

SEC. 47-18. – SPECIFIC USE REQUIREMENTS

Sec. 47-18.9. - Cluster development.

- A. For the purposes of this section, a cluster development is defined as one (1) or more cluster buildings and their required amenities occurring on abutting lots.
- B. A cluster building is defined as an attached residential structure containing two (2), three (3), or four (4) dwelling units.
- C. Design criteria for cluster buildings.. A cluster building shall meet the following design criteria:
 1. Lot requirements.. The minimum lot size for a cluster building shall be as required by the zoning district where it is located.
 2. Density.. The density shall be regulated by the zoning district where it is located.
 3. Access to cluster developments shall meet the following requirements:
 - a. No cluster building with a front or corner side façade facing a right-of-way shall be permitted to have parking facilities for individual units directly accessed from the public right-of-way. Cluster buildings having a front façade abutting a public right-of-way shall only be permitted vehicular access at the rear of each unit or from an internal driveway not facing the street. Access to cluster units within cluster buildings with front façades abutting a right-of-way may have access from a shared driveway.
 - b. Each cluster development unit shall have vehicular access to an alley, paved driveway or parking area serving the group. Private driveways shall be provided in accordance with Section 47-20.5.D. Provisions satisfactory to the city attorney shall be made for a recordable easement over the driveway for all public utilities and for use by owners within the group.
 - c. Those cluster developments located on a corner lot may have up to one (1) garage facing the right-of-way. The garage facing the right-of-way shall be subject to the following requirements:
 - i. Garages shall be limited to a width equivalent to a maximum of fifty (50) percent of the width of the townhouse unit. The width shall be measured as the linear dimension of the garage that is visible from the street, such as the garage door; and,
 - ii. Garages shall be setback and additional two (2) feet from the principal façade of the building or 18 feet from the property line, whichever is greater.
 4. Yard requirements. Yard requirements are measured from the exterior of the development site unless otherwise noted.
 - a. Front yard.. A cluster building abutting a public right-of-way shall provide a minimum front yard of fifteen (15) feet. A five-foot easement along the front property line of the cluster building shall be required if the fee simple lot of each unit does not directly abut the public right-of-way. Provisions satisfactory to the city attorney shall be made for a recordable easement along the front property line of the cluster building for use by the owners of the units.
 - b. Corner yards. A cluster building abutting a public right-of-way shall provide a minimum corner yard of fifteen (15) feet. A five (5) foot easement along the corner property line of the cluster building shall be required if the fee simple lots of each unit does not directly abut the public right-of-way. Provisions satisfactory to the city attorney shall be made for a recordable easement along the corner property line of the cluster building for use by the owners of the units.

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- c. Side yards. The minimum side yard shall be the same as required by the zoning district where the cluster building is located. A five-foot easement which extends from front to rear lot lines along a side lot line of the cluster building not abutting a public right-of-way shall be required for use by owners within the group.
- d. Rear yard. The minimum rear yard shall be as required by the zoning district where the cluster building is located. Provisions satisfactory to the city attorney shall be made for a five-foot recordable easement along the rear property line of the cluster building for use by the owners of the dwelling units in that building.
- e. Interior setbacks. Buildings must be setback at least 10 feet from each other.
- f. Additional setbacks.
 - i. A minimum of twenty-five percent (25%) of the front façade area shall be set back a minimum of an additional five (5) feet from the rest of the front façade.
 - ii. A minimum of twenty-five percent (25%) of the rear façade area shall be set back a minimum of an additional five (5) feet from the rest of the rear façade.
 - iii. A minimum of twenty-five percent (25%) of any portion of the façade area abutting a waterway shall be set back a minimum of an additional five (5) feet from the rest of the façade facing the waterway.
 - iv. A minimum of twenty-five percent (25%) of an interior façade must be recessed at least 2 feet.
 - v. When any portion of a cluster building abutting the side yard for the development site exceeds twenty-two (22) feet in height, that portion of the structure shall be set back an additional one (1) foot for each foot of height above twenty-two (22) feet.
5. Architectural elements.
 - a. A cluster building shall be designed to provide a minimum of twenty-five percent (25%) of the area of the front façade in the form of transparent glass.
 - b. When abutting a waterway, the façade of the cluster building facing the waterway shall provide additional architectural elements such as, but not limited to unenclosed balconies, variation of rooflines between each unit.
6. Entrance requirements. Each dwelling unit facing a public right-of-way other than an alley must have its own principal entrance that shall include the following:
 - a. A roofed landing; and,
 - b. An architectural design and material similar to and integral with the principal structure; and,
 - c. A minimum of four (4) linear feet shall be provided between principal entrances; and,
 - d. The landing may encroach into the front yard an additional three (3) feet; and,
 - e. For individual dwelling units facing more than one right-of-way, only one entrance will be required.
7. Minimum floor area. Each individual dwelling unit shall have a minimum floor area of seven hundred fifty (750) square feet.
8. Height. The maximum height shall not exceed thirty-five (35) feet. See Section 47-2, Measurements.
9. Fence and wall requirements.

