

ORDINANCE NO.2014-06

AN ORDINANCE OF THE VILLAGE OF PALM SPRINGS, FLORIDA, AMENDING THE VILLAGE CODE OF ORDINANCES AT CHAPTER 34 "LAND DEVELOPMENT", ARTICLE VI "LAND USE", DIVISION 7 "SUPPLEMENTAL DISTRICT REGULATIONS", SUBDIVISION IX "CLUSTER/PLANNED UNIT DEVELOPMENTS", SPECIFICALLY SECTIONS 34-1061 TO 34-1065 AND DELETING SECTIONS 34-1066 AND 34-1077, IN ORDER TO SET FORTH NEW REGULATIONS FOR PLANNED DEVELOPMENTS; CORRESPONDINGLY AMENDING THE FOLLOWING CODE SECTIONS TO ADHERE TO THE NEW PLANNED DEVELOPMENT REGULATIONS: SECTION 1-2 (DEFINITIONS); SECTION 34-762 "PERMITTED USES" AND SECTION 34-767 "PROPERTY DEVELOPMENT REGULATIONS FOR CLUSTER DEVELOPMENTS" (RESIDENTIAL MULTI-FAMILY); SECTION 34-822 "PERMITTED USES" (COMMERCIAL GENERAL); SECTION 34-859 "PERMITTED USES" (LIGHT INDUSTRIAL); SECTION 34-982 "DEVELOPMENT STANDARDS" (ASSISTED LIVING FACILITIES); SECTION 34-1329 "MINIMUM REQUIREMENTS BY USE" (OFF STREET PARKING AND LOADING); SECTION 34-1353 "COMMERCIAL DEVELOPMENTS"; SECTION 34-1358 "OPEN SPACE"; DELETING SECTIONS 34-1081 TO 34-1089 (TOWNHOUSES/ROW HOUSES); DELETING SECTIONS 34-1171 TO 34-1182 (ZERO LOT LINE DEVELOPMENTS); DELETING SECTIONS 34-1300 AND 34-1301 (LARGE EMPLOYMENT CENTERS); ADDING SECTION 34-1362 "SIDEWALKS"; ADDING SECTION 34-1363 "METAL BUILDINGS"; PROVIDING FOR CODIFICATION; PROVIDING FOR REPEAL OF CONFLICTING ORDINANCES; PROVIDING FOR SEVERABILITY; AND PROVIDING FOR AN EFFECTIVE DATE.

WHEREAS, the Village currently has regulations in place at Chapter 34 of the Village Code of Ordinances regarding development or improvements of land; and

WHEREAS, the Village desires to amend the existing regulations to provide more specificity for planned developments within residential, commercial and industrial land development districts; and

WHEREAS, the Village finds that providing a developer with flexibility in design and layout through a planned development will assist in the implementation of stated objectives of the Village, thereby enhancing quality of life of its residents; and

WHEREAS, the Village finds making amendments to existing provisions for cluster development and planned unit developments through new standards for planned developments serves a valid public purpose.

NOW THEREFORE, BE IT ORDAINED BY THE VILLAGE COUNCIL OF THE VILLAGE OF PALM SPRINGS, FLORIDA:

Section 1. The foregoing recitals are incorporated herein as true and correct findings of fact of the Village Council, and serve as a basis for adoption of this Ordinance.

Section 2. Chapter 34 “Land Development”, Article VI “Land Use”, Division 7 “Supplemental District Regulations”, Subdivision IX “Cluster/Planned Unit Developments” of the Village Code is hereby amended as follows:

Subdivision IX. ~~Cluster/Planned Unit~~ Developments

Sec. 34-1061. Purpose.

The purpose of this subdivision is to permit development of projects consisting of residential, commercial or industrial, or any combination of residential, industrial and commercial uses, as permitted herein, within a single development under a unified development plan. As a permitted use in any zoning district, the intent of providing for objective of cluster/ planned unit developments is to allow greater flexibility in design and development standards relative to specific dimensional regulations, encourage ingenuity and originality in subdivision and site design while preserving open space to serve recreational, scenic and other public service purposes, ensure compatibility of new development with the surrounding area, and facilitate the provision of mixed uses including housing types and housing cost levels within the same project.

~~Sec. 34-1062. Density.~~

~~Density requirements for cluster developments shall be the same as provided for in the applicable land development district.~~

~~Sec. 34-1063. Waiver of site regulations.~~

~~Requirements for yards, lot size, frontages, dwelling unit types and any other use or district requirements, except height and density, may be waived; provided, however, that the spirit and intent of the land development district is complied with in the total cluster development. The village council may also, at its discretion, require adherence to minimum regulations of the district in which the cluster development is located, in all or parts of the site, if it is deemed appropriate and necessary to maintain such spirit and intent of the land development district.~~

~~Sec. 34-1064. Building height.~~

~~Maximum building height for cluster/planned unit developments shall be the same as allowed in the applicable land development district, or 35 feet, whichever is higher.~~

