning] No change to the approval process is being proposed.

2. Heliport

HISTORY: Helipad use definition and supplemental standards were first referenced in the 1992 Code rewrite (Ord. 1992-020). The definition and supplemental standards were amended by Ord. 1993-004, 1995-008, 1999-037, 2000-015, 2001-001, 2001-029, 2001-062, 2001-100, 2003 Code rewrite (Ord. 2003-067), 2005-002, 2006-036, 2009-040, 2010-005, and 2013-018.

Reason for amendments: [Zoning] Establish use definition for Heliport consistent with US Department of Transportation, FAA, and Title 14 of the Code of Federal Regulations (14 CFR) definition. Research suggested the need to change the use name from Helipad to Heliport as that is the appropriate name used by industry and contained in applicable regulations.

Clarify that accessory heliport shall not include facilities or structures (i.e., repair and maintenance or commercial fueling stations) which in such case shall be referenced as helipad limited to landing and takeoff of helicopters.

a. Definition

~~A facility designed to accommodate helicopter operations, including facilities and structures, needed for heliport business to function.~~

b. Accessory Use

~~Except where otherwise allowed as a principal or collocated use, a Heliport limited to landing and takeoff of helicopters, tilt rotors or rotorcraft may be allowed as an accessory use, as follows:~~

Reason for amendments: [Zoning] Consolidates removal of existing provisions and to clarify type of approval the use is subject to when accessory. The provisions are:

- Use approval removed from Agricultural Production (AP), AGR, AR and Residential Estate (RE) in Use Matrix;
- Supplementary use standard related to AGR and "AR" Tier limiting the use accessory to bona fide agricultural use (use to be amended to term "Farm"); and,
- Prior minimum ten-acre lot size for Farm Residence (which by definition is accessory to a bona fide agricultural use).

~~1) Accessory to an Agriculturally Classified Use as established by State Statutes, in the AGR, AR, AP and RE Zoning Districts, located on parcels containing a minimum of~~

**ATTACHMENT 1, TRANSPORTATION USES
SUMMARY OF AMENDMENTS
(Updated 5/13/16)**

1 ten acres, shall be Permitted by Right. [Partially relocated from Art. 4.B.8.C.1.f,
2 Lot Size, above]

3
4 **Reason for amendments:** [Zoning] Clarify no minimum acreage, as such would be addressed
5 commensurate with scope of use (e.g. how often they fly, how close to other residences, other setback
6 requirements, etc.).

7 2) Accessory to Single Family in the AR, RE and RM Zoning Districts, subject to Class
8 A Conditional Use approval.

9 **Reason for amendments:** [Zoning] Clarify use can be utilized by aviation based communities or
10 neighborhoods.

11 3) Accessory to Residential subdivision, as a Neighborhood Recreation Facility, or
12 within the Recreation or Civic Pod of a PDD or TDD, subject to Class A Conditional
13 Use approval.

14 **Reason for amendments:** [Zoning/Parks and Recreation] Allow helipad accessory to public parks as a
15 transportation option. Clarify if 1,000 foot separation distance from residential is met, an accessory
16 heliport may be Permitted by Right. The separation distance requirement is to mitigate potential
17 nuisances related to noise.

18 4) Accessory to a Public Park as follows:
19 a) Subject to Class A Conditional Use approval if located within 1,000 feet from a
20 parcel with a residential use or FLU designation. A heliport shall be Permitted by
21 Right if located more than 1,000 feet from a parcel with a residential use or FLU
22 designation. Measurement shall be made from the edge of the helipad to the
23 property line of a parcel with a residential use or FLU designation; or,
24 b) Permitted by Right if limited to a helipad for emergency purposes.