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- a. Seventy-five percent (75%) of all fences within twenty-five (25) feet of a public right-of-way must be of non-opaque materials such as, but not limited to, vertical bars or picket fence.
 - b. A wall or fence shall be installed between the development site and any neighboring residential property abutting the development site subject to the requirements of Section 47-19.5.
10. Maintenance agreement. A cluster development shall have a recorded maintenance agreement for all common areas.
11. Sidewalk/street tree requirements. A cluster development shall provide the following:
- a. A minimum five-foot wide sidewalk along each public right-of-way abutting the property along the full length of the front property line.
 - b. A minimum three-foot wide sidewalk consisting of pervious material, as approved by the City Engineer, and separated from any vehicular use area shall be provided from each principal entrance to the public sidewalk unless the DRC determines that alternative pedestrian access to the public sidewalk is provided.
 - c. Street trees shall be planted and maintained along the public right-of-way abutting the property to provide a canopy effect. The type of street trees may include shade, flowering and palm trees and shall be planted at a minimum height and size in accordance with the requirements of Section 47-21, Landscape and Tree Preservation Requirements. The location and number of trees shall be determined by the department based on building and site design, separation distance, utility infrastructure and the proposed plan's compatibility to surrounding properties.
12. Landscape requirements. As required by the zoning district where located, pursuant to Section 47-21.13, Landscape requirements for all zoned districts.
13. Solid waste, yard waste, and recycling requirements. Each cluster dwelling unit shall have incorporated into the design a designated area to locate a solid waste container, a yard waste container and a recycling container and include a plan for the loading and servicing of them. Where buildings are of inadequate volume to accommodate these facilities, trash/loading facilities should be screened by a solid wall or fence. The size of the containers and alternatives to these requirements may be permitted subject to approval of the Public Works Department, Sanitation Division and any applicable sections of the ULDR.

Sec. 47-18.33. - Townhouse.

- A. Definition. For the purposes of this section, a townhouse development shall be defined as three (3) or more attached single family dwelling units where each individual single family unit and land thereunder is owned in fee simple.
- B. Site design criteria. A townhouse development shall meet the following site design criteria:
 1. Minimum lot size. The parcel upon which the group is located shall contain a minimum area of seven thousand five hundred (7,500) square feet and shall provide an average of two thousand (2,000) square feet per dwelling unit, including driveways and areas held in common ownership.
 2. Density. The density shall be regulated by the zoning district where it is located.
 3. Group limit. A townhouse group shall be limited to a maximum of eight (8) dwelling units. A minimum of twenty-five percent (25%) of the townhouse group's front façade shall be set back an additional five (5) from the rest of the front façade. Attached units may have a common wall or individual sidewalls separated by a distance of not more than one (1) inch or as determined reasonable by the building inspector. If individual walls are used, the buildings shall have adequate flashing at the roofline.
 4. Access to townhouse developments shall meet the following requirements:

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- a. Each townhouse dwelling unit shall have vehicular access to a public right-of-way, paved driveway or parking area serving the group. Private driveways shall be provided in accordance with Section 47-20.5.D. Provisions satisfactory to the city attorney shall be made for a recordable easement over the driveway for all public utilities and for use by owners within the group.
 - b. Townhouse developments that abut a platted alley are encouraged to provide access from the platted alley.
 - c. Townhouse developments that provide for parking or garage access at the rear of units may reduce the front yard requirement to fifteen (15) feet subject to the following:
 - i. No individual garages may face the public right-of-way except those townhouse developments located on a corner lot may have up to one (1) garage facing the right-of-way. The garage facing the right-of-way shall be subject to the following requirements:
 - a. Garages shall be limited to a width equivalent to a maximum of fifty percent (50%) of the width of the townhouse unit. The width shall be measured as the linear dimension of the garage that is visible from the street, such as the garage door; and,
 - b. Garages shall be setback and additional two (2) feet from the principal façade of the building or 18 feet from the property line, whichever is greater; and,
 - ii. Townhouse units may be accessed from one (1) two-way driveway or two (2) one-way driveways; and,
 - iii. Parking shall not be permitted between the townhouse buildings and any public right-of-way; and,
 - iv. The area between the townhouse building and the public right-of-way shall be landscaped in accordance with the requirements of Section 47-21.
5. Yard requirements.
- a. Front yard. The minimum front yard shall be the same as that required for the zoning district where the townhouse development is located. A five-foot easement along the front property line of the group shall be required if the fee simple lot of each unit does not directly abut the public right-of-way. Provisions satisfactory to the city attorney shall be made for a recordable easement along the front property line of the group for use by the owners of the group.
 - b. Side yard. The minimum side yard shall be a minimum of ten (10) feet from the side property line of the townhouse group and a minimum of twenty (20) feet measured from an ultimate right-of-way, dedicated street, or street-widening line. A five-foot easement which extends from front to rear lot lines along a side lot line of the townhouse group not abutting a public street shall be required for use by owners within the group.
 - c. Rear yard. Shall be a minimum of twenty (20) feet from the rear property line. Provisions satisfactory to the city attorney shall be made for a recordable easement along the rear property line of the group for use by the owners of the group.
 - d. Additional requirements. When any portion of a townhouse abutting the side yard for the development site exceeds twenty-two (22) feet in height, that portion of the structure shall be set back an additional one (1) foot for each foot of height above twenty-two (22) feet.
6. Architectural elements.
- a. When abutting a waterway, the façade of the townhouse development facing the waterway shall provide additional architectural elements such as, but not limited to

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unenclosed balconies, variation of rooflines between each unit, and variation of at least one (1) foot on twenty five percent (25%) of the area.

7. Entrance requirements. Each dwelling unit facing a public right of way must have its own principal entrance that shall include the following:
 - a. A roofed landing; and,
 - b. An architectural design and material similar to and integral with the principal structure; and,
 - c. A minimum of four (4) linear feet shall be provided between principal entrances; and,
 - d. The landing may encroach into the front yard an additional three (3) feet; and,
 - e. For units facing more than one right-of-way, only one entrance shall be required.
8. Minimum floor area. Each individual dwelling unit shall have a minimum floor area of seven hundred fifty (750) square feet.
9. Height. The maximum height shall not exceed thirty-five (35) feet. See Section 47-2, Measurements.
10. Fence and wall requirements. Fences and walls shall be provided subject to the following:
 - a. Seventy-five percent (75%) of all fencing along the front yard of a townhouse development abutting a public right-of-way must be of non-opaque materials such as vertical bars or picket fence, and shall be subject to all other requirements of Section 47-19.5, Fences, Walls and Hedges.
 - b. When parking is placed in the rear of the development site a wall shall be installed between the development site and any neighboring residential property abutting the development site subject to the requirements of Section 47-19.5.
11. Garages facing public rights-of-way, other than an alley, shall be subject to the following requirements:
 - a. Garages shall be limited to a width equivalent to a maximum of fifty (50) percent of the width of the townhouse unit. The width shall be measured as the linear dimension of the garage that is visible from the street, such as the garage door; and,
 - b. Garages shall be setback and additional two (2) feet from the principal façade of the building. An area equivalent to the square footage as a result of the garage being setback an additional two (2) feet for each unit may be reallocated to the front façade as additional square footage to the living area and may extend into the front yard up to three feet into the setback.
 - c. As a result of the garage being setback additional two (2) feet, an area equivalent to the square footage of the recessed garage may be reallocated to the front façade of the building as additional square footage to the living area and may extend into the front yard up to three feet into the setback.
12. Sidewalk/ Street Tree requirements. A townhouse development shall provide the following:
 - a. A minimum five-foot wide sidewalk along each public right-of-way abutting the property along the full length of the front property line.
 - b. A minimum three-foot wide sidewalk consisting of pervious material, as approved by the City Engineer, and separated from any vehicular use area shall be provided from each principal entrance to the public sidewalk unless the DRC determines that alternative pedestrian access to the public sidewalk is provided.
 - c. Street trees shall be planted and maintained along the public right-of-way abutting the property to provide a canopy effect. The type of street trees may include shade, flowering and palm trees and shall be planted at a minimum height and size in

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accordance with the requirements of Section 47-21, Landscape and Tree Preservation Requirements. The location and number of trees shall be determined by the department based on building and site design, separation distance, utility infrastructure and the proposed plan's compatibility to surrounding properties.