~~Sec. 34-1065. Required open space.~~

- ~~(a) Common open space to all lots shall be provided as specified in this section and shall be used for parks, playgrounds or other recreational purposes. Land uses for such purpose shall be restricted by legal instrument which is reasonably satisfactory to the village attorney either as an open space in perpetuity or for a period of not less than 99 years. Such instrument shall be binding upon the owner and all successors and assigns, and shall constitute a covenant running with the land. Such instrument shall be in recordable form.~~
- ~~(b) The minimum open space requirement for cluster developments shall be 35 percent of the gross land area. The minimum dimension of any individual open space area shall be 25 feet.~~
- ~~(c) The village shall require that title to the common open space areas be placed in a form of common ownership by residents of the cluster development, such as a duly constituted and legally responsible community association, cooperative or similar entity.~~

~~Sec. 34-1066. Maintenance of common areas and facilities.~~

~~A program for maintenance of all common areas, including open space and recreational facilities, parking areas, utility sites, etc., shall be submitted to the village prior to issuance of a certificate of occupancy. The submission shall include formation of associations, agreements, contracts, deed restrictions, sureties or other legal instruments to guarantee the installation and continued maintenance of such common areas and facilities.~~

~~Sec. 34-1067. Mixed use developments.~~

~~Commercial and residential uses may be combined in a cluster/planned unit development as follows:~~

- ~~(1) For a development located in a RS residential single family land development district or RM residential multiple-family land development district and containing at least 50 units, commercial office uses may be permitted not exceeding 500 gross square feet for each dwelling unit located in the project.~~

- ~~(2) For a development located in a RS or RM residential district and containing at least 250 units, commercial retail uses may be permitted not exceeding 100 gross square feet for each dwelling unit located in the project.~~
- ~~(3) Where office and retail uses are included in the same project in a RS or RM residential district, the amount of office space permitted shall be as set out in subsection (1) of this section, and the amount of retail space permitted shall be limited to 20 percent of the total actual amount of office space.~~
- ~~(4) Where residential uses are included within a mixed development located in any district other than residential, the minimum amount of gross residential space shall be 40 percent of the total gross area of the project.~~
- ~~(5) Mixed developments may only be permitted where the village council finds that the introduction of mixed uses is compatible with the overall character of the neighborhood and where mixed uses will be beneficial to the functioning of the neighborhood.~~

Sec. 34-1062. Objectives. Objectives of a planned development include the following:

- (a) To permit the creation of functional and unique residential, commercial and mixed-use developments that do not adversely impact the Village's character and "small town feel".
- (b) To promote building siting that takes into consideration the context of the development, the location of nearby uses, and the new development's compatibility with existing neighborhoods.
- (c) To enhance landscaped open space and streetscapes.
- (d) To bring unique and creative solutions to new development, the following elements should be considered in the context of the specific site, project and/or use:
 - (1) Arrangement and spacing of buildings and open spaces;
 - (2) Ability to aggregate adjacent lots or parcels, and/or eliminate nonconformities;
 - (3) Location of access drive and sidewalks to promote circulation and access;
 - (4) Building coverage;
 - (5) Sufficient and convenient parking for uses and activities;

- (6) Landscape buffers and screening mechanisms to enhance aesthetics and promote compatibility;
- (7) Adequate lighting for security and pedestrian/vehicular safety; and
- (8) Development of large employment centers predominately of light industrial or high technology uses in underutilized corridors. The flexibility of design should promote revitalization of the primary commercial areas and an economic stimulus through job creation to the local economy as well.

Sec. 34-1063. Performance Standards.

The permitted, accessory, and special exception uses shall be those of the underlying land development district. Property development regulations and supplemental regulations shall be the same as provided for in the applicable land development district, except as modified in this subdivision or as approved for deviation through the waiver process provided for herein.

(a) Minimum Design Requirements.

Design standards can transform the image of the Village. Specific design-based criteria applied throughout the community can help achieve stated objectives.

Every site-specific condition cannot be anticipated. The stated design requirements are minimum development standards established to promote consistency and quality, and need to be interpreted in light of particular site-specific circumstances or conditions.

Standards :

- (1) Sidewalks on both sides of a street or primary driveway, interconnected with other pedestrianways and/or providing access to each building.
- (2) Consolidation of smaller parcels into a larger, unified development project.
- (3) Consolidation of driveways to eliminate curb cuts, with reciprocal easements for access; provision of access from secondary streets and alleys.
- (4) Shared parking arrangements to reduce impervious surfaces and promote efficient use of facilities.
- (5) Provision of sufficient parking to avoid on-street parking, unless designed with on-street spaces.
- (6) Pedestrian-scale street lighting along sidewalks and pedestrianways.

