

LAND DEVELOPMENT REGULATION ADVISORY BOARD (LDRAB)
LAND DEVELOPMENT REGULATION COMMISSION
OCTOBER 25, 2017 MEETING

AMENDMENTS TO THE AGENDA
(Updated 10/24/17)

1

#1 Exhibit B, Art. 2, Development Review Procedures - Amend Table 2.A.2.C.1, Board of County Commissioners, Legislative and Quasi-Judicial Processes, Page 10 of 229, (line 1).

2

**Table 2.A.2.C.1 - Board of County Commissioners
Legislative and Quasi-Judicial Processes**

....	
<u>Quasi-Judicial</u>	
....	
<i>Status Report of a prior DO approved by the BCC (3) [Relocated from Art. 2.A.1.D.1.a,6), above]</i>	
....	
<u>Release of Agreement (3)</u>	
....	
Notes:	
....
(3)	<u>Administrative Inquiry</u> This is not considered as quasi-judicial process, however, it is subject to the Public Hearing process.

3

#2 Exhibit B, Art. 2, Development Review Procedures - Amend Table 2.A.2.C.2, Zoning Commission, Quasi-Judicial Processes, Page 11 of 229, (lines 24 - 26).

4

5

6

**Table 2.A.2.C.2 - Zoning Commission
Quasi-Judicial Processes**

....	
<u>Quasi-Judicial</u>	
....	
<i>Status Report for a prior DO approved by the ZC (2)</i>	
....	
Notes:	
....
(2)	<u>This is not considered as quasi-judicial; however it is subject to the Public Hearing process and shall not result in the issuance of a DO.</u>

7

#3 Exhibit B, Art. 2, Development Review Procedures - Amend Article 2.A.14.C.2.b, Administrative DO, Page 29 of 229, (lines 8, 10, 12, 13, 14, and 18).

CHAPTER A GENERAL

S. Section 14 Appeal

2C. Non-Judicial Relief

b2. Processes

2)b. ~~DRO Review Administrative DO~~

Any Person seeking ~~Development Order~~ a DO approval from the DRO, except for Type 1 Waivers, may appeal that decision to the Hearing Officer DRAB according to the following: [Ord. 2005-002] [Ord. 2011-016] [Ord. 2012-027]

a1) The DRAB Hearing Officer shall consider the appeal petition within 60 days of its filing or a date agreed upon by the ~~a~~Applicant and ~~Zoning staff~~ the DRO. The Zoning Division shall coordinate and establish the date for the Hearing Officer DRAB hearing. [Ord. 2011-016]

b2) The DRAB Hearing Officer may reverse or affirm or modify the decision of the DRO. [Ord. 2011-016]

e3) At the hearing, the DRAB Hearing Officer shall only consider testimony and argument relating to the application, supporting documentation, and any staff report or documentation presented at the time of the DRO decision. [Ord. 2011-016]

e4) The decision of the DRO shall be presumed correct and the Person seeking the appeal shall have the burden of demonstrating error. The DRAB Hearing Officer shall defer to the discretion of the DRO in interpreting the ULDC and shall not modify or reject the interpretation if it is supported by substantial competent evidence, unless the interpretation is found to be contrary to the Plan, this Code, or the Official Zoning Map. [Ord. 2011-016]

#4 Exhibit B, Art. 2, Development Review Procedures - Amend Article 2.A.14.C.2.c, Temporary Use, Page 29 of 229, (lines 26, 33, and 37 to 39).

32

33

3)c. Special Permit Temporary Use

Notes:

Double underlined indicates new text or previously stricken text to remain.

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**AMENDMENTS TO THE AGENDA
(Updated 10/24/17)**

1 Except for appeals regarding Adult Entertainment Special Permit applications, set forth in
2 Art. 4.B.2.C.1.d, License per Palm Beach County Adult Entertainment Code, any Any
3 Person aggrieved by a decision of the Zoning Director DRO regarding a Special Permit
4 Temporary Use may appeal that decision to the Hearing Officer DRAB according to the
5 following: [Ord. 2006-036] [Ord. 2011-016]

6 ...
7 e3) At the hearing, the Hearing Officer DRAB shall only consider testimony and argument
8 relating to the application, supporting documentation, and any staff report or
9 documentation presented at the time of the Zoning Director DRO's decision. [Ord.
10 2011-016]

11 d4) The Zoning Director's DRO's decision of the DRO shall be presumed correct and the
12 Person seeking the appeal shall have the burden of demonstrating error. The Hearing
13 Officer DRAB shall defer to the discretion of the Zoning Director DRO in interpreting
14 the ULDC and shall not modify or reject the interpretation if it is supported by
15 substantial competent evidence, unless the interpretation is found to be contrary to the
16 Plan, this Code, or the Official Zoning Map. [Ord. 2011-016]
17

#5 Exhibit B, Art. 2, Development Review Procedures – Amend Article 2.B.2.B.4, Insufficiency, Page 31 of 229 (line 30)

18
19 4. If the deficiencies are not remedied prior to in the next Submittal date as indicated on the
20 Annual Zoning Calendar, the DRO shall issue a second written notification to the Applicant
21 indicating the application shall be considered withdrawn unless a time extension request has
22 been submitted.
23

#6 Exhibit B, Art. 2, Development Review Procedures - Amend Article 2.B.7.E.2.i, [Related to Type 2 Variance – Prohibition], Page 45 of 229, (lines 28-29).

24
25 ~~Art. 5.D, Parks and Recreation – Rules and Recreation Standards; [Relocated from Art.~~
26 ~~2.A.1.D.1.b.5)i), Related to Zoning Commission]~~
27 [Renumber Accordingly]
28

#7 Exhibit B, Art. 2, Development Review Procedures – Amend Article 2.C.2.B, Insufficiency, Page 55 of 229 (line 17)

29
30 4. If the deficiencies are not remedied prior to in the next Submittal date as indicated on the
31 Annual Zoning Calendar, the DRO shall issue a second written notification to the Applicant
32 indicating the application shall be considered withdrawn unless a time extension request has
33 been submitted.
34

#8 Exhibit B, Art. 2, Development Review Procedures – Amend Table 2.C.3, DRO – Administrative Processes, Page 56 of 229 (line 1)

Table 2.C.3, DRO - Administrative Processes

Requests	Processes	
	Full DRO	ZAR
....		
Administrative Approval		
....		
Administrative Modifications to Prior DO in accordance with Table 2.C.7.5.B	√	√ (2)
....		
Notes		
....		
(2)	There shall be an approved Zoning Plan (Site or Subdivision) for those requests to add Adding a new use or replacement of a use through the ZAR process. that is subject to Administrative Approval on an approved Zoning Plan (Site or Subdivision)	
....		

#9 Exhibit B, Art. 2, Development Review Procedures – Amend Article 2.C.3.B, Administrative Approval, Page 56 of 229 (lines 25-29)

B.2. Administrative Approval Process

38
39 The DRO shall make a final decision on a permanent or a temporary use pursuant to Table 2.C.4
40 3, DRO - Administrative Processes. Applications may be reviewed under either the Sequential or
41 Concurrent Review process, where applicable. The DROE cannot be utilized for applications that
42 are subject to the Administrative Approval. Final Plan review shall include DOs that do not require
43 Administrative Approval.

Notes:

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~~graphic changes to the plan~~ shall be required for all DOs even for those applications that do not include graphic changes to the Plan(s). All Zoning Plans shall be approved by the DRO prior to applying for a building permit; commencing related land development activities; or utilizing any use subject to DRO approval, unless stated otherwise herein.

#10 Exhibit B, Art. 2, Development Review Procedures – Amend Table 2.C.4, Review, Resubmittal and Final Decision, Page 57 of 229 (line 32), Changing format of the Table, consolidating into one cell for those information that is identical.

Table 2.C.4, Review, Resubmittal and Final Decision

Processes	Full DRO	ZAR	Type 1 Variance
Application Submittal by Applicant	Refer to Annual Zoning Calendar.	Refer to Annual Zoning Calendar.	Refer to Annual Zoning Calendar.
	Refer to Annual Zoning Calendar.		
Sufficiency Review by Staff	10 days from the date of Application Submittal.	10 days from the date of Application Submittal.	10 days from the date of Application Submittal.
	10 days from the date of Application Submittal.		
Insufficiency to be addressed by Applicant	The Applicant may resubmit on the Submittal date of the following month. Refer to Annual Zoning Calendar.	The Applicant may resubmit on the Submittal date of the following week. Refer to Annual Zoning Calendar.	The Applicant may resubmit on the Submittal date of the following month. Refer to Annual Zoning Calendar.
Initiate Review and Staff Comments	10 days from the date of Sufficiency	10 days from the date of Sufficiency	10 days from the date of Sufficiency
	10 days from the date of Sufficiency		
Resubmittal by Applicant	The Applicant shall address all issues and comments by the next Submittal date. Refer to the Annual Zoning Calendar.	The Applicant shall address all issues and comments by the next Submittal date. Refer to the Annual Zoning Calendar.	The Applicant shall address all issues and comments by the next Submittal date. Refer to the Annual Zoning Calendar.
	The Applicant shall address all issues and comments by the next Submittal date. Refer to the Annual Zoning Calendar.		
Staff Review and Comments on Resubmittal	Refer to Annual Zoning Calendar	Refer to Annual Zoning Calendar	Refer to Annual Zoning Calendar
	Refer to Annual Zoning Calendar		
Certification or Approval	Refer to Annual Zoning Calendar	Refer to Annual Zoning Calendar	Refer to Annual Zoning Calendar
	Refer to Annual Zoning Calendar		

#11 Exhibit B, Art. 2, Development Review Procedures – Amend Article 2.C.5.A.2, Standards, Pages 58-59 of 229 (line 46 of page 58 and line 4 of page 59)

1.a. Consistency with the Plan

~~Shall be~~ The proposed use is consistent with the purposes, goals, objectives, and policies in the Plan, including standards for ~~building and structural intensities and densities, and intensities of use.~~ [Relocated from Art .2.D.1.E.1, Consistency with the Plan related to Standards for Administrative Approval]

c. Adequate Public Facilities

The ~~extent to which the~~ proposed use complies with Art. 2.F, Concurrency.