25 **Reason for amendments:** [Zoning]
26 • Clarify limited landing or takeoff of helicopters accessory to uses such as Data and Information
27 Processing or Government Services or Government Facilities, as defined, may be allowed as a Class
28 A Conditional Use as these are uses that are very likely to require air transportation of people or for a
29 public purpose. For purposes of this amendment, Article 1.1.2.G.12, Government Facilities is defined
30 as “lands that are owned by a unit of local, state, or federal government, that support government
31 services, customary government operations, or delivery of public services”.
• Landing or takeoff of helicopters accessory to hospitals is a relocated supplementary standard from
the 4.B.1.A.71.d, Helipad related to Hospital Use.

32 5) A helipad accessory to Data and Information Processing and Research and
33 Development subject to Class A Conditional Use approval.
34 6) Accessory to Government Services or Government Facilities, subject to Class A
35 Conditional Use approval. A heliport shall be Permitted by Right if not located more
36 than 1,000 feet of a parcel with a residential use or FLU designation. Measurement
37 shall be made from the edge of the helipad to the property line of a parcel with a
38 residential use or FLU designation.
39 7) Accessory to a Hospital may be Permitted by Right.

40 **Reason for amendments in the Matrix:** [Zoning]
41 • Remove the use from the following zoning districts: AGR, AP, Agricultural Residential/ Rural Service
42 Area (AR/RSA) and Agricultural Residential/ Urban Service Area (AR/USA), RE, and Multifamily
43 Residential (RM) as a principal use. The supplemental standards will clarify where an accessory
44 Heliport may be located and how the use shall be approved.
45 • Delete the use from the following zoning districts: Commercial High Office (CHO) standard zoning
46 district and Infill Redevelopment Overlay (IRO) with a Commercial Low (CL), Commercial Low Office
47 (CLO), and CHO FLU designation. A Heliport use is not suitable for lower intense zoning districts.
48 • Change the approval process in Commercial General (CG) from Class B Conditional Use and CRE
49 from Development Review Officer (DRO) Approval to Class A Conditional Use. The change would
50 address potential adverse impacts that may arise from the use and provides an opportunity for the
51 public to speak before the Board of County Commissioners (BCC).
52 • Add the use to the Commercial Pod of a Planned Industrial Park Development (PIPD), Lifestyle
53 Commercial Center Development (LCC) with a Commercial High (CH) FLU designation, and
54 Traditional Marketplace Development (TMD) in the Urban/Suburban, Exurban, and Rural Tiers, and
55 the Development area of the AGR Tier as a Class A Conditional Use Approval. The additions are for
56 consistency with the approval of the use in similar commercial standard zoning districts.

57 **3. Landing Strip**

58 **HISTORY:** Landing Strip use definition and Supplementary Standards were first referenced in the 1992
59 Code rewrite (Ord. 1992-020). The definition and supplemental standards were amended by Ord. 1993-
60 004, 1995-008, 1999-037, 2000-015, 2001-001, 2001-029, 2001-062, 2001-100, 2003 Code rewrite (Ord.
61 2003-067), 2005-002, 2006-036, 2009-040, 2010-005, and 2013-018.

**ATTACHMENT 1, TRANSPORTATION USES
SUMMARY OF AMENDMENTS
(Updated 5/13/16)**

Reason for amendments: [Zoning] Establish use definition for Landing Strip consistent with US Department of Transportation, FAA, and Title 14 of the Code of Federal Regulations (14 CFR) definition.

a. Definitions

A ground facility designed to accommodate landing and take-off operations of aircraft, including facilities or structures, needed for landing strip functions.

Reason for amendments: [Zoning] Consolidates removal from AP, AGR, AR/RSA in Use Matrix and prior minimum twenty acre lot size requirement for Farm Residence (which by definition is accessory to a bona fide agricultural use).

b. Accessory Uses

Except where otherwise allowed as a principal or collocated use, a Landing Strip may be allowed as an accessory use, as follows:

- 1) Accessory to an Agriculturally Classified Use as established by State Statutes, in the AGR, AP, and AR/RSA Zoning Districts, located on parcels containing a minimum of twenty acres, shall be Permitted by Right. [Partially relocated from Art. 4.B.8.C.1.f, Lot Size, above]

Reason for amendments: [Zoning] Clarify use can be utilized by aviation based communities or neighborhoods or emergency situations.