- (7) Aggregation of open space to create common areas of sufficient size for passive/leisure activities.
 - (8) Continuity of sidewalks and pathways where disconnects occur; and provision of sidewalks to usable open spaces, recreation amenities or public facilities.
 - (9) Residential setbacks that allow for a green, semi-private planting area between the sidewalk and house(s).
 - (10) Promote streetscape where feasible, with maintenance agreements assigning responsibility to adjacent properties.
 - (11) Create bus waiting areas for safety, for school buses or mass transit, as may be applicable.
 - (12) Building stepbacks or setbacks to respect existing scale and massing of adjacent neighborhoods and promote compatibility.
 - (13) Provision of original, self-confident building design, and prohibition of metal buildings.
 - (14) Buffers between differing uses to include a masonry wall and landscaping to promote compatibility.
 - (15) Adequate vehicular circulation, traffic maintenance and/or operational measures that does not negatively impact existing roadway conditions, including avoidance of dead-end streets and t-style turnarounds.
- (b) Development Standards.
- (1) Planned developments shall meet all applicable regulations and requirements set forth in this article, and others set forth in the code including, but not limited to, Division 9 Development Standards, Sec. 62-42 Location and screening of commercial containers, Article III Landscaping, and Division 8 Off-street parking and loading, unless granted a waiver per Section 34-1063(c).
 - (2) In the layout and design of the proposed planned development, the applicant shall consider, and the Land Development Board and Village Council shall review for, the provision of adequate light and air, traffic circulation, drainage patterns, pedestrian safety, emergency vehicle access and all other provisions normally provided for by the area and dimension regulations.

(c) Waivers.

- (1) The use of innovative and creative techniques and concepts may require one (1) or more waivers from the strict interpretation of the Village Land Development Code and applicable code provisions related to lot size, frontages, setbacks, lot coverage, parking, design standards, and other requirements, may be granted for good cause shown and shall be demonstrated to be in harmony with the purpose, objectives, and performance standards of this subdivision. Waivers may not be requested from density, intensity, and open space (excluding common amenity areas) limitations.
- (2) Waivers may be granted by the Village Council, following an advisory recommendation by the Land Development Board. All requests for waivers shall be identified on the site plan and shall accompany an application for site plan approval of a Planned Development.
- (3) Requests for waivers shall be submitted in writing and shall address the following criteria:
 - a. The request is in harmony with and is consistent with the purpose and intent of the Village's Comprehensive Plan and Land Development Code and that such waiver will not be injurious to the area involved or otherwise detrimental to the public health, safety, and welfare.
 - b. The request results from innovative design in which other minimum standards are exceeded.
 - c. The request demonstrates that granting of the waiver will result in preservation of valuable natural resources, including drainage and recharge areas, natural areas, etc.
 - d. The request demonstrates public benefits to be derived, including but not limited to such benefits as dedication of rights-of-way, extensions of pedestrian linkages outside of the project boundaries, preservation of open areas and use of desirable architectural, building, and site design techniques.
 - e. The request provides sufficient screening and buffering to screen adjacent uses from adverse impacts caused by the granting of a waiver.
 - f. Economic issues may not be used to justify waivers.
 - g. The request is compatible with existing and potential land uses adjacent to the development site.
 - h. Waiver requests from minimum common amenity area requirements shall further demonstrate that adequate recreation area is available in the immediate vicinity of the proposed development.
 - i. Waiver requests from maximum height limitations shall further demonstrate that the additional height will not adversely impact adjacent properties and appropriate setbacks are provided as building height increases.

Sec. 34-1064. Residential Planned Developments.

- (a) Density. Density requirements for residential planned developments, or “RPD”, shall be the same as provided for in the applicable future land use designation and cannot be waived.
- (b) Building height. Maximum building height for residential planned developments shall be the same as allowed in the applicable land development district, or 35 feet, whichever is higher.
- (c) Minimum acreage requirement. Residential planned developments shall be no less than 3 acres.
- (d) Required open space and common amenity area.

 - (1) Common amenity area to all lots shall be provided as specified in this section and shall be used for parks, playgrounds or other recreational purposes.
 - (2) No more than 40 percent of the residential units within a planned development shall be issued certificates of completion/occupancy until the required common amenity area improvements have been completed in their entirety and open for use and accessible to the residents.
 - (3) The minimum *total* open space requirement for residential planned developments shall be 35 percent of the gross land area of which 20 percent shall be common amenity area.

 - a. The Village Council shall have the right to determine what improvements, if any, are necessary to ensure the enjoyment, uses, safety, and general welfare of the occupants of the proposed development, and as such may require open space in excess of the percentage requirements contained herein if substantial portions of the applicant's open space is in nonusable areas or of such a nature as it is deemed by the Village Council as not meeting the recreational needs of the occupants of the residential planned development.
 - b. In determining what open space and recreational improvements will be necessary, the applicant and the Village Council shall consider the population to be served, availability and service capabilities of existing public recreation facilities in the Village, and the general physical characteristics of the residential planned development site.

- (4) The village shall require that title to the common amenity areas be placed in a form of common ownership by residents of the planned development, such as a duly constituted and legally responsible community association, cooperative or similar entity. Such instrument shall be binding upon the owner and all successors and assigns, and shall constitute a covenant running with the land.
- (5) Maintenance of common amenity areas and facilities. A program for maintenance of all common areas, including open space and recreational facilities, parking areas, utility sites, etc., shall be submitted to the village prior to issuance of a certificate of occupancy. The submission shall include formation of associations, agreements, contracts, deed restrictions, sureties or other legal instruments to guarantee the installation and continued maintenance of such common areas and facilities in draft form at time of preliminary plat approval. All legal instruments shall be recorded in the Public Records of Palm Beach County at time of final plat approval.
- (e) Specific residential planned development standards.

 - (1) Setbacks. Setbacks shall be measured from the property lines of the entire planned development.