#12 Exhibit B, Art. 2, Development Review Procedures – Amend Article 2.C.5.B, Administrative Modifications to Prior DOs, Page 59 of 229 (lines 34-35, 39, and 43)

1. Modifications to BCC or ZC Approvals

~~The DRO shall have the authority to approve modifications to a Development Order approved by the BCC or ZC. An application for an amendment shall be submitted in accordance with Article 2.A.1., Applicability, and reviewed in accordance with the standards in Article 2.D.1.C, Review Procedures. Applications must be submitted on deadlines established on the Zoning Calendar. The authority of the DRO to modify a BCC or ZC approved plan prior approval shall, include but not be limited to the following:~~ Table 2.C.5.B, Administrative Modifications to Prior DOs. The DRO may allow the modifications so long the request(s) meet the intent of the BCC or ZC approval, and comply with the Conditions of Approval. The DRO shall determine which Agencies will review the application, and whether the review shall be subject to the Full DRO or ZAR process. A combination of requests may require review through the Full DRO process. In making a decision on the requested modification(s), the DRO shall evaluate the application based on ~~all of the criteria listed in Table 2.C.7 listed~~ below, unless otherwise stated herein. ~~The Zoning Director shall maintain PPM~~

#13 Exhibit B, Art. 2, Development Review Procedures – Amend Table 2.C.5.B, Administrative Modifications to Prior DOs – Full DRO, Page 63 of 229 (line 1)

Notes:

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Table 2.C.5.B - Administrative Modifications to ~~a~~ Prior DOs

Request	Allowable Modification	Full DRO	Criteria
<u>Relocation of Building square footage (1) (2)</u> [Partially relocated from Art. 2.D.]	<u>Allow relocation of no more than 250 percent of the total approved square footage or other area indicated as being covered by buildings or structures to portions of the site not previously covered.</u> [Relocated from Art. 2.D.1.G.1.a.]	<ul style="list-style-type: none"> • • <u>Relocated square footage may be requested in conjunction with the increase of square footage; provided the relocated sq. ft. does not exceed the maximum of five percent or 5,000 sq. ft. of the total sq. ft. approved by the BCC or ZC.</u> • 	
<u>Increase in square footage for building, structure or outdoor area that is considered as square footage (1) (2)</u> [Partially relocated from Art. 2.D.2.D.1.G.1.b, above]	<u>Allow an increase of a maximum of five percent or 5,000 square feet of any building, structure or outdoor area that is considered as square footage; whichever is less.</u> [Relocated from Art. 2.D.2.D.1.G.1.b.1), above]	<ul style="list-style-type: none"> • • <u>The increase shall not exceed a maximum of five percent or 5,000 square feet of any building, structure or outdoor area considered as square footage, whichever is less. [Ord. 2014-025] [Ord. 2015-008] [Relocated from Art. 2.D.2.D.1.G.1.b.1), above]</u> • <u>The increase shall not be used to create new freestanding building(s) or structure(s) (4) [Ord. 2015-006]; and</u> [Relocated from Art. 2.D.2.D.1.G.1.b.3), above] • <u>Relocated square footage may be requested in conjunction with the increase of square footage; and</u> • 	
<u>Relocation of Open Space or Recreation Area(s)</u>	<u>Allow the relocation of open space or recreation area(s) [Ord. 2008-003].</u> [Partially relocated from Art. 2.D.2.D.1.G.1.g, above]	<ul style="list-style-type: none"> • <u>Relocation shall be within the same overall site or pod;</u> • <u>The acreage of the required open space or recreation area(s) shall remain the same; and</u> • 	

#14 Exhibit B, Art. 2, Development Review Procedures – Amend Table 2.C.5.B, Administrative Modifications to Prior DOs – ZAR, Page 64 of 229 (line 1)

Table 2.C.5.B - Administrative Modifications to ~~a~~ Prior DOs - Continued

Request	Allowable Modification	Criteria
ZAR		
<u>Relocation of Building square footage (1) (2)</u>	<u>Allow relocation of no more than 25 percent of the total approved square feet (sq. ft.) or other area indicated as being covered by buildings or structures to portions of the site not previously covered.</u>	<ul style="list-style-type: none"> • • <u>Relocated square footage may be requested in conjunction with the increase of square footage; provided the relocated sq. ft. does not exceed the maximum of five percent or 2,500 sq. ft. of the total sq. ft. approved by the BCC or ZC;</u> •
<u>Increase in square footage for building, structure or outdoor area that is considered as square footage (1) (2)</u>	<u>Allow an increase of a maximum of five percent or 2,500 square feet of any building, structure or outdoor area that is considered as square footage; whichever is less.</u>	<ul style="list-style-type: none"> • • <u>The increase shall not exceed a maximum of five or 2,500 square feet of any building, structure or outdoor area considered square footage, whichever is less: [Ord. 2008-003] [Ord. 2014-001] [Ord. 2015-006] [Ord. 2016-016] [Relocated from Art.2.D.2.D.1.G.2.b.1)a), above]</u> •
<u>Relocation of Site Elements: Parking and Loading</u>	<u>Allow relocation of parking or loading spaces</u>	<ul style="list-style-type: none"> • <u>Shall be consistent with Art. 6, Parking.</u>
<p>Notes:</p> <p>•</p> <p>(4) <u>Except for Freestanding ATMs or Unmanned Retail Structures, and accessory structures.</u></p>		

#15 Exhibit B, Art. 2, Development Review Procedures – Amend Article 2.C.5.4, Administrative Modifications to Prior DOs, Page 64 of 229 (line 6)

4. Effect of an Issuance of a DO for Administrative Modifications
See Art. 2.C.5.A.3, Effect of an Issuance of a DO for Administrative Modifications.

#16 Exhibit B, Art. 2, Development Review Procedures - Amend Article 2.G.3.Appointment Bodies, Page 87of 229, to add on line 30 text to be deleted.

C. Development Review Appeals Board
2. Powers and Duties

The DRAB shall have the following powers and duties under the provisions of this Code:

-
- ~~to hear and decide appeals from, decisions of, and conditions imposed by the DRO with regard to action taken on an application for a final development permit.~~

#17 Replacement of Exhibit E, Art. 8, Signage [Related to Temporary Signs], Page 118 to 127 of 229

Notes:

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EXHIBIT E

ARTICLE 8 – SIGNAGE
 [RELATED TO TEMPORARY SIGNS]
 SUMMARY OF AMENDMENTS
 (Updated 10/23/17)

1
 2 Part 1. Table 8.A.1.C, Organization of Sign Regulations (page 7 of 42), is hereby amended as
 3 follows:
 4

Reason for amendments: [Zoning]
1. Delete Table 8.A.1.C, Organization of Sign Regulations as it provides information that is already included in the table of contents as well as other areas of this Article.

5 CHAPTER A GENERAL

6 Section 1 General

7 C. Applicability

- 8
 9 3. Conflict with Graphics and Other Provisions
 10
 11

Table 8.A.1.C – Organization of Sign Regulations

CHAPTER B, EXEMPTIONS	Lists types of signs that are exempt from these regulations. Exemptions are made for change of business signs; construction signs; equipment signs; interior signs; mobile vendor signs; official flags; official government signs; parking and directional signs; political campaign signs; public warning signs; real estate for sale, or for rent signs; small signs; transportation-related signs; and window signs.
CHAPTER C, PROHIBITIONS	Lists types of prohibitions for sign types, materials, designs, messages, and locations for banners, streamers, or pennants; emissions; mechanical movement; mobile signs; obscenities; obstruction of fire fighting equipment; obstructions to driver visibility; roof signs; signs creating traffic hazards; signs on public bus shelters; signs on water vessels; signs using live animals or humans; snipe signs; and vehicle displays.
CHAPTER D, TEMPORARY SIGNS REQUIRING SPECIAL PERMIT	Lists provisions for temporary signs that require a special permit including balloon type signs; signs for campaign drive or civic events, grand openings, temporary sales, temporary displays, and temporary residential developments.
CHAPTER E, PROCEDURES FOR SIGNAGE	Lists the permit and identification requirements for non-exempt signs and sign structures. Includes the MSP required for developments subject to DRO, ZC, or BCC. Also lists provisions for use of an ASP.
CHAPTER F, GENERAL PROVISIONS FOR ALL SIGN TYPES	Lists standards for computation of sign area; building wall measurement; materials, illumination, changeable copy, signs that do not reduce allowable sign area; construction and maintenance, abandoned signs, substitution of sign message; encroachment into public street or sidewalk, and for resolving conflict between text and graphics in this Section or with other provisions.
CHAPTER G, STANDARDS FOR SPECIFIC SIGN TYPES	Lists specific provisions and standards for building-mounted signs (wall signs, awning and canopy signs, projecting signs, and marquee signs); ground-mounted signs (freestanding and monument signs) entrance wall signs; electronic message signs; directional signs; flags and freestanding flagpoles; and project identification signs.
CHAPTER H, OFF-SITE SIGNS	Lists specific provisions and standards for off-site directional signs and outdoor advertising (billboards).
CHAPTER I, ADMINISTRATION AND ENFORCEMENT	Lists the authority and provisions for the administration and enforcement of this Section. Includes provisions for the amortization of non-conforming signs.
[Ord. 2012-027] [Ord. 2014-025]	

12
 13
 14 Part 2. ULDC Art. 8.B, Exemptions (page 7-10 of 42), is hereby amended as follows:
 15

Reason for amendments: [Zoning]
1. Clarify that Exempt signs and murals are only subject to the requirements indicated under the applicable sign type, and that they are not subject to the remaining provisions of this article unless otherwise specified.
2. Delete redundant language under Change of Ownership Signs.
3. Reorganize and modify language related to small signs by: deleting all references to sign content; deleting sign types that are addressed elsewhere; and referencing existing language to ensure required minimum setbacks are provided.
4. Remove dated graphics for small signs that may be in conflict with existing language and proposed revisions.