- 2) Accessory to Residential subdivision, as a Neighborhood Recreation Facility, or within the Recreation or Civic Pod of a PDD or TDD, subject to approval as a Class A Conditional Use.

Reason for amendments: [Zoning] Clarify use can be utilized by public entities such as South Florida Water Management District (SFWMD), Florida Highway Patrol (FHP), Palm Beach County Sheriff's Office (PBSO), Florida Fish and Wildlife Conservation Commission (FWCC), etc., to support services or the operation provided by the government agency.

- 3) Accessory to Government Services or Government Facilities, subject to Class A Conditional Use approval.

Reason for amendments in the Matrix: [Zoning]

- Remove the use from the following zoning districts: AGR, AP, and AR/RSA as a principal use. The supplemental standards will clarify where an accessory Landing Strip may be located and how the use shall be approved.
- Change the approval process in CRE, General Industrial (IG) and Institutional and Public Facilities (IPF) Zoning Districts from Class B Conditional Use to Class A Conditional Use. The change would address potential adverse impacts that may arise from the use and provides an opportunity for the public to speak before the Board of County Commissioners.
- Add the use to the Public Ownership (PO) Zoning District as a Class A Conditional Use Approval.

4. Seaplane Facility

HISTORY:

A seaplane use was first referenced as a principal use in the 1973 Code rewrite (Ord. 1973-002). In the 1992 Code rewrite (Ord. 1992-020), the supplemental standards were relocated to the accessory use section. The supplemental standards remained there during the 2003 Code rewrite (Ord. 2003-067).

Relocate Seaplane Use from Article 5.B.1.A.15 to Article 4.B.1.C.2, Seaplane Facility to consolidate with other transportation uses. A seaplane use was a principal use in the 1973 Code. The proposed amendment establishes Seaplane Facility as a Transportation Use with newly created approval process and supplemental standards.

Reason for amendments: [Zoning] Establish use definition for Seaplane Facility consistent with US Department of Transportation, FAA, and Title 14 of the Code of Federal Regulations (14 CFR) definition.

a. Definitions

A facility, on land or water, designed to accommodate the landing and takeoff of seaplanes, water taxiing, anchoring, ramp service and onshore facilities.

b. Separation Distance - Residential Zoning District

- 1) If the seaplane facility use is limited to the adjacent property owners who jointly own and maintain the aircraft facility, it may be located in a residential zoning district provided the facility is not commercial or within 400 feet of a residential use.
- 2) If the facility is a commercial venture, it shall not be located within 1,000 feet of a parcel with a residential use or FLU designation. [Relocated from Art. 5.B.1.A.15.a, Location]

c. Minimum Land Area

The minimum required land area for any type of seaplane operation shall be two acres. [Relocated from Art. 5.B.1.A.15.b, Minimum Land Area]

d. Water Area

**ATTACHMENT 1, TRANSPORTATION USES
SUMMARY OF AMENDMENTS
(Updated 5/13/16)**

All seaplane operations shall comply with the following minimum standards for water landing area: [Relocated from Art. 5.B.1.A.15.c, Water Area]

Table 5.B.1.A - Seaplane Landing Area Standards

<i>Length</i>	<i>3,500 feet</i>
<i>Width</i>	<i>300 feet</i>
<i>Depth</i>	<i>4 feet</i>

e. Airport Approach

No seaplane operation shall be considered unless the airport approach to the water landing area is at a slope of 40:1 or flatter for a distance of at least two miles from both ends of the water landing area and is clear of any building structure or portion thereof that extends through and above the airport approach plane. [Relocated from Art. 5.B.1.A.15.d, Airport Approach]

f. Setbacks

All buildings, structures, and aircraft parked on shore shall be located a minimum distance from all property lines of at least 50 feet. [Relocated from Art. 5.B.1.A.15.e, Setbacks]

g. Landing Operations

All aircraft landings shall be performed under Visual Flying Rules (VFR) and shall not be conducted during the hours between sunset and sunrise. [Relocated from Art. 5.B.1.A.15.f, Landing Operations]

h. Parking

Shore facilities shall provide one automobile parking space for each 2,000 square feet of hangar or tie-down area, or one space per craft, whichever is greater. All shore facilities shall provide a minimum of five parking spaces. [Relocated from Art. 5.B.1.A.15.g, Parking]