 - (a) Front (Street) – 25 feet
 - (b) Side (Interior) – 20 feet
 - (c) Side (Corner) – 25 feet
 - (d) Rear – 20 feet
 - (2) Lot coverage. All structures and their accessory buildings within the planned development shall have a maximum lot coverage of 40%, based on net area of individual lots.
 - (3) Access to off-street parking spaces. Off-street parking spaces that serve each group of townhouses or each condominium/apartment building shall be located as close as possible to such group or building in an effort to provide direct access to the residential units.
 - (4) Platting requirements. In single-family and zero-lot line residential planned developments each dwelling unit shall be located on its own platted lot. If access for a common use of occupants of the development are shown on the plat, satisfactory arrangements shall be made for the maintenance of the common open space/common amenity areas and facilities as provided

in Sec. 34-1064(e) above. The plat shall indicate the lot lines and easements.

- (5) Ownership and encumbrance. A certificate of ownership and encumbrance, together with a written opinion of counsel representing the developer establishing that the developer has unified control of the concerned lands and the unrestrictive right to impose all of the covenants and conditions upon the land as are contemplated by the provisions of such regulations, shall be submitted to the village attorney prior to final plat approval. Title to an individual lot or unit shall not pass until a certificate of occupancy is obtained, and no individual lot or unit shall be sold without completely constructed units thereon. A preexisting unit shall be required to meet all the requirements of this section, and no preexisting unit shall be conveyed without first having obtained a certificate of occupancy and use.

- (6) Zero-lot line developments.

The minimum separation between zero lot line units shall be ten feet (10'). The wall of the dwelling located on the lot line shall have no windows, doors, air conditioning units or any other type of openings; provided, however, that atriums or courts shall be permitted on the zero lot line side when the court or atrium is enclosed by three walls of the dwelling unit, one of which is a solid wall of at least eight feet in height, which shall be provided on the zero lot line. The wall shall be constructed of the same material as exterior walls of the unit.

A perpetual four-foot maintenance easement shall be provided on the lot adjacent to the zero lot line property line. The easement shall be shown on the plat and incorporated into each deed transferring title to the property. Roof overhangs may penetrate the easement on the adjacent lot a maximum of 24 inches, but the roof shall be designed so that water runoff from the dwelling placed on the lot line is limited to the easement area.

Sec. 34-1065. Commercial and/or Industrial Planned Developments.

- (a) Minimum acreage requirement. The minimum acreage for any commercial and/or industrial planned development shall be two (2) acres. There are no minimum building site size requirements for each individual structure proposed within the planned development plan. However, open space shall be provided around each building to provide adequately for light, air, and proper relationship of the building to the site consistent with the level of service standards and policies set out in the comprehensive plan.

- (b) Intensity. Intensity requirements for commercial and/or industrial planned developments shall be the same as provided for in the applicable future land use designation and are not waivable.
- (c) Permitted Uses. Unless otherwise established by the Village Council, the uses permitted in the planned development shall be governed by the uses permitted in the underlying land development district. Supplemental regulations of the underlying land development district and/or Division 7. Supplemental District Regulations, shall remain effective for the planned development, unless specifically modified in the development order.
- (d) Layout, Design. In the layout and design of the proposed planned development, the applicant shall consider, and the Land Development Board and Village Council shall review for, the provision of adequate light and air, traffic circulation, drainage patterns, pedestrian safety, emergency vehicle access and all other provisions normally provided for by the area and dimension regulations.
- (e) Maximum Building Height. The maximum building height in a planned development shall be established by the underlying land development district. Final determination of maximum building height shall consider the following:
 - (1) the proposed uses of the structure;
 - (2) the bulk, mass, and context of adjacent structures or proposed structures;
 - (3) the compatibility with adjacent existing or proposed uses;
 - (4) the relationship to the adjoining uses and the surrounding development;
and
 - (5) the provision of open space in the proposed project.
- (f) Setbacks. Setbacks are required per the underlying district. The Village Council may impose appropriate setbacks along the perimeters of planned developments as a means to buffer the adjacent land uses. However, a setback shall be at least 30 feet for planned developments proposing commercial and/or industrial uses adjacent to lower intensity land uses, such as, residential, recreational, and institutional uses. Structures or buildings that are to be located at the perimeter of the proposed development shall be appropriately setback from the perimeter and buffered from the adjacent incompatible uses.
- (g) Required Open Space. The minimum open space requirement for commercial and/or industrial planned developments shall be 20 percent of the gross land area.
- (h) Shared parking. The number of required parking spaces for commercial and/or industrial planned developments which have different peak parking demands and operating hours may be waived by the Village Council; provided however, that a shared parking study be submitted, reviewed and approved by the village council. A shared parking plan shall be enforced through written agreement or through a unity of control.

(i) Unified Control.

(1) All land included within a commercial and/or industrial planned development shall be owned or under the control of the applicant (whether the applicant is an individual, partnership or corporation, or a group of individuals, partnerships or corporations), or if planned for parcelization with multiple owners shall remain unified via the approved master development plan and development order. The applicant shall document unified control of the entire area within the proposed planned development, with provisions for cross-access, shared parking, and shared infrastructure, as may be appropriate for the specific project.