16 CHAPTER B EXEMPTIONS

17 The following signs **or murals** shall **comply with the following requirements, but shall** be exempt from the
 18 ~~permitting requirements of this Article review and approval process of this Code~~, and may be constructed
 19 or attached without a **Building** permit, except as prohibited in **ART. Art. 8.C.**, Prohibitions. An electrical
 20 permit shall still be required for signs using electrical service. **[Ord. 2005 – 002] [[Ord. 2006-036]**

EXHIBIT E

ARTICLE 8 – SIGNAGE
[RELATED TO TEMPORARY SIGNS]
SUMMARY OF AMENDMENTS
(Updated 10/23/17)

1 Section 1 Change of Ownership Signs

2 A temporary attachment or covering of wood, plastic, or canvas over a permanent sign ~~indicating a change~~
3 ~~of ownership or activity~~ may be displayed no longer than 30 days following the change of ownership or
4 activity for which the sign is intended, or up to 90 days following issuance of a building permit. The sign
5 shall be no larger than the previously permitted permanent sign. [Ord. 2006-036]

6 Section 2 Small Signs

7 Small signs shall include but not be limited to the following types of ~~temporary or permanent~~ signage:
8 ~~equipment; real estate sale or rental; freedom of speech; campaign, provided they are removed within ten~~
9 ~~days after the election date; public warning; official government; and commemorative plaques. and~~
10 ~~corresponding limitation on sign face area: Sign location shall comply with the provisions indicated in~~
11 ~~Art.8.A.F.1 – Minimum Setbacks. The size and height of the signs shall comply with the following: [Ord.~~
12 ~~2008-003]~~

13 A. ~~Signs located on residential parcels five acres or less in size shall not exceed eight square feet of~~
14 ~~sign face area and eight feet in height. Equipment, mobile vendor, and on-site directional signs~~
15 ~~shall be limited to a maximum of eight square feet in sign face area and five feet in height. [Ord.~~
16 ~~2008-003]~~

17 B. ~~Signs located on any non-residential parcel and residential parcels greater than five acres in size~~
18 ~~shall not exceed 32 square feet of sign face area and ten feet in height. Other small signs shall~~
19 ~~include but not be limited to equipment or mobile vendor, temporary signs such as real estate for~~
20 ~~sale and for rent signs; construction signs which typically include names of the project, contractors,~~
21 ~~architects and other entities associated with the project; freedom of speech signs; campaign signs,~~
22 ~~provided such signs are removed within ten days after the election date; permanent signs such as~~
23 ~~public warning signs; official government signs and commemorative plaques. These small signs~~
24 ~~shall be limited to a maximum of eight square feet of sign face area and five feet in height on~~
25 ~~residential properties less than five acres in size, and a maximum of 32 square feet of sign face~~
26 ~~area and ten feet in height for all non-residential properties and residential properties greater than~~
27 ~~five acres in size. [Ord. 2006-036] [Ord. 2008-003]~~

28
29
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31
32

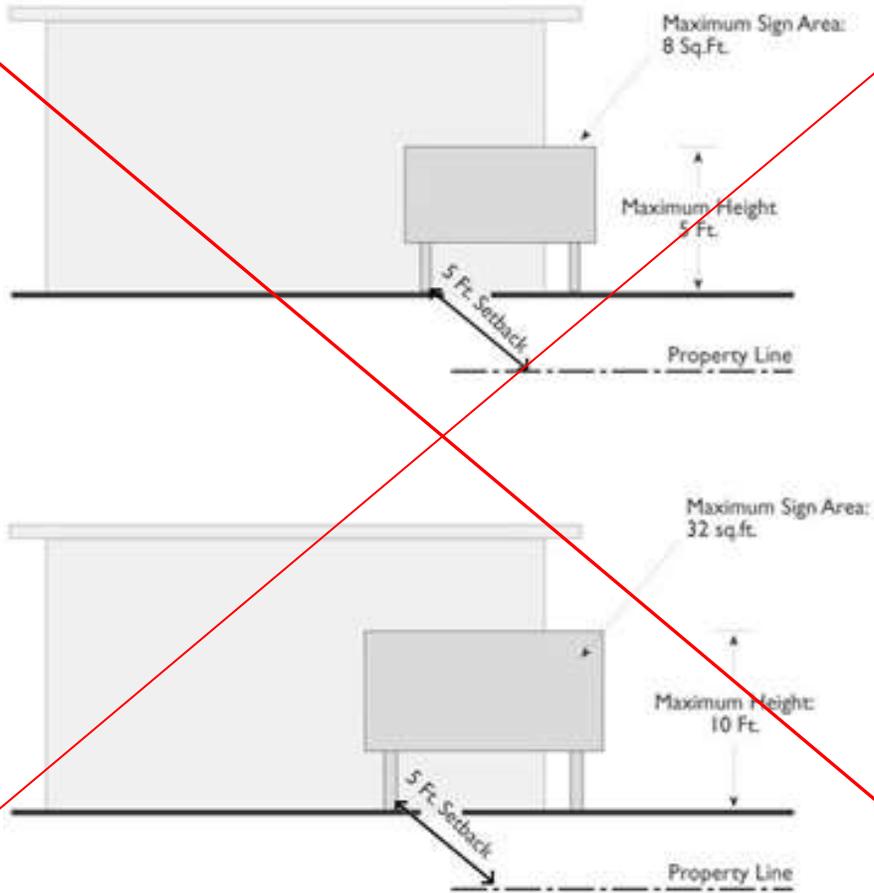
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EXHIBIT E

ARTICLE 8 – SIGNAGE
[RELATED TO TEMPORARY SIGNS]
SUMMARY OF AMENDMENTS
(Updated 10/23/17)

1

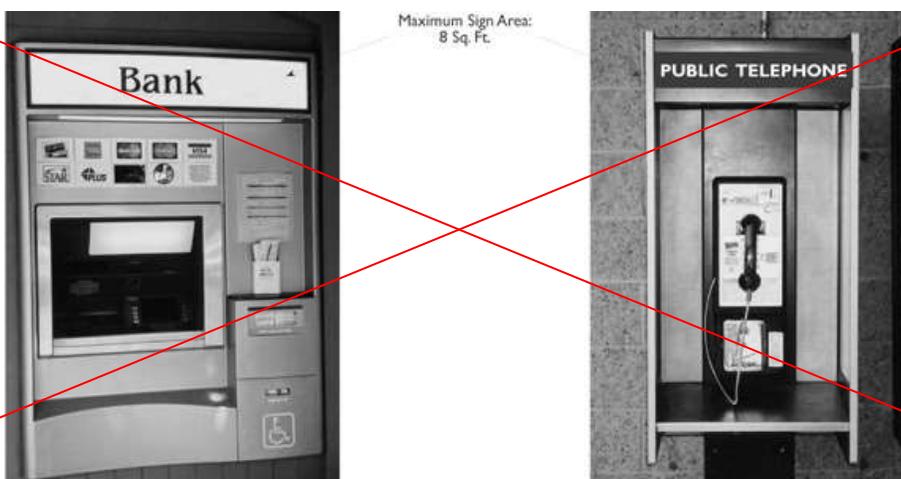
Figure 8.B.2 – Typical Example of Small Construction Signs



[Ord. 2008-003]

2
3

Figure 8.B.2 – Typical Example of Small Equipment Signs



[Ord. 2008-003]

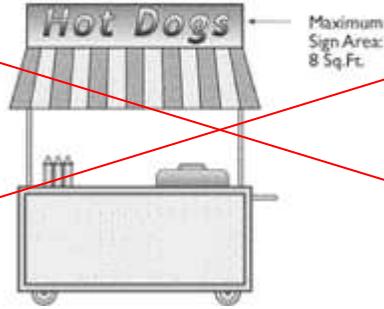
4
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EXHIBIT E

ARTICLE 8 – SIGNAGE
[RELATED TO TEMPORARY SIGNS]
SUMMARY OF AMENDMENTS
(Updated 10/23/17)

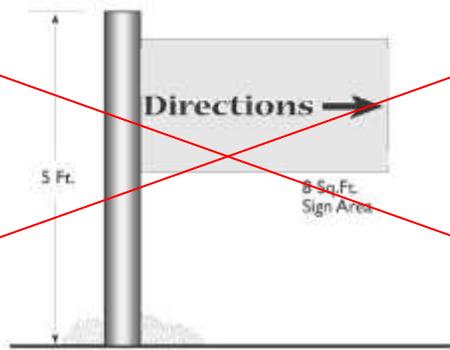
1

Figure 8.B.2 - Typical Example of Small Mobile Vendor Sign



2
3

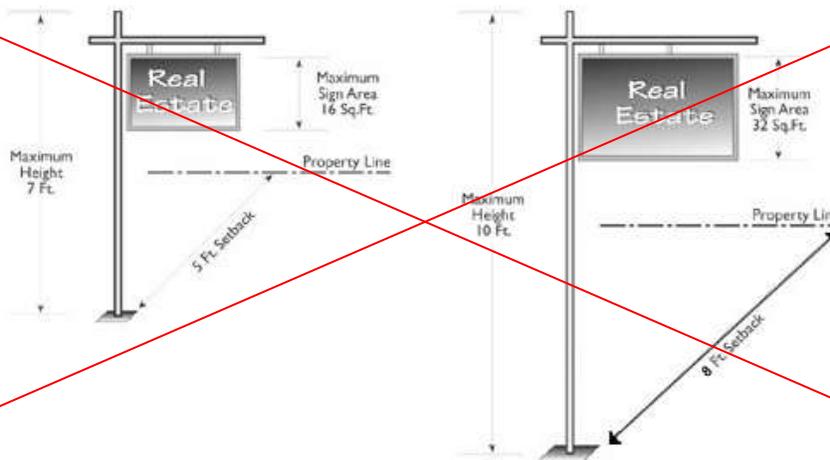
Figure 8.B.2 - Typical Example of Small On-Site Directional Sign



[Ord.-2008-003]

4

Figure 8.B.2 - Typical Example of Small Real Estate Signs



[Ord.-2008-003]

5

6

7

8

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EXHIBIT E

**ARTICLE 8 – SIGNAGE
[RELATED TO TEMPORARY SIGNS]
SUMMARY OF AMENDMENTS
(Updated 10/23/17)**

1 **Part 3. ULDC Art. 8.C, Prohibitions (page 11 - 13 of 42), is hereby amended as follows:**
2

Reason for amendments: [Zoning]
1. Delete reference to balloons and add inflatable signs to clarify that these sign types are subject to different standards.
2. Clarify the manner in which prohibited moving signs function by expanding their possible sources of momentum.
3. Update reference to relocated definitions in Article 4, Use Regulations for signs containing obscenities.
4. Clarify that signs on public bus shelters are subject to approval Palm Tran.