Reason for amendments in the Matrix: [Zoning] Add the use to the CRE, IG, PO, and IPF Zoning Districts; MUPD with a CR and IND FLU designation; and IND/L & IND/G Pods of a PIPD as a Class A Conditional Use Approval (A).

5. Transportation Facility

HISTORY: The Transportation Facility use definition and supplemental standards were first referenced by Ord. 1981-024. The definition and supplemental standards were amended by the 1992 Code rewrite (Ord. 1992-020), 2003 Code rewrite (Ord. 2003-067), 2010-022, and 2011-016.

Since 1992, Transportation Facility has regulated the movement of people and goods in certain zoning districts in the ULDC. During the Industrial Use Classification review in 2013, staff separated Transportation Facility into two uses: Transportation Facility and Distribution Facility. The separation clarified the distinction between the movement of people and goods. Research and analysis concluded that the movement of people and goods are not similar in terms of overall operation and impact. The movement of people is consistent with transportation uses (bus or train station) while goods are consistent with an industrial use (railroad depots, truck terminals). Distribution Facility has been established as an Industrial use.

The proposed amendment establishes Transportation Facility as a Transportation Use with newly created approval process and Supplementary Standards.

Reason for amendments: [Zoning]

1. Establish a Definition for new use Transportation Facility. The definition will focus on multi-modal means of moving people from one destination to another and clarifies exclusion of airports, aviation related uses and bus stops and alighting areas.
2. Identify typical uses that may be covered by the Transportation Facility.
3. Establish a Location standard to clarify that bus and railroad establishments shall front and have access from a major street to limit potential adverse impacts.
4. Establish approval process requirements for a Transportation Facility and to identify the most restrictive approval process in the Use Matrix. Clarify a Transportation Facility requiring Class A Conditional Use approval may be approved by the DRO or Permitted by Right if separation distance requirements are met.
5. Establish separation distance standards from residential to clarify if a Transportation Facility is closer to residential it must comply with additional mitigating standards.
6. Establish minimum circulation requirements to ensure pedestrian and vehicular areas are clearly indicated on the site design and provide for pedestrian safety.

a. Definition

An establishment used as a transfer point for the loading and unloading of passengers from one mode of transportation to another, excluding airports, aviation related uses, and bus stops and alighting areas as outlined within Article 5.H, Mass Transit Standards.

b. Typical Uses

**ATTACHMENT 1, TRANSPORTATION USES
SUMMARY OF AMENDMENTS
(Updated 5/13/16)**

A Transportation Facility use may include, but not be limited to: bus stations, ferryboat or cruise ship terminals, and commuter railroad stations.

c. Approval Process

1) UC, UI, and PO Zoning Districts

a) A Transportation Facility in the UC and UI Zoning Districts that is subject to Class A Conditional Use approval may be approved by the DRO if located 200 feet or more from a parcel with residential use or FLU designation.

b) A Transportation Facility in the PO Zoning District that is subject to Class A Conditional Use approval shall be Permitted by Right if located 200 feet or more from a parcel with residential use or FLU designation.

2) All Other Zoning Districts

A Transportation Facility in all other zoning districts subject to Class A Conditional Use approval may be approved by the DRO if located 500 feet or more from a parcel with residential use or FLU designation.

d. Location

Bus or railroad stations shall have frontage on and access from a collector or arterial street, unless located within a PDD or TDD.

e. Separation From Residential

A Transportation Facility located within 200 feet from a parcel with residential use or FLU designation shall be subject to the following:

1) Building openings used by vehicles and unglazed architectural openings shall not face residential; and,

2) A Type 3 Incompatibility Buffer shall be required.

f. Vehicular and Pedestrian Circulation

The site design shall include the following elements:

1) Vehicle idling and queuing spaces do not encumber on-site circulation traffic nor present a safety hazard for vehicles or pedestrians.