13. Maintenance agreement. A townhouse development shall have a recorded maintenance agreement for the common areas.
14. Solid waste, yard waste, and recycling requirements. Each townhouse dwelling unit shall have incorporated into the design a designated area to locate a solid waste container, a yard waste container and a recycling container and include a plan for the loading and servicing of them. Where buildings are of inadequate volume to accommodate these facilities, trash/loading facilities should be screened by a solid wall or fence. The size of the containers and alternatives to these requirements may be permitted subject to approval of the Public Works Department, Sanitation Division and any applicable sections of the ULDR.

Sec. 47-18.45 Duplex/Two Family Dwelling

- A. For the purposes of this section, a duplex or two family dwelling is defined as a building containing two single family dwelling units, totally separated from each other by one (1) dividing partition common to each unit, and contained entirely under one (1) roof and designed for or occupied by two (2) single family housekeeping units. A duplex is a building where one unit is on one lot and the other attached unit is on an abutting lot. A two family dwelling is a building on a single lot.
- B. Lot requirements. The minimum lot size for a duplex or two family dwelling shall be as required by the zoning district where it is located.
- C. Density. The density shall be regulated by the zoning district where it is located.
- D. Dimensional requirements. The dimensional requirements for a duplex or two family dwelling shall be listed in the table of dimensional requirements for the zoning district where it is located, unless otherwise specified in the section.
- E. Design criteria. A duplex or two family dwelling shall meet the following site design criteria:
 1. Entrance requirements. Each dwelling unit facing a public right of way must have its own principal entrance that:
 - a. Shall have a roofed landing; and,
 - b. Shall be of architectural design and material similar to and integral with the principal structure; and,
 - c. A minimum of four (4) linear feet shall be provided between principal entrances; and,
 - d. The landing may encroach into the front yard an additional three (3) feet front the building facade; and,
 - e. For units facing more than one right-of-way, only one entrance shall be required.
 2. Access to duplex or two family dwellings shall meet the following requirements:
 - a. Each duplex or two family dwelling unit shall have vehicular access to a public right-of-way, paved driveway or parking area serving the group. Private driveways shall be provided in accordance with Section 47-20.5.D.
 - b. Duplexes or two family units that provide for parking or garage access at the rear of the units may reduce the front yard requirement to fifteen (15) feet subject to the following:
 - i. No individual garages may face the public right-of-way.

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- ii. Duplex or two family dwellings may be accessed from one (1) two-way driveway or two (2) one-way driveways.
 - c. Where possible, duplex or two family dwellings that abut a platted alley shall provide access exclusively from the platted alley.
- 3. Fence and wall requirements.
 - a. For new construction, seventy-five percent (75%) of all fencing located within the front yard setback must be of non-opaque materials such as vertical bars or picket fence, and be subject to all other requirements of Section 47-19.5, Fences, Walls and Hedges.
 - b. When parking is placed in the rear of the development site, a wall or fence shall be installed between the development site and any neighboring residential property abutting the development site subject to the requirements of Section 47-19.5, Fences, Walls and Hedges.
- 4. Garages facing the public right-of-way shall be subject to the following criteria:
 - a. Garages shall be limited to a width equivalent a maximum of fifty (50) percent of the width of the duplex or two family dwelling unit. The width shall be measured as the linear area of the garage visible from the street, such as the garage door; and,
 - b. Garages shall be setback an additional five (5) feet from the principal façade of the building.
- 5. Sidewalk/ Street Tree requirements. A duplex or two family development shall provide the following:
 - a. A minimum five-foot wide sidewalk along the full length of each public right-of-way greater than 20 feet in width.
 - b. A minimum three-foot wide sidewalk shall connect the front entrances with the sidewalk along the right-of-way unless it is determined that alternative pedestrian access to the public sidewalk is provided.
 - c. Street trees shall be planted and maintained along the public right-of-way abutting the property to provide a canopy effect. The type of street trees may include shade, flowering and palm trees and shall be planted at a minimum height and size in accordance with the requirements of Section 47-21, Landscape and Tree Preservation Requirements. The location and number of trees shall be determined by the department based on building and site design, separation distance, utility infrastructure and the proposed plan's compatibility to surrounding properties.
- 6. Solid waste, yard waste, and recycling requirements. Each duplex or two family dwelling unit shall have incorporated into the design a designated area to locate a solid waste container, a yard waste container and a recycling container and include a plan for the loading and servicing of them. Where buildings are of inadequate volume to accommodate these facilities, trash/loading facilities should be screened by a solid wall or fence. The size of the containers and alternatives to these requirements may be permitted subject to approval of the Public Works Department, Sanitation Division and any applicable sections of the ULDR.