3 **CHAPTER C PROHIBITIONS**

4 The following prohibitions apply to all signs and structures, notwithstanding the provisions in Article 8.B,
5 Exemptions:

6 **Section 1 Banners, Streamers, Pennants, or ~~Balloons~~ Inflatable Signs**

7 Banners, streamers, pennants, inflatable signs, and other signs made of lightweight fabric, plastic or similar
8 material, ~~except any sign with a valid special permit, or where~~ unless stated otherwise ~~stated~~ in this Article.
9 [Ord. 2007-001] [Ord. 2007-013] [Ord. 2008-003]

10

11 **Section 3 ~~Mechanical~~ Movement**

12 Signs with visible moving, revolving, or rotating parts, caused by forced air, mechanical equipment, or by
13 any other means. ~~or visible mechanical movement of any kind.~~

14

15 **Section 6 Obscenities**

16 Signs that depict, describe, or relate to “specified sexual activities” or “specified anatomical areas” as
17 defined in ~~ART. 1.I DEFINITIONS AND ACRONYMS~~ Art. 4.B.2.C.1, Adult Entertainment.

18
19

20 **Section 11 Signs On Public Bus Shelters**

21 Any sign placed upon a bench, bus shelter or any waste receptacle attached to a bench or shelter, except
22 as exempted by Article 8.B.3, Transportation-Related Signs, and authorized by PBC or approved by Palm
23 Tran.

24

25 **Part 4. ULDC Art. 8.D, Temporary Signs Requiring Special Permit (page 14 of 42), is hereby**
26 **amended as follows:**
27

Reason for amendments: [Zoning]
1. Clarify the nature of temporary signs by indicating its provisional and limited character.
2. Revise language to: <ul style="list-style-type: none"> • Clarify the purpose for temporary signage; • Indicate the type of signs that can be considered temporary; • Delete references to Special Permits and add references to Temporary Uses; and, • Include language requiring ZAR approval, or alternative approval as part of a Master Sign Program or Alternative Sign Plan
3. Consolidate standards for temporary signs into table format.

28 **CHAPTER D TEMPORARY SIGNS ~~REQUIRING SPECIAL PERMIT~~**

29 Signs that are intended to be used for a specific purpose for a limited time, may be permitted as set forth
30 in this Chapter. These signs may be in ground or building mounted, banner or balloon form. The Zoning
31 Director may approve special permits for the following signs pursuant to Art. 2.D.2., Special Permit. All
32 temporary signs not removed within the time limit indicated on the permit or in this Chapter shall be removed
33 subject to the provisions of Article 8.I.4, Removal of Signs in Violation of this Article. [Partially relocated
34 to Table 8.D.2 – Temporary Sign Standards].

35 Temporary signs may be sought for those Uses pursuant to Art. 4.B.11, Temporary Uses. Other temporary
36 signs may be allowed subject to the requirements in Table 8.D.2 – Temporary Sign Standards.

37 **Section 1 Approval**

EXHIBIT E

ARTICLE 8 – SIGNAGE
 [RELATED TO TEMPORARY SIGNS]
 SUMMARY OF AMENDMENTS
 (Updated 10/23/17)

1 Temporary signs shall be approved through the ZAR process, or in the alternative, may be approved as
 2 part of a Master Sign Program or an Alternative Sign Plan pursuant to Art. 8.E.3 or Art. 8.E.4 of this Article
 3 as appropriate.

4 **Section 2 Signs Sought in Conjunction with Temporary Uses, and Other Temporary Signs**

5 All temporary signs shall be permitted subject to the following Table. Additional regulations specific to
 6 residential development signs, non-residential development signs, and balloons area shall also be applied.
 7

Table 8.D.2 – Temporary Sign Standards

	<u>Residential Properties 5 Acres or less in size</u>	<u>Non-Residential and Residential Properties Greater than 5 Acres</u>
<u>Number of Signs per event or occurrence</u>	<u>One(1)</u>	<u>One for every 5 acres or fraction thereof (1)</u>
<u>Frequency</u>	<u>No more than 3 times during any 12 consecutive calendar months</u>	
<u>Duration (2)</u>	<u>30 calendar days prior to the event or occurrence Maximum of 60 calendar days in total</u>	
<u>Removal (3)</u>	<u>No later than ten days after the event or occurrence</u>	
<u>Maximum Area</u>	<u>8 square feet</u>	<u>32 square feet</u>
<u>Maximum Height</u>	<u>5 feet</u>	<u>10 feet</u>
<u>Minimum Setback</u>	<u>Pursuant to Art.8.A.F.1 – Minimum Setbacks</u>	
Notes:		
1. <u>Temporary signs shall not be illuminated.</u>		
2. <u>In no event shall signs installed in conjunction with a Temporary Use exceed the time limitations allowed pursuant to Art. 4.B.11.C</u>		
3. <u>All temporary signs not removed within the time limit shall be removed subject to the provisions of Article 8.I.4, Removal of Signs in Violation [Partially relocated from Art. 8.D, Temporary Signs Requiring Special Permit, above]</u>		

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A. Residential Development Signs

A maximum of two temporary residential development signs shall be permitted per frontage for up to three years or until 95 percent of the development has received a CO, whichever occurs later. An additional sign shall be permitted for each 660 feet of frontage in excess of 1,320 feet. [Ord. 2008-037] [Relocated from Art. 8.D.5, Temporary Residential Development Signs]

B. Non-Residential Development Signs

For projects with DRO approval, no more than one temporary development sign shall be permitted, per frontage, for up to two years or until the development has received a CO. [Relocated from Art. 8.D.6, Temporary Non-Residential Development Signs]

C. Balloon Type Signs

Balloon ~~type~~ signs are allowed in the CG-General Commercial, PO-Public Ownership, CRE-Commercial Recreation, IL-Light Industrial, IG-General Industrial or PDD-Planned Development zoning districts, subject to the standards listed in the Table below 8.D.1.C, Balloon Type Sign Standards. Only cold air shall be used in the balloon. Balloons shall not be located within any required vehicular use area.

Table 8.D.1.C - Balloon Type Sign Standards

Maximum Width	30 ft. 30 ft.
Maximum Height	60 ft. for balloons on top of buildings (allowed on 1 or 2 story buildings only)
Minimum Separation Between Other Permitted Balloon Type Signs	1 mile
Minimum Setback from Base Building Line	15 ft.

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A1. Permit Requirements

The following information shall be provided to the Zoning Division with the application when applying for a temporary sign, for a special permit. No project shall be issued more than two balloon permits in any calendar year. The maximum duration of any permit shall be for ten days. There shall be a minimum of 30 days from the day the first balloon is removed before a second permit for a balloon may be issued.

- 4a. Legal description, property control number (PCN) and address of location;
- 2b. Written permission of property owner or owner's designated agent;
- 3c. Cold air balloon installation business tax receipt; [Ord. 2007-013]
- 4d. Evidence of installer's liability and property damage insurance;
- 5e. Site plan or survey showing location of balloon and centerline of adjacent R-O-W demonstrating compliance with these regulations; and
- 6f. A photograph of the balloon.

EXHIBIT E

ARTICLE 8 – SIGNAGE
[RELATED TO TEMPORARY SIGNS]
SUMMARY OF AMENDMENTS
(Updated 10/23/17)

1 CHAPTER F GENERAL PROVISIONS FOR ALL SIGN TYPES

2 This Section establishes the physical standards and requirements applicable to all signs and the districts
3 in which they are located. More detailed standards applicable to specific types of signs follow this Section.

4 Section 5 Illumination

5 Signs, other than temporary signs, may be illuminated subject to the following standards:

6 A. General Requirements

- 7 1. Ground-mounted and building-mounted signs adjacent to a residential zoning district or
8 residential use shall be illuminated only during hours when the establishment is open for
9 business; [Ord. 2017-025]
- 10 2. External lighting shall be properly shielded to prevent glare on adjacent streets or properties;
11 [Ord. 2017-025]
- 12 3. Illumination shall be constant and shall not consist of flashing, animated or changing lights,
13 except for permitted change of message for electronic message signs, pursuant to Art. 8.G.3.B,
14 Electronic Message Signs; and, [Ord. 2014-025] [Ord. 2017-025]
- 15 4. Electronic Message Signs shall be exempt from AGR, Exurban, Rural or Glades Tier
16 prohibitions on internally illuminated signage. [Ord. 2017-025]

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19 Part 5. ULDC Article 4.B.11.C.6, Special Event (page 201 of 204), is hereby amended as follows:

20

Reason for amendments: [Zoning]
1. Revise language to ensure consistency between the duration of a Special Event and the length of time temporary signs may be displayed

21 CHAPTER B USE CLASSIFICATION

22 Section 11 Temporary Uses

23 C. Definitions and Supplementary Use Standards for Specific Uses

24

25 6. Special Event

26

27 d. Duration

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- 29
- 30 3) A maximum of three events during any 12 consecutive calendar months per calendar
31 year per parcel.



October 18, 2017

**Department of Planning,
Zoning & Building**

2300 North Jog Road
West Palm Beach, FL 33411-2741
(561) 233-5000

Planning Division 233-5300
Zoning Division 233-5200
Building Division 233-5100
Code Enforcement 233-5500
Contractors Certification 233-5525
Administration Office 233-5005
Executive Office 233-5228
www.pbcgov.com/pzb



**Palm Beach County
Board of County
Commissioners**

Paulette Burdick, Mayor
Melissa McKinlay, Vice Mayor

Hal R. Valeche
Dave Kerner
Steven L. Abrams
Mary Lou Berger
Mack Bernard

County Administrator

Verdenia C. Baker

Mr. Wesley Blackman, AICP, Chairman, and
Members of the Land Development Regulation Advisory Board (LDRAB)
241 Columbia Drive
Lake Worth, FL 33460

RE: October 25, 2017 LDRAB/LDRC Meeting

Dear Mr. Blackman & Board Members:

Attached please find the agenda and supporting materials to assist you in preparing for the LDRAB/LDRC Meeting on Wednesday, October 25, 2017.

The meeting will commence at **2:00 p.m.** in the Vista Center 1st Floor Kenneth S. Rogers Hearing Room (VC-1W-47), located at 2300 North Jog Road, West Palm Beach, Florida.

If you should have any questions or require additional information, please contact Monica Cantor, Senior Site Planner at (561) 233-5205, or via email at MCantor@pbcgov.org.