2) Designated passenger drop off/pick up areas.

3) A minimum six foot wide sidewalk in front of or adjacent to the drop-off spaces and connected to the building entrance.

4) On-site vehicular circulation system setback a minimum 100 feet if adjacent to a parcel with a residential use or FLU designation.

Reason for amendments in the Matrix: [Zoning] Allow as a Class A Conditional Use approval, Transportation Facility use in the CG, Urban Center (UC) and Urban Infill (UI) Zoning Districts, PO and IPF Zoning Districts, Multiple Unit Planned Development (MUPD) with a CH, Institutional and Public Facilities (INST) FLU designation and Commercial Pod of a PIPD. The Use Matrix will reflect the most restrictive approval process. As stated in the historical section above, the movement of goods and people, components of the original use, was separated by definitions, supplemental standards and approval process. Prior to the separation of the use, the use was allowed in several zoning districts (e.g., commercial and industrial districts) regardless of intensity. The separation recognized the difference in intensity and was revised accordingly (i.e., Distribution Facility primarily in industrial districts). This amendment completes the use separation and allows a new Transportation Facility use in lower intense zoning districts.

Part 3. ULDC Art. 4, Use Regulations [Related to Seaplanes] is hereby deleted from Article 5 to relocate in Art. 4:

HISTORY: See 4.B.8.C.4, Seaplane Facility History above.

Reason for amendments: [Zoning] Use to be relocated to Art. 4.B.8.C.4, Seaplane Facility.

15. Seaplanes

a. Location

~~If the seaplane facility use is limited to the adjacent property owners who jointly own and maintain the aircraft facility, it may be located in a residential district and not be of a commercial nature, provided that the facility is not within 400 feet of a residential use. If the facility is a commercial venture, it shall not be located within 1,000 feet of a residential district.~~ [Relocated to Art. 4.B.8.C.4.b, Separation Distance – Residential Zoning District]

b. Minimum Land Area

~~The minimum required land area for any type of seaplane operation shall be two acres.~~ [Relocated to 4.B.8.C.4.c., Minimum Land Area]

c. Water Area

~~All seaplane operations shall comply with the following minimum standards for water landing area:~~ [Relocated to Art. 4.B.8.C.4.d, Water Area]

Table 5.B.1.A – Seaplane Landing Area Standards

Length	3,500 feet
Width	300 feet
Depth	4 feet

**ATTACHMENT 1, TRANSPORTATION USES
SUMMARY OF AMENDMENTS
(Updated 5/13/16)**

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- d. Airport Approach**
~~No seaplane operation shall be considered unless the airport approach to the water landing area is at a slope of 40:1 or flatter for a distance of at least two miles from both ends of the water landing area and is clear of any building structure or portion thereof that extends through and above the airport approach plane.~~ [Relocated to Art. 4.B.8.C.4.e, Airport Approach]
- e. Setbacks**
~~All buildings, structures, and aircraft parked on shore shall be located a minimum distance from all property lines of at least 50 feet.~~ [Relocated to Art. 4.B.8.C.4.f, Setbacks]
- f. Landing operations**
~~All aircraft landings shall be performed under Visual Flying Rules (VFR) and shall not be conducted during the hours between sunset and sunrise.~~ [Relocated to Art. 4.B.8.C.4.g, Landing Operations]
- g. Parking**
~~Shore facilities shall provide one automobile parking space for each 2,000 square feet of hangar or tie-down area, or one space per craft, whichever is greater. All shore facilities shall provide a minimum of five parking spaces.~~ [Relocated to Art. 4.B.8.C.4.h, Parking]