SEC. 47-19.2.-ACCESSORY BUILDINGS, STRUCTURES AND EQUIPMENT, GENERAL.

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- B. Architectural features in residential districts. Architectural features such as eaves, cornices, window sills, awnings, chimneys, bay windows, and dormers accessory to a residential use are permitted to extend into a yard area a distance of three (3) feet from the face of the building, or

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one-third (1/3) of the required yard, whichever is less. Unenclosed balconies with open railings may extend into the side yards a distance of three (3) feet from the face of the building, or one-third (1/3) of the required side yard and may extend into the front yard a distance of five (5) feet from the face of the building. Excluding unenclosed balconies encroaching into the front yard, accessory uses which encroach into any yard area are permitted to have a total combined linear façade length not greater than twenty percent (20%) of the total linear length of the façade to which they are attached. Items such as windowsills or belt courses which extend six (6) inches or less into the yard area shall not be considered for the length limitation. Eaves shall not be subject to the length limitation. The dimensional limitations of this subsection shall not apply and the provisions of subsection C. shall apply to awnings accessory to a residential use in a nonresidential zoning district.

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H. Driveways. Driveways shall be subject to the following requirements:

1. Driveways shall be permitted in all zoning districts within the required front, corner and side yards; and,
2. Driveways shall be permitted in all residential zoning districts within the required rear yards only when the rear yard abuts a street or an alley or the driveway is in association with a townhouse, cluster, duplex, two-family home, or multifamily development; and,
3. Driveways associated with each unit within a townhome, or cluster, ~~duplex or two family~~ development, and facing a right-of-way, shall have a minimum separation of eight (8) feet from neighboring driveways within the same development for the entire length of the driveway from the ~~public right-of-way~~ property line to the garage or parking space; and,
4. Driveways associated with each unit within a duplex or two family development, and facing a right-of-way, shall have a minimum separation of four (4) feet from neighboring driveways within the same development for the entire length of the driveway from the property line to the garage or parking space; and,
5. In nonresidential zoning districts, driveways shall be permitted in any yard, except where prohibited by the ULDR; and,
6. A driveway shall be a minimum of eighteen (18) feet in length when used as stacking or a parking space as measured from the property line; and,
7. Driveways shall meet all requirements of Section 47-20, Parking and Loading Requirements.

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K. Garages and carports (residential use). Garages and carports may extend into a required front yard in RD, RC and RM zoning districts when accessory to a single family dwelling but no closer than twenty (20) feet from the front property line as measured from the furthest extent of the roofline or overhang;

1. Garages may extend into a required front yard in residential zoning districts when accessory to a standard single family dwelling but no closer than twenty (20) feet from the front property line.
2. When parking is placed in the rear of a townhouse, cluster, duplex, or two-family development, a carport may extend into the rear yard no closer than five (5) feet to the rear property line at a maximum of ten (10) feet in height and such carport is open, except where attached to the principal building.
3. Carports may extend into a required front yard in residential zoning districts, when accessory to a single family dwelling, at a maximum height of ten (10) feet and designed to accommodate one (1) standard parking space as indicated in Section 47-20, Parking and Loading Zone Requirements, but shall be no closer than fifteen (15) feet from the front property line.

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4. Any portion of a carport encroaching into a required setback shall be open on all sides, except where attached to the principal building.

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- Y. Porch.. A porch attached to a single family dwelling that is open on at least two (2) sides with no screen enclosure may be permitted to extend into the required front yard and corner yard in all residential zoning districts subject to the following criteria:
 1. The porch may encroach into the required front yard, but shall be no closer than seventeen (17) feet from the front property line, as measured from the furthest extent of the roofline or overhang; and,
 2. A porch accessory to an attached single family dwelling may encroach an additional three feet into the required front or corner side yard beyond the setback of the building.

SEC. 47-20.2.- PARKING AND LANDING ZONE REQUIREMENTS.

Table 1. PARKING AND LOADING ZONE REQUIREMENTS

| Use | Standard Requirements | |
|--------------------------------|---|--------------------------|
| | Parking Space Requirement | Loading Zone Requirement |
| Duplex | 2/dwelling unit | NA |
| Townhouse/cluster, coach homes | 2/dwelling unit + 0.25/dwelling unit designated for guest parking | NA |

SEC. 47-20.13. - PAVING AND DRAINAGE.