Sincerely

Jon MacGillis, ASLA
Zoning Director

JM/zc

Attachments: October 25, 2017 LDRAB Agenda

- c: Faye W. Johnson, Assistant County Administrator
- Patrick Rutter, Executive Director, PZB
- Lorenzo Aghemo, Planning Director
- Robert P. Banks, Chief Land Use County Attorney
- Leonard W. Berger, Chief Assistant County Attorney
- Maryann Kwok, Deputy Zoning Director
- Monica Cantor, Senior Site Planner, Zoning

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PALM BEACH COUNTY

LAND DEVELOPMENT REGULATION ADVISORY BOARD (LDRAB)

OCTOBER 25, 2017

BOARD MEMBERS

Wesley Blackman, AICP, Chair (PBC Planning Congress)

David Carpenter, RLA, Vice Chair (District 2)

Michael J. Peragine(District 1)

Philip L. Barlage (District 3)

James Knight (District 4)

Dr. Lori Vinikoor (District 5)

Dr. Rena Borkhataria (District 6)

Robert J. Harvey (District 7)

Daniel J. Walesky (Gold Coast Builders Assoc.)

Anna Yeskey (Palm Beach League of Cities)

Terrence N. Bailey (Florida Engineering Society)

James M. McKay (American Institute of Architects)

Tommy B. Strowd (Environmental Organization)

Frank Gulisano (Realtor's Assoc. of the Palm Beaches)

Derek Zeman (Fl. Surveying and Mapping Society)

Charles Drawdy (Association Gen. Cont. of America)

Abraham Wein (Member at Large/Alternate)

Winifred Park Said (Member at Large/Alternate)

Board of County Commissioners

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Mayor, District 2

Melissa McKinlay
Vice Mayor, District 6

Hal R. Valeche
Commissioner, District 1

David Kerner
Commissioner, District 3

Steven L. Abrams,
Commissioner, District 4

Mary Lou Berger
Commissioner, District 5

Mack Bernard
Commissioner, District 7

Verdenia C. Baker
County Administrator



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2300 North Jog Road, West Palm Beach, Florida 33411 (561) 233-5200



**LAND DEVELOPMENT REGULATION ADVISORY BOARD (LDRAB)
LAND DEVELOPMENT REGULATION COMMISSION (LDRC)**

**WEDNESDAY, OCTOBER 25, 2017 AGENDA
2300 NORTH JOG ROAD
KEN ROGERS HEARING ROOM - 1ST FLOOR (VC-1W-47)
2:00 P.M.**

A. CALL TO ORDER/CONVENE AS LDRAB

1. Roll Call
2. Additions, Substitutions and Deletions
3. Motion to Adopt Agenda
4. Adoption of September 27, 2017 Minutes (Exhibit A)

B. ULDC AMENDMENTS

1. Exhibit B - Art. 2, Development Review Procedures
2. Exhibit C - Art. 5.B.1.A, Accessory Uses and Structures [Related to Government Owned Towers]
3. Exhibit D - Electronic Message Signs
4. Exhibit E - Temporary Signs

C. CONVENE AS LAND DEVELOPMENT REGULATION COMMISSION (LDRC)

1. Proof of Publication
2. Consistency Determination - See Exhibits B-1 through B-4 listed above.
 - a. Exhibit F – Art.1.C.4, Measurement [Related to Rules of Construction]
 - b. Exhibit G – Art. 3, Overlays and Zoning Districts [Related to Requested Uses]
 - c. Exhibit H – Art. 3.B.14, WCRAO
 - d. Exhibit I – Art. 3.E.1.E.1.c, Housing Classification Type
 - e. Exhibit J – Art. 4, Use Regulations [Related to SSSF and Gas and Fuel Wholesale]
 - f. Exhibit K – Art. 5.B.1.A, Dumpsters
 - g. Exhibit L – Wall Height
 - h. Exhibit M – Art. 5.C.1.H Guidelines Related to Architectural Guidelines
 - i. Exhibit N – Art. 7, Landscaping

D. ADJOURN AS LDRC AND RECONVENE AS LDRAB

E. PUBLIC COMMENTS

F. STAFF COMMENTS

G. ADJOURN

On Wednesday, August 23, 2017 the Palm Beach County Land Development Regulation Advisory Board (LDRAB), met in the Ken Rogers Hearing Room, (VC-1W-47), at 2300 North Jog Road, West Palm Beach, Florida.

A. Call to Order/Convene as LDRAB

1. Roll Call

Chair, Wesley Blackman called the meeting to order at 2:00 p.m. Zona Case, Code Revision Zoning Technician, called the roll.

Members Present: 12

Wesley Blackman (PBC Planning Congress)
David Carpenter (District 2)
Philip Barlage (District 3)
James Knight (District 4)
Lori Vinikoor (District 5)
Dr. Rena Borkhataria (District 6)
Robert J. Harvey (District 7)
Terrence Bailey (Florida Eng. Society)**
Daniel Walesky (Gold Coast Bld. Assoc.)
Anna Yeskey (PBC League of Cities)*
James McKay (AIA)
Abraham Wein (Member at Large, Alt. 1)***

Members Absent: 5

Michael Peragine (District 1)
Frank Gulisano (PBC Board of Realtors)
Tommy Strowd (Environmental Organization)
Derek Zeman (Fl. Surveying & Mapping)
Winifred Park Said (Member at Large, Alt. 2)

Vacancies: 1

Assoc. General Contractors of America

County Staff Present:

Jon MacGillis, Director, Zoning
William Cross, Principal Site Planner
Leonard Berger, Assistant County Attorney
Monica Cantor, Senior Site Planner
Jehan Wallace, Site Planner 2
Zona Case, Zoning Technician, Zoning

2. Additions, Substitutions, and Deletions

Mr. Blackman noted the distribution of an add/delete sheet, and requested that it be included in the motion to adopt the agenda.

3. Motion to Adopt Agenda

Motion to adopt the agenda by Dr. Vinikoor, seconded by Mr. Carpenter. Motion passed (9 - 0)*, **, ***.

4. Adoption of August 23, 2017 Minutes (Exhibit A)

Motion to adopt the Minutes by Mr. Carpenter, seconded by Mr. Knight. Motion passed (9 - 0) *, **, ***.

B. ULDC AMENDMENTS

1. Exhibit B - Art. 1.C.4, Measurement [Related to Rules of Construction]

Ms. Cantor explained that the changes are to clarify how separation should be measured for structures required to be separated from adjacent parcels in residential zoning districts or FLU designations when there is a Right-of-Way between them.

Motion to adopt by Dr. Vinikoor, seconded by Mr. Carpenter. Motion passed (9 - 0)*, **, ***.

*Ms. Yeskey arrived at 2:05 p.m.

2. Exhibit C - Art. 3.B.14, Westgate Community Redevelopment Area Overlay (WCRAO)

Ms. Cantor referred to the reason for amendment which indicated that the modification to use regulations is to remove the requirement for mixed use in the NC Sub-area to encourage development. She noted that the amendment also deletes a glitch that required Office Warehouse in sites with Industrial (IND) Future Land Use (FLU) designation in the Urban Industrial (UI) Sub-area to be subject to Class A Conditional Use approval. She explained that such an approval process was not necessary on sites expected to have industrial uses.

Ms. Pennell, Senior Planner at the WCRAO confirmed the accuracy of Ms. Cantor's presentation and said she had nothing to add.

Motion to adopt by Mr. Carpenter, seconded by Mr. Knight. Motion passed (10 - 0)** ,***.

** Mr. Bailey arrived at 2:10 p.m.

EXHIBIT A

PALM BEACH COUNTY LAND DEVELOPMENT REGULATION ADVISORY BOARD (LDRAB) LAND DEVELOPMENT REGULATION COMMISSION

(Updated 9/27/17)

Minutes of September 27, 2017 LDRAB Meeting

3. Exhibit D – Art. 4, Use Regulations [Related to Self Service Storage Facility and Gas and Fuel Wholesale]

Mr. Cross explained Self Service Storage Facility amendments in Part 1 of the Exhibit as follows:

- Standards regulating the orientation of storage unit doors towards residential uses or public streets in cases where openings are blocked from view by structures within the facility, are to be deleted.
- Additional exceptions are established resulting from recent collaboration between staff and industry representatives in keeping with the intent of the code. The goal is to improve compliance with architectural requirements, and improve attractiveness in cases where fenestration is covered by architectural embellishments which prevent visibility of interior storage unit doors.

Mr. Cross explained the Gas and Fuel Wholesale amendments in Part 2, as follows:

- Amend definition to pluralize the terms “gas” and “fuel” and broaden the description to include the terms “flammable” (deleted as part of the Use Regulations Project), and “explosive”, that apply to gases such as propane, natural and welding. The terms gas and fuel are widely construed by industry representatives to be limited to gasoline for motor vehicle use.
- The amendment also reverses hindrance to industries that supply critical medical gases such as oxygen or industrial gases. Prior exemption for low volume sales flammable gases have been reinstated, and are subject to additional safeguards which are intended to mitigate potential adverse impacts.
- Limitation within the Airport Zoning Overlay is deleted as the use was mistakenly prohibited in areas not intended nor requested by the PBC Department of Airports.

In response to Mr. Knight’s query, Mr. Cross clarified that there are separate provisions to allow accessory storage of fuels for motor vehicles, or other materials. Although there is some limitation on the amount, fuel may be stored as long as it is intended for fleet and other uses by the business.

Motion to adopt by Mr. Carpenter, seconded by Dr. Vinikoor. Motion passed (11 - 0)***

4. Exhibit E – Art. 5.B.1.A, Dumpsters

Ms. Cantor explained the amendments as follows:

- Clarification that dumpsters are considered accessory structures and may be located in the front yard or side street yard as the required setback is the same 25 feet minimum for accessory structures. The current code requires 25 feet for dumpster separation from residential zoning district or use and does not specify the setback when adjacent to nonresidential use or zoning district. The amendment clarifies that the minimum setback applicable to dumpsters is 25 feet from all property lines in all zoning districts, with the exception of a Commercial pod of a PUD where the setback is 50 feet.
- The existing dumpster graphic is being replaced with an updated graphic.
- Location of dumpsters on easements and landscape buffers is restricted as they are considered permanent structures.

Mr. Carpenter questioned how “significant improvement” on page 14, lines 11-12, would be determined, and after discussion, Mr. MacGillis suggested that in view of the fact that this is covered in Article 1.F, Nonconformities, it would be best to strike the entire sentence, beginning on line 10 and ending on line 12 and to be reflected in the LDRAB packet

Dr. Vinikoor pointed out that on page 14, line 19, the word “extend” was meant to be “extent.”