(2) The planned development shall be developed in accordance with the master site plan approved by the Village, and sufficient guarantees shall be provided for adequate operation and maintenance of common facilities. The applicant shall provide agreements, covenants, contracts, deed restrictions or sureties acceptable to the Village.

(j) Maintenance of common areas and facilities. A program for maintenance of all common areas, including open space, parking areas, utility sites, etc., shall be submitted to the village prior to issuance of a certificate of occupancy. The submission shall include formation of associations, agreements, contracts, deed restrictions, sureties or other legal instruments to guarantee the installation and continued maintenance of such common areas and facilities.

Section 3. Chapter 1 “General Provisions”, Section 1-2 “Definitions and rules of construction” of the Village Code is hereby amended as follows:

Chapter 1 General Provisions

Sec. 1-2. Definitions and rules of construction.

~~Cluster development. The term "cluster development" shall mean a development design technique for residential dwellings that permits units to be grouped or clustered through a density transfer rather than spread evenly throughout a parcel as in conventional lot by lot development. Typical cluster development dwelling types include, but are not limited to, townhouses, zero lot line units, etc. A dwelling unit located above another dwelling unit shall not be considered as cluster housing.~~

Planned development. The term “planned development” shall mean a type of development that allows for design flexibility and may incorporate a mix of building types and land uses that allows for innovative use of spaces and structures. A planned development may be residential, industrial, commercial or a mix of any/all uses. Benefits of planned developments may include a more efficient site design, preservation of amenities such as open space, and lowers costs for street construction and utility extension for the developer.

Apartment. The term “apartment” shall mean any building or portion thereof which is designed, built, rented, leased, let or hired out to be occupied, or which is occupied as the home or residence of two or more families living independently of each other with their own separate entrances for each unit. ~~The term “apartment” shall include the term “condominium”.~~

Condominium. ~~See the definition of the term Apartment.~~ The term “condominium” shall mean an apartment in which the units are individually owned. Each unit shares joint ownership of common facilities including, but not limited to, hallways, elevators, and exterior areas that are governed by conditions, covenants and restrictions as recorded in a legal Declaration and recorded in the official records for Palm Beach County.

Open space. ~~The term “open space” shall mean a required exterior open area, clear from the ground upward, devoid of buildings, accessory structures and impervious areas, except those buildings and structures used exclusively for recreational purposes~~ refers to the total open area on a property, including buffers and landscaped area, setbacks, water bodies, usable amenity or recreation area or pool/patio hardscapes. Open space is generally clear from the ground upward, devoid of parking surfaces and streets, buildings and accessory structures, except those structures used exclusively for recreational purposes.

Open space, common or common amenity area. The term “open space, common” or “common amenity area” shall mean any required open space under common ownership and control.

Townhouse. The term “townhouse” shall mean a single-family dwelling ~~of at least two stories~~, designated in such a manner so as to provide direct access to the outside, where no such unit is located over another unit, and the unit is connected by one or more common fire resistant walls. The term “townhouse” may also include the terms “duplex”, “triplex”, and “two-family dwelling”.

Section 4. Chapter 34 “Land Development”, Article VI “Land Use”, Division 6 “District Regulations”, Subdivision III “RM Residential Multiple-Family”, Section 34-762 “Permitted Uses” of the Village Code is hereby amended as follows:

Sec. 34-762. Permitted Uses.

Permitted uses within the RM residential multiple-family land development district shall be limited to the following:

- (1) Single-family detached dwellings.
- (2) Duplex dwellings.
- (3) Multiple family dwellings.
- (34) Residential Planned Developments. Cluster development dwellings
- (45) Minor community residential homes, subject to the provisions of subdivision XI of this division.
- (56) Home occupations, subject to the provisions set forth in section 34-890 of this Code.

Section 5. Chapter 34 “Land Development”, Article VI “Land Use”, Division 6 “District Regulations”, Subdivision III “RM Residential Multiple-Family”, Section 34-767 “Property development regulations for cluster developments” of the Village Code is hereby amended as follows:

Sec. 34-767. Property development regulations for ~~cluster~~ Residential Planned developments.

Property development regulations for ~~cluster~~ planned developments in the RM residential multiple-family land development district shall be as set forth in subdivisions IX, ~~X~~ and XI of this division.

Section 6. Chapter 34 “Land Development”, Article VI “Land Use”, Division 6 “District Regulations”, Subdivision V “CG Commercial General”, Section 34-762 “Permitted Uses” of the Village Code is hereby amended as follows:

Sec. 34-822. Permitted uses.

Permitted uses within the CG commercial general land development district shall be limited to the following:

- (1) All permitted uses in the CN commercial neighborhood land development district.
- (2) Financial institutions.
- (3) Retail sales and services.
- (4) Personal services.
- (5) Commercial Planned Developments.

Section 7. Chapter 34 “Land Development”, Article VI “Land Use”, Division 6 “District Regulations”, Subdivision VII “LI Light Industrial”, Section 34-859 “Permitted Uses” of the Village Code is hereby amended as follows:

Sec. 34-859. Permitted uses.

Permitted uses within the LI light industrial land development district shall be limited to the following:

- (1) Light industrial uses which do not process/store flammable materials.
- (2) Professional offices.
- (3) Business offices.
- (4) Public uses and facilities.
- (5) Public utilities.
- (6) Self-storage units.
- (7) Warehouse.
- (8) Showroom/warehouse.
- (9) Industrial Planned Developments.