- A. Definition. For the purposes of this section swale area shall mean the area immediately adjacent to the paved road surface extending to the right-of-way line, typically the edge of the sidewalk furthest from the street. The swale area shall be considered under this section as stormwater infrastructure and is primarily intended for the drainage of the paved roadway by percolation of the water through the soil and groundcover. Swale areas shall not be obstructed in any manner except as permitted herein. The planting of trees shall be permitted in certain swale areas subject to proper Landscaping and Engineering Permits granted prior to installation. Swales areas shall be maintained by the abutting property owners and shall include the preservation of adequate slope for stormwater purposes, containing sod or other living groundcover maintained at the appropriate height.
- B. Paving. Except as provided in subsections B and C, off-street parking facilities and spaces, including aisles and driveways, shall at a minimum be surfaced with a hard, dust free material, at least one (1) inch thick asphaltic cement on at least six (6) inch compacted limerock base course compacted to an average density not less than ninety-eight percent (98%) of the maximum density obtainable under the test provided pursuant to engineering standard (AASHTO T-180) or an equivalent test. The minimum density which will be acceptable at any location within the base shall be ninety-six percent (96%) of such maximum density and, in the determination of average density, the maximum density which shall be used in the calculation shall be one hundred two percent (102%). Other equivalent pavement systems which will support the intended use may be approved by the city engineer. All pavement systems shall be maintained in a smooth, well-graded condition.
 1. Residential zoning district design standards. Paved areas used for access to property across public rights-of-way shall comply with the following standards.

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- a. In single-family Residential zoning districts and single-family sites in other districts, up to twenty-four (24) feet may be paved on a lot with a width of less than seventy (70) feet. For corner lots or lots with a width in excess of seventy (70) feet, the right-of-way frontage shall not be paved more than fifty percent (50%) of the right-of-way frontage. Whenever the total pavement area in the swale area frontage on public right-of-way is fifty percent (50%) or more of the total frontage on that public right-of-way a french drain stormwater system or an alternative drainage system approved by the City Engineer shall be installed in the swale area in accordance with city construction standards and specifications.
 - b. Parking facilities for single family uses may have a gravel surface, provided gravel is not placed more than fifty percent (50%) of the right-of-way frontage of the property.
 - c. Paving material located within the right-of-way shall match the paving material used to construct the driveway and/or parking area of the private property.
- C. Parking facilities and spaces for public and private schools offering academic courses, houses of worship, and public recreational uses when use of the lots is limited to three (3) days of the week or less may be grass over a compacted subsurface. Grass parking surfaces shall consist of at least a six (6) inch course of natural limerock, surfaced with a species of grass acceptable for high-traffic use. Other equivalent surfaces may be approved by the city engineer. The parking area shall have adequate drainage as provided herein. All requirements for landscaping vehicular use areas shall be met as well as all required interior landscaping requirements for parking areas. Grass parking areas shall not count toward satisfying any landscaping area required by Section 47-21, Landscape and Tree Preservation Requirements.
- D. Drainage. On-site stormwater retention shall be provided in accordance with the requirements of the regulatory authority with jurisdiction over stormwater retention.
- E. Grading and sodding swale area. Swale areas shall comply with the following standards:
1. Grading and sodding of the swale area shall be required in conjunction with any swale reconstruction, any construction or right-of-way improvement permit or when a building permit is issued for work on abutting property for which the cost of the work exceeds fifty (50) percent of the value of the property.
 2. Swale areas shall be graded in accordance with the City of Fort Lauderdale Minimum Construction Standards and Standard Details issued by the Office of the City Engineer.
 3. Sod shall not project above the paved surface of the roadway so as to inhibit drainage into the depressed swale.
 4. The addition of sand, gravel, or other material to any sodded swale area shall not be permitted for the purposes of decreasing the minimum swale depth specified, nor shall it inhibit drainage into depressed swales.
- F. Paving in the right-of-way swale area may only be installed in association with on-street public parking or for driveway approaches or aprons to provide vehicular ingress and egress. Approved materials for paving in swale areas shall be asphalt or removable concrete/grass pavers. Loose gravel, rock, or other unbound materials are prohibited.
- G. Permits and inspections for paving in Swale areas.
1. A construction or right-of-way improvement permit shall be obtained from the Department of Sustainable Development prior to construction, grading, excavation, or other physical alterations within public rights-of-way, swale areas, or easements, except in the following instances:
 - a. The proposed construction, grading, excavation or other physical alteration is included in plans submitted and approved for a building permit by the Sustainable Development Department.