Motion to adopt by Dr. Vinikoor, with the changes on page 14 - strike out sentence on lines 10-12, and correct typographical error on line 19, seconded by Mr. Knight. Motion passed (11 - 0)***.

EXHIBIT A

PALM BEACH COUNTY LAND DEVELOPMENT REGULATION ADVISORY BOARD (LDRAB) LAND DEVELOPMENT REGULATION COMMISSION

(Updated 9/27/17)

Minutes of September 27, 2017 LDRAB Meeting

5. Exhibit F – Art. 5.C.1.H, Guidelines [Related to Architectural Guidelines]

Ms. Cantor explained that the amendments are to clarify architectural guidelines for roof design elements to ensure consistency with Rural and Exurban Tier standards and the related tables have been amended accordingly. The design for porches and entryways offers greater flexibility by allowing their location along the side facades and rear, if contiguous to a public street or residential zoning district.

Motion to adopt by Mr. Knight, seconded by Dr. Vinikoor.

6. Exhibit G – Wall Height

Ms. Cantor referred to the regulations pertaining to fences and walls amended in Article 5. The amendment is cross referenced with Article 7.D.4.B.2, Noise Mitigation Walls in part 2 which allows an increase in wall height to 20 feet, if the Zoning Commission or BCC imposes a Condition of Approval specifying that a noise mitigation wall is required.

Motion to adopt by Mr. McKay, seconded by Mr. Knight. Motion passed (11 - 0)***.

*** Mr. Wein arrived at 2:40 p.m.

7. Exhibit H – Art. 8.G.3.B, Electronic Message Signs

Ms. Cantor summarized the reasons for amendments as follows:

- Type 1 Electronic Message Signs are only permitted at “Regional Facilities”. She identified some of the sites in the county that could be considered Regional Facilities, noting that South Florida Fair & Exposition one of the few facilities.
- The amendment includes a definition for “Regional Facility” as it was not previously defined.
- The proposed amendments are for the BCC to consider Type 2 Waivers in conjunction with approval of the Type 1 Sign.
- The Code is also being amended to reflect the significantly improved digital technology and standards which promote full color signage and graphics and which are the current trends in the electronic sign industry.

A discussion followed and it was noted that Ms. Colleen Walter of Urban Design Kilday Studios, representing South Florida Fair & Exposition, was present and she was asked to provide additional information.

Ms. Walter explained that the signs are old and in need of repairs and the decision was taken to replace with Type 1 signs, but replacement is not allowed under the current code. The Zoning Commission does not provide the opportunity for deviation and a Type 1 Sign application is approved only by the BCC under the Conditional Use process, after all conditions are met. The amendment expands the Waiver criteria (Table 8.G.3.B), and requires the BCC to allow a Type 1 Sign for a Regional Facility using a Type 2 Waiver process.

Mr. Carpenter voiced concern that the amendments are being made for one specific organization whereas an Ordinance is passed for everyone. The Chair added that it is not likely the BCC would approve this type of application for a movie theater. A discussion ensued among Board members, and Mr. MacGillis expressed the view that it would be best to bring the amendments back to the Board as some of the related text in the code was not included in the exhibit, making it difficult to understand without the context.

Ms. Walter agreed and expressed a willingness to work with staff and bring back the amendments to the Board. The Chair recommended that the revised amendment be brought back to the LDRAB for review and the LDRC for approval at the meeting on October 25.

Motion to postpone by Mr. Carpenter, seconded by Mr. Knight. Motion passed (12 -0).

C. PUBLIC COMMENTS

There were no public comments.

D. STAFF COMMENTS

Ms. Cantor updated the Board on planned Subcommittee meetings as follows:

EXHIBIT A

**PALM BEACH COUNTY
LAND DEVELOPMENT REGULATION ADVISORY BOARD (LDRAB)
LAND DEVELOPMENT REGULATION COMMISSION**

(Updated 9/27/17)

Minutes of September 27, 2017 LDRAB Meeting

- Article 2, Development Review Procedures, October 10, 2017, last meeting before presentation to LDRAB on October 25.
- Article 7, Landscaping, November 1, 2017 - to review the list of prohibited and controlled species and a minor tentative change to the Technical Manual related to Landscaping.
- Landscape Service Use, November 7, 2017. There have been two postponements and preparation of the agenda is awaiting information from the industry attorney.

Mr. MacGillis informed the board that Medical Marijuana will be adopted by the BCC on the following day, September 28, 2017.

E. ADJOURN

The Land Development Regulation Advisory Board meeting adjourned at 2:57 p.m.

Recorded tapes of all LDRAB meeting are kept on file in the Palm Beach County Zoning/Code Revision office and can be requested by contacting the Code Revision Section at (561) 233-5213.

Minutes drafted by:

Zona Case, Zoning Technician

Date

EXHIBIT B

ARTICLE 2, DEVELOPMENT REVIEW PROCEDURES SUMMARY OF AMENDMENTS

(Updated 10/17/17)

Part 1. ULDC Art. 2.A, General (Page 11 to 26 of 87), is hereby amended as follows:

Reason for amendments: [Zoning]
1. Reorganize Article 2, Development Review Procedures, and rename this Article to Application Processes and Procedures.
2. This proposed amendment includes the reorganization of Chapters A through D, and creates two new Chapters related to Planning applications, as follows: <ul style="list-style-type: none">• Chapter A – General procedures for different types of applications that are processed by the Zoning Division.• Chapter B – Relocate Chapter C to the new Chapter B, Public Hearing Processes, which includes the Legislative and Quasi-judicial processes, procedures such as notification, staff reports and public hearings, to name a few.• Chapter C – Relocate Chapter D to the new Chapter C, Administrative Processes, which includes the applications that are administered by the DRO and other County Agencies. The decision making person is the DRO, and the applications are handled either by the Full DRO (16 Agencies) process or the Zoning Agency Review (1 to a max. of 5 Agencies) process.• Chapter D – Privately Initiated Amendments process and procedures.• Chapter H – Relocate Chapter B to the new Chapter H - Comprehensive Plan Amendments, which includes Land Use Amendments to the Future Land Use Atlas and Text Amendments to the Plan.• Chapter I – Establish a new Chapter for the School Planning Coordination.
3. Clarify that per the ULDC, the Legislative process is utilized for those applications that do not require the issuance of a development order but that establish policies or code for future applications. While quasi-judicial and administrative decisions are rendered for certain applications to ensure the implementation of code requirements, and their approval will result in a development order.

ARTICLE 2

DEVELOPMENT REVIEW PROCEDURES APPLICATION PROCESSES AND PROCEDURES

CHAPTER A GENERAL

Section 1 Purpose

To establish procedures and standards for Zoning and Planning applications. Article 2 is organized under the following Chapters with specific requirements pertaining to each type of application or process. In addition, Art. 2.G, Decision Making Bodies specifies the powers and duties of each Authority.

- Chapters A through C – Zoning Applications related to the Legislative, Quasi-judicial or Administrative processes;
- Chapter D – Privately Initiated Amendments to the Unified Land Development Code;
- Chapter E – Monitoring of Development Orders;
- Chapter F – Concurrency (Adequate Public Facility Standards) for Development Orders;
- Chapter G – Decision Making Bodies;
- Chapter H – Comprehensive Plan Amendments; and
- Chapter I – Coordinated School Planning.

Section ~~1~~ 2 Applicability-Zoning Applications

Chapters A through C address application processes of the Zoning Division. These processes are generally classified as legislative, quasi-judicial and administrative, and are reviewed by various County agencies and presented to the applicable decision making bodies or person for consideration. Both legislative and quasi-judicial processes are subject to the public hearing procedures. For the purpose of this Article, the term “public hearing” refers to the legislative and quasi-judicial processes.

A. Applicability

The provisions in this Article shall apply to all Zoning development order applications unless otherwise specified. Quasi-judicial and administrative approvals of applications will result in the issuance of DOs. Development Orders-DOs run with the land and may be transferred to new owners unless otherwise stipulated.

B. Definitions

See Art. 1.I, Definitions and Acronyms.

Notes:

Underlined indicates **new** text.

~~Stricken~~ indicates text to be **deleted**. ~~Stricken and italicized~~ means text to be totally or partially relocated. If being relocated destination is noted in bolded brackets **[Relocated to:]**.

Italicized indicates text to be relocated. Source is noted in bolded brackets **[Relocated from:]**.

.... A series of four bolded ellipses indicates language omitted to save space.

EXHIBIT B

ARTICLE 2, DEVELOPMENT REVIEW PROCEDURES SUMMARY OF AMENDMENTS

(Updated 10/17/17)

1 **C. ~~Established Dates and Fees~~**

- 2 1. ~~The Zoning Director shall publish an Annual Zoning Calendar, as may be amended, providing~~
3 ~~application dates and deadlines consistent with the specifications of this Code. This calendar~~
4 ~~shall govern all dates in the development review process.~~ **[Relocated to Art. 2.A.2.B.1.]**
5 2. ~~A development order application shall be accompanied by a fee established by the BCC. Any~~
6 ~~request for a refund of fees shall be in writing, based on the current PZB refund policy, and~~
7 ~~subject to approval by the Zoning Director.~~ **[Partially relocated to Art. 2.A.2.B.2.]**
8

9 **Reason for amendments:** [Zoning]

- | |
|---|
| <p>10 1. Reorganize current Chapter A.1.D.1, Authority.</p> <ul style="list-style-type: none">11 • Provide a general description of each category of approval process namely Legislative, Quasi-judicial and Administrative.12 • Introduce the term "Final Decision", which means an Authority such as BCC, ZC or DRO consider an application, and can either approve or deny the application. This term can be found in Art. 2.G, Decision Making Bodies.13 • Consolidate both legislative and quasi-judicial processes in a Table format.14 • Clarify that the legislative and quasi-judicial processes include those applications that are presented to the Board of County Commissioners (BCC) for a Final Decision.15 • Consolidate existing processes such as Release of Agreements and Administrative Inquiry under the BCC Authority Table. |
|---|

16 **DC. Authority Application Types and Authorities**

17 **1. Processes**

18 For the purposes of this Article, the authority of the Board of County Commissioners, Zoning
19 Commission and Development Review Officer BCC, ZC, DRO and Zoning Director shall be limited
20 to the ~~development order powers and duties pursuant to Art. 2.G, Decision Making Bodies on those~~
21 applications specified below. **[Ord. 2006-036]**