Section 8. Chapter 34 “Land Development”, Article VI “Land Use”, Division 7 “Supplemental District Regulations”, Subdivision V “Assisted Living Facilities”, Section 34-982 “Development Standards” of the Village Code is hereby amended as follows:

Sec. 34-982. Development Standards.

- (7) *Density.* The maximum number of resident beds shall be 21 per acre in the standard RM residential multi-family land development district and 28 per acre in a PUD planned unit development. Such figures are based on 2.6 persons per household and eight dwelling units/acre in an RM district and 11 dwelling units/acre in a PUD planned development.

Section 9. Chapter 34 “Land Development”, Article VI “Land Use”, Division 7 “Supplemental District Regulations”, Subdivision X “Townhouses/Row Houses” of the Village Code is hereby deleted as follows:

~~Subdivision X. Townhouses/Row Houses~~

~~Sec. 34-1081. Purpose; scope.~~

~~The provisions of this subdivision apply to townhouse developments. Townhouse developments are intended to provide a housing style alternative to individuals that differs from the more traditional single family detached dwelling or multiple family housing structure. Townhouse developments are permissible as a component of a cluster development in the land development district permitting such development techniques.~~

~~Sec. 34-1082. Density.~~

~~Density requirements for townhouse developments shall be the same as provided for in the applicable land development district.~~

~~Sec. 34-1083. Yard and lot requirements.~~

~~A maximum of six dwelling units are allowed in a building group of townhouse units. Staggered setbacks are encouraged to lessen the straight row effect. Minimum front yard setbacks for individual townhouse units are 30 feet. Minimum rear yard setbacks for individual townhouse units are 25 feet. The minimum side yard setback for corner lots or end units of a dwelling row shall be 25 feet. All dwellings and their accessory buildings shall have a maximum coverage of 40 percent.~~

~~Sec. 34-1084. Building height.~~

~~Maximum building height shall be the same as allowed in the RM residential multiple family land development district.~~

~~Sec. 34-1085. Openings.~~

~~Townhouses/row houses shall be constructed up to side lot lines and, therefore, will have no side yards. No windows, doors, or other openings shall face a side lot line, except the outside wall of end units may contain such openings.~~

~~Sec. 34-1086. Waiver of site regulations.~~

~~Requirements to yards, lot sizes, frontages, dwelling unit types and other site requirements, except lot size, height and density, may be waived; provided, however, that the spirit and intent of the land development district is complied with in the total cluster development. The village council may also, at its discretion, require adherence to minimum regulations of the land development district in which the cluster development is located, in all or parts of the site, if it is deemed appropriate and necessary to maintain such spirit and intent of the land development district.~~

~~Sec. 34-1087. Access to off-street parking spaces.~~

~~Off street parking spaces that serve each group of townhouses/row houses shall be located as close as possible to such group in an effort to provide direct access to the units.~~

~~Sec. 34-1088. Ownership and encumbrance.~~

- ~~(a) A certificate of ownership and encumbrance, together with a written opinion of counsel representing the developer establishing that the developer has unified control of the concerned lands and the unrestrictive right to impose all of the covenants and conditions upon the land as are contemplated by the provisions of these regulations, shall be submitted to the village attorney prior to final plat approval.~~
- ~~(b) Title to any individual lot or unit shall not pass until a certificate of occupancy is obtained, and no individual lot shall be sold without completely constructed units thereon. A preexisting unit shall be required to meet all the requirements of this section, and no preexisting unit shall be conveyed without first having obtained a certificate of occupancy and use from the county planning, zoning, and building departments.~~

~~Sec. 34-1089. Issuance of certificate of occupancy.~~

~~A townhouse cluster shall be constructed as a whole and no certificate of occupancy for a townhouse unit shall be issued until completion of such whole.~~

Section 10. Chapter 34“Land Development”, Article VI “Land Use”, Division 7 “Supplemental District Regulations”, Subdivision XIV “Zero Lot Line Development” of the Village Code is hereby deleted as follows:

~~Subdivision XIV.Zero Lot Line Development~~

~~Sec. 34-1171. Purpose; scope.~~

~~The provisions of this subdivision apply to zero lot line development. The purpose of zero lot line development is to permit an alternative housing development style that provides more efficient use of land as compared with typical single-family detached development and which provides for a design that integrates and relates internal/external living areas that result in more enjoyable facilities. Such development also permits outdoor space to be grouped and utilized to a maximum benefit fir to the placement of the dwelling against one of the property lines. Zero lot line developments are permissible as a component of a cluster development in the zoning district permitting such development techniques.~~

~~Sec. 34-1172. Permitted uses.~~

~~Detached single-family dwellings on individually platted lots, including customary accessory uses, consistent therewith, are permitted under the zero lot line development. Fencing, walls, trellises and other similar uses may be used as connecting elements between single family dwellings on adjacent lots.~~

~~Sec. 34-1173. Minimum lot size.~~

~~In zero lot line developments, each lot shall have a minimum area of 5,000 square feet.~~

~~Sec. 34-1174. Minimum lot width.~~

~~In all districts, the minimum lot width in zero lot line developments shall be 50 feet.~~