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- b. An emergency situation requires immediate action by a public utility to safeguard the public health, safety or welfare.
- c. Prior to the installation of any concrete paving or other unauthorized material in any swale area, and prior to the issuance of a permit for such installation, the property owner shall execute a swale agreement and Hold Harmless Agreement with the City providing that the property owner or his successors in title shall be responsible for the expense of removal and replacement of such paving or other unauthorized material in the event the City is required to construct the swale area. The agreement shall contain an acknowledgement clause for all parties and shall be recorded at the property owner's expense in the public records of Broward County as notice to the property owner's successor in title of the obligation for the expense of the removal and replacement of such materials in the swale area.

SEC. 47-21.14.-ADDITIONAL LANDSCAPE REQUIREMENTS FOR SPECIAL USES AND DISTRICTS.

- A. In addition to the requirements for land zoned in certain districts, additional landscaping shall be required for certain special districts and uses as follows:
 - 1. Downtown Regional Activity Center (RAC).
 - a. Within the RAC districts newly planted street trees shall be limited to the following species:

| RAC Street | Tree Species* |
|-------------------|--|
| Broward Boulevard | Royal Palm (Roystonea elata) |
| Andrews Avenue | Sabal Palm (Sabal palmetto) Carpentaria Palm (Carpentaria acuminata) |
| Federal Highway | Sabal Palm (Sabal palmetto) Gumbo Limbo (Bursera simarouba) Live Oak (Quercus virginiana) Weeping Wild Tamarind (Lysiloma sabicu) |
| East 8th Avenue | No designated tree |
| East 3rd Avenue | Royal Palm (Roystonea elata) Live Oak (Quercus virginiana) Carpentaria Palm (Carpentaria acuminata) |
| East 1st Avenue | Gumbo Limbo (Bursera simarouba) |
| West 1st Avenue | No designated tree |
| West 3rd Avenue | No designated tree |

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|---|---|
| Flagler | Live Oak (<i>Quercus virginiana</i>) |
| West 2nd Avenue | Little Leaf Calophyllum (<i>Calophyllum antillarum</i>) |
| West 4th Avenue | Live Oak (<i>Quercus virginiana</i>) |
| West 5th Avenue | Live Oak (<i>Quercus virginiana</i>) |
| South 7th Street | No designated tree |
| East South 6th Street | Royal Palm (<i>Roystonea elata</i>) |
| West South 6th Street | No designated tree |
| South 5 Street | No designated tree |
| S.E. 5th Court | Gumbo Limbo (<i>Bursera simarouba</i>) Maypan Palm (<i>Cocos nucifera</i> var. <i>Maypan</i>) |
| S.E. 4th Street | Weeping Wild Tamarind (<i>Lysiloma sabicu</i>) |
| Las Olas Boulevard | Sabal Palm (<i>Sabal palmetto</i>) Live Oak (<i>Quercus virginiana</i>) Maypan Palm (<i>Cocos nucifera</i> var. <i>Maypan</i>) Carpentaria Palm (<i>Carpentaria acuminata</i>) |
| South 2nd Street, east of city parking garage | Royal Poinciana (<i>Delonix regia</i>) Live Oak (<i>Quercus virginiana</i>) |
| South 2nd Street, west of city parking garage | Weeping Wild Tamarind (<i>Lysiloma sabicu</i>) Sabal Palm (<i>Sabal palmetto</i>) |
| South 1st Street | No designated tree |
| North 1st Street | No designated tree |
| North 2nd Street | Live Oak (<i>Quercus virginiana</i>) Washington Palm (<i>Washingtonia robusta</i>) |
| North 3rd Street | Weeping Wild Tamarind (<i>Lysiloma sabicu</i>) |

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| North 4th Street | Gumbo Limbo (<i>Bursera simarouba</i>) |
| North 5th Street | No designated tree |

*Black Olive (*Bucida buceras*) trees existing as street trees prior to March 26, 1999 are legal and their existence shall not cause a development to be nonconforming, and shall be considered to meet the street tree requirements for any redevelopment or reconstruction of existing structures adjacent to or in front of said Black Olive trees, but such trees shall not be permitted to be planted or replaced with Black Olive subsequent to this date.