22 **a1. Board of County Commissioners (BCC)**

23 The BCC, ~~in accordance with the procedures, standards and limitations of this Article~~ shall
24 consider make a final decision on the following types of ~~development order~~ applications:

- 25 1) ~~Official Zoning Map Amendment (Rezoning);~~ **[Relocated to the table below]**
26 2) ~~Class A conditional use;~~ **[Relocated to the table below]**
27 3) ~~Requested use;~~
28 4) ~~Development Order Amendment (DOA);~~ **[Relocated to the table below]**
29 5) ~~Abandonment;~~ **[Ord. 2007-013] [Ord. 2008-003]** **[Relocated to the table below]**
30 6) ~~Status Report;~~ **[Ord. 2007-013] [Ord. 2008-003]** **[Relocated to the table below]**
31 7) ~~Deviation(s) from Articles 5, 6, and 7 of the ULDC for development supporting~~
32 ~~Government Facilities within the PO Zoning District;~~ **[Ord. 2007-013] [Ord. 2008-003]**
33 **[Ord. 2017-007]** **[Relocated to the table below]**
34 8) ~~Type II Waivers, or other waivers as may be expressly stated;~~ **[Ord. 2008-003] [Ord.**
35 **2009-040] [Ord. 2012-027]** **[Relocated to the table below]**
36 9) ~~Unique Structures; and~~ **[Ord. 2008-003] [Ord. 2009-040]** **[Relocated to the table**
37 **below, under the notes]**
38 10) ~~Deviations from separation requirements for Homeless Resource Centers in the PO~~
39 ~~Zoning District, pursuant to Art. 4.B.4.C.10, Homeless Resource Center.~~ **[Ord. 2009-**
040] [Ord. 2017-007] **[Relocated to the table below]**

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Notes:

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EXHIBIT B

ARTICLE 2, DEVELOPMENT REVIEW PROCEDURES SUMMARY OF AMENDMENTS (Updated 10/17/17)

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**Table 2.A.2.C.1 - Board of County Commissioners
Legislative and Quasi-Judicial Processes**

Legislative	
<u>Privately Initiated Unified Land Development Code (ULDC) Amendment (PIA)</u>	
<u>County Initiated Official Zoning Map Amendment (Rezoning)</u>	
Quasi-Judicial	
<u>Official Zoning Map Amendment (Rezoning) (1) [Relocated from Art. 2.A.1.D.1.a,1), above]</u>	
<u>Class A Conditional Use (2) [Relocated from Art. 2.A.1.D.1.a,2), above]</u>	
<u>Development Order Amendment (DOA) of a prior DO approved by the BCC [Relocated from Art. 2.A.1.D.1.a,4), above]</u>	
<u>DOA – Expedited Application Consideration (EAC) of a prior DO approved by the BCC</u>	
<u>Development Order Abandonment (ABN) of a prior DO approved by the BCC [Relocated from Art. 2.A.1.D.1.a,5), above]</u>	
<u>Status Report of a prior DO approved by the BCC [Relocated from Art. 2.A.1.D.1.a,6), above]</u>	
<u>Deviations from separation requirements for Homeless Resource Centers in the PO Zoning District, pursuant to Article 4.B.4.C.10, Homeless Resource Center and Articles 5, 6, and 7 of the ULDC for development supporting Government Facilities within the Public Ownership (PO) Zoning District. [Relocated from Art. 2.A.1.D.1.a,7) and 10), above]</u>	
<u>Type 2 Waiver [Relocated from Art. 2.A.1.D.1.a,8), above]</u>	
<u>Unique Structure [Relocated from Art. 2.A.1.D.1.a,9), above]</u>	
Release of Agreement	
<u>Administrative Inquiry (AI) (3)</u>	
<u>Corrective Resolution for prior DO approved by the BCC</u>	
[Ord. 2007-013] [Ord. 2008-003] [Ord. 2009-040] [Ord. 2012-027] [Ord. 2017-007]	
Notes:	
(1)	<u>Only rezoning to a PDD or TDD will issue a DO. A rezoning to a Standard District with a COZ may result in the issuance of a DO.</u>
(2)	<u>Includes where it specifies the process is subject to the BCC in Table 4.A.9.B. – Thresholds for Projects Requiring Board of County Commissioners Approval, Art. 4.B. Use Classifications, Art. 3.B. Overlays, Table 5.G.1.E, Review Process for WHP, Table 5.G.2.D, Review Process for AHP, and Art. 5.G.3.K.3, TDR Review Process.</u>
(3)	<u>Administrative Inquiry is not considered a quasi-judicial process, however, it is subject to the Public Hearing process.</u>

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Reason for amendments: [Zoning]	
1.	Reorganize current Chapter A.1.D.1.b, Zoning Commission (ZC). The role of the ZC, which includes two main functions per Art. 2.G, Decision Making Bodies, and is to approve applications and to make recommendation to the BCC.
2.	Relocate those specific variances that the ZC is not authorized to be granted to the new Chapter B, Public Hearing Processes.
3.	Consolidate the ZC processes to the new Table 2.A.1.B.2, Quasi-Judicial Processes.

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b2. Zoning Commission (ZC)

The ZC shall ~~consider~~ make a final decision on the following types of ~~development order~~ applications.

- ~~1) Class B conditional use;~~
- ~~2) DOA;~~
- ~~3) Abandonment, [Ord. 2006-036]~~
- ~~4) Status Reports; [Ord. 2006-036] [Ord. 2008-003]~~
- ~~5) The ZC is not authorized to grant variances from Code regulations with prohibited provisions, or the following Articles of the ULDC: [Ord. 2006-036] [Ord. 2011-001] [Ord. 2014-001] [Relocated to Art. 2.B.6.F.2, Prohibition, related to Type 2 Variance]~~
- ~~a) Art. 1, General Provisions (excluding Article 1.F.3.D.1, Applicability); [Ord. 2008-003] [Relocated to Art. 2.B.6.F.2.a, related to Type 2 Variance Prohibitions]~~
- ~~b) Art. 2, Development Review Procedures; [Relocated to Art. 2.B.6.F.2.b, related to Type 2 Variance Prohibitions]~~
- ~~c) Art. 3.B.3, COZ, Conditional Overlay Zone; [Relocated to Art. 2.B.6.F.2.c, related to Type 2 Variance Prohibitions]~~
- ~~d) Art. 3.B.16, Urban Redevelopment Area Overlay URAO, except for parking requirements within the URAO. [Ord. 2011-016] [Relocated to Art. 2.B.6.F.2.d, related to Type 2 Variance Prohibitions]~~
- ~~e) Art. 4, Use Regulations, unless specifically authorized in Article 4.B, Use Classification; or, to allow for a reduction in minimum lot size required for a use, in accordance with Art. 1.G.1.B.6, Lots Reduced by Eminent Domain, Properties Affected by Eminent Domain Proceedings; [Ord. 2007-013] [Ord. 2008-003] [Ord. 2010-022] [Ord. 2014-001] [Relocated to Art. 2.B.6.F.2.e, related to Type 2 Variance Prohibitions]~~
- ~~f) Art. 5.C.1.H.1.f Design Elements Subject to ZC or BCC approval; [Ord. 2011-001] [Relocated to Art. 2.B.6.F.2f., related to Type 2 Variance Prohibitions]~~

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EXHIBIT B

ARTICLE 2, DEVELOPMENT REVIEW PROCEDURES SUMMARY OF AMENDMENTS

(Updated 10/17/17)

- 1 ~~g) Art. 5.C.1.H.1.g Rural Design Elements; [Ord. 2011-001]~~ [Relocated to Art.
- 2 2.B.6.F.2.g, related to Type 2 Variance Prohibitions]
- 3 ~~h) Art. 5.C.1.I, Large Scale Commercial Development; [Ord. 2011-001]~~ [Relocated
- 4 to Art. 2.B.6.F.2.h, related to Type 2 Variance Prohibitions]
- 5 ~~i) Art. 5.D, Parks and Recreation Rules and Recreation Standards;~~ [Relocated to
- 6 Art. 2.B.6.F.2.i, related to Type 2 Variance Prohibitions]
- 7 ~~j) Art. 5.F, Legal Documents (excluding provisions in Art. 5.F.2, Easements);~~
- 8 [Relocated to Art. 2.B.6.F.2.j, related to Type 2 Variance Prohibitions]
- 9 ~~k) Art. 5.G, Density Bonus Programs;~~ [Relocated to Art. 2.B.6.F.2.k, related to
- 10 Type 2 Variance Prohibitions]
- 11 ~~l) Art. 8.G.3.B, Electronic Message Signs [Ord. 2016-020]~~ [Relocated to Art.
- 12 2.B.6.F.2.l, related to Type 2 Variance Prohibitions]
- 13 ~~m) Art. 13, Impact Fees;~~ [Relocated to Art. 2.B.6.F.2.m, related to Type 2 Variance
- 14 Prohibitions]
- 15 ~~n) Art. 14, Environmental Standards;~~ [Relocated to Art. 2.B.6.F.2.n, related to Type
- 16 2 Variance Prohibitions]
- 17 ~~o) Art. 15, Health Regulations;~~ [Relocated to Art. 2.B.6.F.2.o, related to Type 2
- 18 Variance Prohibitions]
- 19 ~~p) Art. 16, Airport Regulations, and, [Ord. 2017-025]~~ [Relocated to Art. 2.B.6.F.2.o,
- 20 related to Type 2 Variance Prohibitions]
- 21 ~~q) Art. 2.G, Decision Making Bodies;~~
- 22 ~~6) Unique Structures. [Ord. 2008-003]~~

**Table 2.A.2.C.2 - Zoning Commission
Quasi-Judicial Processes**

Quasi-Judicial	
<u>Class B Conditional Use</u>	
<u>DOA for a prior approved Class B Conditional Use</u>	
<u>ABN for a prior DO approved by the ZC</u>	
<u>Type 2 Variance (1)</u>	
<u>Status Report for a prior DO approved by the ZC</u>	
<u>Unique Structure</u>	
<u>Corrective Resolution for a prior DO approved by the ZC</u>	
<u>Release of Unity (2)</u>	
Notes:	
(1)	<u>Refer to Art. 2.B.6.E, Type 2 Variance for specific provisions where it indicate that the ZC is not authorized to grant variances from Code regulations with prohibited provisions.</u>
(2)	<u>This shall not result in the issuance of a DO.</u>

Reason for amendments: [Zoning]
1. Reorganize current Chapter A.1.D.1.c, Development Review Officer (DRO). The role of DRO, which includes the 2 main functions per Art. 2.G, Decision Making Bodies is to approve applications and to make recommendation to the BCC.
2. Shift the authority of the Zoning Director to the DRO. Relocate the Zoning Director's processes: Special Permits; Administrative Variances; and Abandonments to be under DRO. Alternative Sign Plan should be under a Type 1 Waiver process.
3. Reasonable Accommodation and Congregate Living Facility Types 1 and 2 should be considered via a Zoning Agency Review, and is therefore no longer listed under the Table below.