~~Sec. 34-1175. Minimum yard requirements.~~

~~In zero lot line developments:~~

- ~~(1) *Interior side yard.* The dwelling unit shall be placed on one interior side property line with a zero setback, and the dwelling unit setback on the other interior side property line shall be ten feet. Patios, pools, children's play areas and play equipment shall be permitted in the interior side yard setbacks. Accessory buildings shall be located in the rear yard.~~
- ~~(2) *Front setback.* All structures shall be set back a minimum of 30 feet from the front property line.~~
- ~~(3) *Rear setback.* All structures, accessory structures and uses shall be set back a minimum of ten feet from the rear property line.~~
- ~~(4) *Side corner setback.* All structures shall be set back a minimum of 25 feet from the side street property line.~~

~~(5) Maximum lot coverage. All structures and their accessory buildings shall have a maximum lot coverage of 40 percent.~~

~~Sec. 34-1176. Building height.~~

~~Maximum building height in zero lot line development shall be the same as allowed in the RM residential multiple family zoning district.~~

~~Sec. 34-1177. Waiver of site regulations.~~

~~Requirements for yards, lot sizes, frontages, dwelling unit types and any other use or district requirements in zero lot line developments, except height and density, may be waived or modified; provided, however, that the spirit and intent of the zoning district is complied with in the total cluster development. The village council may also, at its discretion, require adherence to minimum regulations of the zoning district in which the cluster development is located in all, or parts of, the site, if it is deemed appropriate and necessary to maintain such spirit and intent of the zoning district.~~

~~Sec. 34-1178. Openings on the zero lot line side.~~

~~The wall of the dwelling located on the lot line shall have no windows, doors air conditioning units or any other type of openings; provided however, that atriums or courts shall be permitted on the zero lot line side when the court or atrium is enclosed by three walls of the dwelling unit, one of which is solid wall of at least eight feet in height, which shall be provided on the zero lot line. The wall shall be constructed of the same materials as exterior walls of the unit.~~

~~Sec. 34-1179. Maintenance easement.~~

~~A perpetual four-foot maintenance easement shall be provided on the lot adjacent to the zero lot line property line. The easement shall be shown on the plat and incorporated into each deed transferring title to the property. Roof overhangs may penetrate the easement on the adjacent lot a maximum of 24 inches, but the roof shall be designed so that water runoff from the dwelling placed on the lot line is limited to the easement area. Walls and fences shall be maintained in their original color and treatment unless otherwise agreed to in writing by the two affected lot owners.~~

~~Sec. 34-1180. Common open space and maintenance of facilities.~~

~~Common open space is not required in zero lot line developments, but may be permitted. Such open space may be used for parks, playgrounds or other recreational uses. Land utilized for such purposes will be restricted by appropriate legal instrument satisfactory to the village attorney to ensure that such open space and facilities shall be maintained in a satisfactory manner without expense to the general taxpayers of the village.~~

~~Sec. 34-1181. Platting requirements.~~

~~Each dwelling shall be located on its own individual platted lot. If access for common use of occupants of the development are shown on the plat, satisfactory arrangements shall be made for the maintenance of the common open space and facilities as provided in section 34-1180. The plat shall indicate the zero lot lines and easements appurtenant thereto.~~

~~Sec. 34-1182. Ownership and encumbrance.~~

~~A certificate of ownership and encumbrance, together with a written opinion of counsel representing the developer establishing that the developer has unified control of the concerned lands and the unrestrictive right to impose all of the covenants and conditions upon the land as are contemplated by the provisions of such regulations, shall be submitted to the village attorney prior to final plat approval.~~

Section 11. Chapter 34 “Land Development”, Article VI “Land Use”, Division 7 “Supplemental District Regulations”, Subdivision XX “Large Employment Centers” of the Village Code is hereby deleted as follows:

~~Subdivision XX. Large Employment Centers*~~

~~Sec. 34-1300. Purpose.~~

~~The purpose of this subdivision is to encourage development of large employment centers predominately of light industrial or high technology uses in underutilized corridors. The flexibility of design should promote revitalization of the primary commercial areas and an economic stimulus through job creation to the local economy as well.~~

~~Sec. 34-1301. Waiver of site regulations.~~

~~Requirements for yards, frontages, setbacks, height, density, and all other land development district requirements may be waived or adjusted by the village council provided the spirit of the land development district is maintained and compatibility with the surrounding area is assured.~~

Section 12. Chapter 34 “Land Development”, Article VI “Land Use”, Division 8 “Off-Street Parking and Loading”, Section 34-1329 “Minimum requirements by use” of the Village Code is hereby amended as follows:

~~Sec. 34-1329. Minimum requirements by use.~~

The following minimum off-street parking requirements shall apply to the uses listed:

(1) *Dwellings and other buildings for habitation.*

a. *Single-family dwellings.* Two parking spaces per dwelling unit.