- b. When planted in non-pervious areas, dicot street trees shall be accompanied by expandable tree grates or porous aggregate system which are at least five (5) feet square, with three-eighths (3/8) inch slot openings. Area must meet current ADA standards.
 - c. All newly planted dicot street trees shall have a minimum caliper of two and one half (2½) inches.
 - d. All newly planted monocot street trees shall have a minimum overall height of twelve (12) feet.
 - e. Planting plans shall obtain the approval of the department. The necessity for installation of an irrigation system for street trees and the type and kind to be used shall be determined by the city based on tree species requirements.
 - f. The RAC requirements may be appealed by written request to the department. Such appeal shall be accompanied by a plan which shows the location, size, description and species of landscape improvements proposed. The department may find that the applicant is unable to observe planting requirements for reasons such as the lack of available plant material, constraints of the planting area or inconsistency with existing street trees or building design. In the department's discretion, when the appeal provides landscaping which is harmonious with adjacent landscaping and uses and is otherwise consistent with the intent and purpose of this subsection, they may approve modifications to Code requirements.
2. Signs.. The landscape area required by the sign regulations of this chapter shall be planted with shrubs or ground cover. Asphalt and rock shall be removed and the area refilled with clean, fertile soil, as necessary, before planting. The area shall be protected from vehicle encroachment by a barrier placed around the outside edge of the required landscape area.
 3. Townhouse developments/zero-lot-line homes/cluster dwellings shall be subject to the same open space and planting requirements as the district in which it is located subject to the following:
 - a. The rear of individual lots owned in fee simple by individual owners of a townhouse development, zero-lot-line development or cluster development shall be exempt from the requirements to provide landscape area, however all hardscapes shall consist of pervious materials subject approval by the City Engineer.
 4. Parking garages..
 - a. Structures which enclose parking shall provide a landscape area between the street and that portion of structure enclosing the parking utilizing trees and ground cover. The minimum square footage of the landscape area to be provided shall be determined by multiplying by five (5) the lineal street frontage of the parcel of land upon which the parking garage is located, and adding four hundred (400) square feet for each corner of the parcels adjacent to a street.

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- b. Parking garages constructed in residentially-zoned districts shall meet the landscape requirement of the district in which the garage is located. No paving or walkways shall be allowed in the yard fronting on the principal street other than necessary access from that right-of-way.
5. House of worship. The landscaping requirements for a house of worship shall be the same as the zoning district in which the house of worship is located. VUA landscaping shall be required. A landscaping irrigation system shall be installed.
6. Backout parking. Except when used for a single family dwelling, when a parcel of land has a VUA designed to permit motor vehicles to back directly out onto a public right-of-way, including an alley, a landscape area at the front of the parking spaces unobstructed by a fence or wall shall be provided. The landscape area shall be a minimum of five (5) feet in width and shall contain not less than ten (10) square feet for each linear foot of VUA fronting on the street. The landscaping for this area shall consist of hedges and trees. There shall be no more than two (2) parking spaces in a row without a tree island when the parking serves a residential or hotel/motel use, and no more than four (4) parking spaces in a row without a tree island when the parking serves any other use. A poured six (6) inch high concrete curb shall be placed across the nose of tree islands.
7. Noncontiguous parking lots.
 - a. Freestanding, noncontiguous, or remote VUAs shall be landscaped according to minimum VUA requirements and maintained by an irrigation system.
 - b. The parcel shall contain no dumpster or structures other than fences, walls or lights poles. If a dumpster or structure is located on the property, the requirements of the zoning district where the VUA is located shall apply.
8. Fences and walls. On a parcel of land in a non-residential district, when a fence or wall is located adjacent to a street, it shall be subject to the requirements of Section 47-19.5.
9. Bufferyard requirement. The landscape area required by bufferyard requirement as provided in Section 47-25.3, Neighborhood Compatibility Requirements, is intended to provide a heavily-vegetated view from the residential parcel. The tree requirements for the bufferyard are in addition to trees required to be installed to comply with general tree planting requirements and trees required for a VUA and include a minimum of one (1) tree for every three hundred (300) square feet or fraction thereof of bufferyard area. Trees shall be dicot types obtaining a fifteen-foot minimum height at maturity as listed in the table of tree evaluation and monocots obtaining a twelve-foot minimum height at maturity. The species mix shall be at least two-thirds (2/3) dicots.
10. Self storage/mini warehouse facility. The twenty-foot yard required as provided in Section 47-18.29 shall be in landscaping. A vehicular use area may also be located between the structure and street and may divide the landscape area as long as there is a total of twenty (20) feet in landscape area. This twenty (20) feet landscape area may be used to meet the landscape area required pursuant to Section 47-18.29.