- b. *Multiple-family dwellings.* ~~Two~~ 2.5 parking spaces per dwelling unit, an additional 25% of the total required parking shall be dedicated as guest parking spaces.
- c. *Nursing and convalescent facilities.* One parking space per four patient beds or tenants, plus one parking space per employee, including the nurses and staff doctor on the shift with the greatest employment.
- d. *Assisted living facilities.* One parking space per four patient or tenant beds, plus one parking space per employee, including the nurse and staff doctor on the shift with the greatest employment.
- e. *Minor community residential homes.* Two parking spaces per dwelling unit.
- f. *Community residential homes.* One parking space for every four persons occupying the home, plus one parking space per staff on the shift with the greatest employment.
- g. *Residential planned developments.* As well as the above requirements, an additional 25% of the total required parking shall be dedicated as guest parking spaces (if not already required).

Section 13. Chapter 34 “Land Development”, Article VI “Land Use”, Division 9 “Development Standards”, Section 34-1353 “Commercial developments” of the Village Code is hereby amended as follows:

Sec. 34-1353. Commercial developments.

- (a) Commercial developments shall be located so as to have adequate access to arterial and/or collector streets, and to minimize the effect on residential areas and environmentally sensitive areas.
- (b) Commercial developments shall not be located within residential areas, except as part of a ~~cluster development or planned unit development~~ approved under the provisions of division 7, subdivision IX of this article, and shall only be located along an arterial/collector street.
- (c) Commercial developments adjacent to single-family residential areas shall provide adequate separation and buffering to reduce the visibility of the commercial development from the single-family development. Features of the commercial development which are typically noisy or unsightly, such as loading areas, air conditioner compressors and garbage dumpsters, or which involve significant activity, such as parking areas, shall not be located on any portion of a commercial site immediately adjacent to a single-family area unless separated by a road and standard buffering or by an intervening natural area and sufficient additional buffering to prevent the noisy or unsightly activity from being observed from the residential area. (See also article III of this chapter.)
- (d) Traffic access to commercial areas shall not be arranged in such a way that traffic utilizes streets within residential areas, except for traffic generated entirely within such residential areas.

Section 14. Chapter 34 “Land Development”, Article VI “Land Use”, Division 9 “Development Standards”, Section 34-1358 “Open space” of the Village Code is hereby amended as follows:

Sec. 34-1358. Open Space.

- (a) Open space shall be provided, as below, in connection with the development of any project ~~not defined as a planned development~~. ~~Open space shall include developed and passive recreation areas, environmentally sensitive areas, preserved native vegetation and required landscaping, but shall not include areas devoted to parking, vehicular circulation or structures.~~
- (b) The following open space requirements shall apply:

Minimum Open Space

| <i>Use</i> | <i>(percent)</i> |
|---|------------------|
| Single-family detached | 25 |
| Multifamily or residential PUD | 20 |
| Office or commercial PUD | 15 |
| Other commercial or nonresidential | 10 |

Section 15. Chapter 34 “Land Development”, Article VI “Land Use”, Division 9 “Development Standards”, Section 34-1362 “Sidewalks” of the Village Code is hereby added as follows:

Sec. 34-1362. Sidewalks. New developments that create new streets, or front existing street without sidewalks, shall be required to provide sidewalks within the right-of-way along the project frontage.

Section 16. Chapter 34 “Land Development”, Article VI “Land Use”, Division 9 “Development Standards”, Section 34-1363 “Metal Buildings” of the Village Code is hereby added as follows:

Sec. 34-1363. Metal Buildings. In Commercial and Industrial land development districts, prefabricated metal buildings and buildings with corrugated metal siding shall be finished with stucco, siding, brick, masonry, or other comparable material.

Section 17. Codification. The ordinance shall be codified in the Code of Ordinances of the Village of Palm Springs, Florida.

Section 18. Repeal of Conflicting Ordinances. All Ordinances, Resolutions or parts of Ordinances and Resolutions in conflict herewith are hereby repealed.

Section 19. Severability. If any word, clause, sentence, paragraph, section or part thereof contained in this Ordinance is declared to be unconstitutional, unenforceable,

void or inoperative by a court of competent jurisdiction, such declaration shall not affect the validity of the remainder of this Ordinance.

Section 20. Effective Date. This Ordinance shall become effective immediately upon adoption.

Council Member _____, offered the foregoing Ordinance, and moved its adoption. The motion was seconded by Council Member _____, and upon being put to a vote, the vote was as follows:

| | <u>Aye</u> | <u>Nay</u> | <u>Absent</u> |
|-------------------------------|--------------------------|--------------------------|--------------------------|
| BEV SMITH, MAYOR | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> |
| SERGIO ESCALADA, VICE MAYOR | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> |
| DOUG GUNTHER, MAYOR PRO TEM | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> |
| JONI BRINKMAN, COUNCIL MEMBER | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> |
| PATTI WALLER, COUNCIL MEMBER | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> |

The Mayor thereupon declared this Ordinance approved and adopted by the Village Council of the Village of Palm Springs, Florida, on second reading, the _____ day of _____, 2014.

VILLAGE OF PALM SPRINGS, FLORIDA

BY: _____
BEV SMITH, MAYOR

First Reading: _____

Second Reading: _____

ATTEST:

BY: _____
VIRGINIA M. WALTON, VILLAGE CLERK

REVIEWED FOR LEGAL FORM AND SUFFICIENCY

BY: _____
GLEN J. TORCIVIA, VILLAGE ATTORNEY