63. Development Review Officer (DRO)

The DRO ~~in accordance with the procedures, standards and limitations of this Article and Art. 2.D, Administrative Process,~~ shall ~~consider~~ make a final decision on the following types of ~~development order~~ applications: [Ord. 2006-036]

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EXHIBIT B

ARTICLE 2, DEVELOPMENT REVIEW PROCEDURES SUMMARY OF AMENDMENTS (Updated 10/17/17)

1

**Table 2.A.2.C.3 - Development Review Officer
Administrative Processes**

<u>Administrative</u>	
<i>Uses indicated as "D" in the Use Matrices in Art. 4, Use Regulations [Relocated from Art. 2.A.1.D.1.c, DRO, above] (1)</i>	
<u>Table 4.A.9.A – Thresholds for Projects Requiring DRO Approval</u>	
<u>Type 1 Waiver [Relocated from Art. 2.A.1.D.1.c, DRO, above]</u>	
<u>Final Plan with approved DO by the BCC or ZC</u>	
<u>Temporary Use</u>	
<u>Administrative Modification to an approved DO</u>	
<u>ABN for a prior DO approved by the DRO</u>	
<u>Type 1 Variance</u>	
[Ord. 2006-036] [Ord. 2012-027] [Ord. 2017-007]	
Notes:	
(1)	Includes where it specifies the process is subject to the DRO in Art. 4.B, Use Classifications Art. 3.B, Overlays, Table 5.G.1.E, Review Process for WHP, Table 5.G.2.D, Review Process for AHP, and Art. 5.G.3.K.3, TDR Review Process.

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- 1) ~~Master Plan; [Ord. 2006-036]~~
- 2) ~~Site Plan; [Ord. 2006-036]~~
- 3) ~~Subdivision Plan; [Ord. 2006-036] [Ord. 2012-027]~~
- 4) ~~Uses indicated as "D" in the use matrices in Art. 4, Use Regulations; and [Ord. 2006-036] [Ord. 2012-027] [Ord. 2017-007] [Relocated to Table 2.A.1.C – Development Review Officer – Administrative Process, below]~~
- 5) ~~Type 1 Waivers. [Ord. 2012-027] [Relocated to Table 2.A.1.C – Development Review Officer – Administrative Process, below]~~

Reason for amendments: [Zoning]
1. Reassign the Zoning Director's authority to approve applications to the DRO, since all applications are submitted to the DRO for review. The DRO is also responsible for final decision making on administrative types of process. All current applications have now been relocated to be under the DRO's authority.
2. Alternative Sign Plan is consolidated under the Type 1 Waiver process.

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d. ~~Zoning Director~~

- ~~The Zoning Director, in accordance with the procedures, standards and limitations of this Article, shall approve, approve with conditions, withdraw, deny or revoke the following types of development order applications: [Ord. 2006-036]~~
- 1) ~~Special Permit;~~
 - 2) ~~Administrative Variances (Type 1A and Type 1B) except when Code regulations include prohibited provisions; [Ord. 2006-036] [Ord. 2014-001]~~
 - 3) ~~Alternative Sign Plan (ASP); and~~
 - 4) ~~Administrative Development Order Abandonment.~~

Reason for amendments: [Zoning]
1. Revise the title of this Section to Initiation of Applications to reflect that not every type of application will result in a development order.
2. Add reference to the Annual Zoning Calendar, and specify that those dates for Submittal, Staff comments, and Applicant's Re-submittal are established on the Calendar. Also specify that the fees must be paid prior to the initiation of application review.

23

Section 3 Initiation of Applications

Applications may be submitted to the Zoning Divisions by the following authority: PBC official, owner, agent who is authorized in writing to act on the owner's behalf, or person having a written contractual interest in the land for which the amendment or development permit is proposed. Applications shall be submitted in accordance with the dates and fees established by the Zoning Division. [Relocated from Art. 2.A.1.F, Initiation of Development Review Process]

- A. Established Dates and Fees for Zoning Division Applications**
- 1. The Zoning Director shall publish an Annual Zoning Calendar, as may be amended, providing dates and deadlines for the following:
 - a. Submittal of application by the Applicant;
 - b. Resubmittal by the Applicant;
 - c. Issues and Comments identified by Staff;

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EXHIBIT B

ARTICLE 2, DEVELOPMENT REVIEW PROCEDURES SUMMARY OF AMENDMENTS

(Updated 10/17/17)

- 1 d. Certification of an application for Public Hearings; and
- 2 e. Hearing dates.
- 3 2. All other dates and deadlines for the application processes shall be specified in the Code. If
- 4 there is a conflict in the dates between the Code and the Calendar, the Code shall prevail.
- 5 3. Applications that are submitted to the Zoning Division shall be accompanied by a fee
- 6 established by the BCC. All fees shall be paid at the time of the submittal of the applications.
- 7 4. Any request for a refund of fees shall be in writing, based on the current PZB Refund Policy,
- 8 and subject to approval by the Zoning Director.
- 9

Reason for amendments: [Zoning]
1. Clarify that different application types can be submitted to the Planning and Zoning Divisions concurrently. Example: Land use amendment with a companion rezoning and Class A Conditional Use application that are presented to the BCC at the same hearing.
2. Clarify that both large and small scale land use amendments can be heard concurrently with the companion Zoning applications at the same hearings.

10 Section 4 Concurrent or Separate Applications

11 Applications may be submitted to the applicable Division concurrently or separately subject to the following:

- 12 **A. Land Use Amendments**
- 13 If a small scale land use amendment requires a Rezoning, Conditional Use, DOA or ABN
- 14 application, the applications shall be reviewed and considered by the BCC concurrently. The
- 15 Applicant shall submit a master plan and/or site plan as part of the zoning application. The zoning
- 16 application shall be submitted on the date indicated on the Annual Zoning Calendar within 45
- 17 calendar days of receipt of the land use amendment application. ~~An application for a Type II~~
- 18 ~~variance may be submitted concurrently or separately. Applications that are contingent upon the~~
- 19 ~~approval of variances must be submitted separately. The applicant shall submit a master plan~~
- 20 ~~and/or site plan as part of the zoning application. The zoning application shall be submitted at a~~
- 21 ~~scheduled zoning application intake within 90 days of receipt of the land use amendment~~
- 22 ~~application. If a complete zoning application is not submitted, the land use amendment shall be~~
- 23 ~~administratively withdrawn. [Ord. 2006-036] [Ord. 2009-040] [Ord. 2017-007] [Partially~~
- 24 ~~relocated from Art. 2.A.1.H.1, Small Scale Amendments]~~
- 25 **B. Zoning Applications**
- 26 Applications for ~~development orders~~ DOs on the same property may be consolidated for review,
- 27 subject to the approval by the Zoning Director. When applications for ~~development orders~~ DOs are
- 28 consolidated, the review period shall not be less than the timeframe established for the application
- 29 with the longest review period. [Relocated from Art. 2.A.1.H.2, Zoning Applications]
- 30 **C. Type 2 Waivers and Type 2 Variances**
- 31 An application for a Type 2 Waiver or a Type 2 Variance may be submitted concurrently or
- 32 separately subject to the approval of the Zoning Director. Applications that are contingent upon the
- 33 approval of variances must be submitted separately. [Relocated from Art. 2.A.1.H.1, Small Scale
- 34 Amendment]
- 35 **D. Type 2 or 3 Concurrent Review**
- 36 Concurrent Review allows an Applicant to submit applications to different County Agencies for
- 37 simultaneous review. The Final Zoning Plans may be approved concurrently with the approval of
- 38 other Division or Department applications.
- 39 **1. Types of Concurrent Review**
- 40 There are two types of Concurrent Review based on the following:
- 41 **a. Type 2 Concurrent Review**
- 42 1) Zoning Division for Final Plan Approval and Land Development Division for Plat
- 43 Review; or
- 44 2) Zoning Division for Final Plan Approval and Building Division for Permit Review.
- 45 **b. Type 3 Concurrent Review**
- 46 Zoning Division for Final Plan Approval; Land Development Division for Plat Review; and
- 47 Building Division for Permit Review.
- 48 **2. PAC**
- 49 Applications for Concurrent Review shall be subject to the PAC requirements in accordance
- 50 with Art. 2.A.5, Pre-application Conference (PAC) or Pre-application Appointment (PAA). The
- 51 Applicant shall have six months from the date of the issuance of the PAC Result Letter to
- 52 submit the Concurrent Review application to the DRO.
- 53 **3. Submittal to Other Agencies**
- 54 Within ten days of submittal of the Concurrent Review Final Plan application to the DRO, the
- 55 Applicant shall submit the Concurrent Review Plat application(s) to the Land Development
- 56 Division or the Permit application(s) to the Building Division, based on the type of Concurrent
- 57 Review.

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EXHIBIT B

**ARTICLE 2, DEVELOPMENT REVIEW PROCEDURES
SUMMARY OF AMENDMENTS**

(Updated 10/17/17)

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Reason for amendments: [Zoning]
1. Revise the title of this Section to include both Pre-Application Conference and Appointment. Pre-Application Appointments are mandatory for certain applications as listed in Table below. For other application types, it is recommended that the Applicant meet with staff to get clear direction prior to the official submittal.

Section 5 Pre-application Conference (PAC) and Pre-application Appointment (PAA)

It is mandatory for the Applicants to meet with staff prior to the official submittal of applications that are listed in Table 2.A.5, PAC and PAA to identify issues related to the proposed request(s), and ensure the requests are in compliance with the applicable Comprehensive Plan or Codes.

Table 2.A.5, PAC and PAA

PAC	PAA
<u>Applications requesting an IRO (1)</u>	<u>PIA</u>
<u>Applications within the PRA (1)</u>	<u>Type 2 Variance</u>
<u>Concurrent Review (2)</u>	<u>Type 2 Waiver</u>
	<u>Type 1 Waiver for Landscaping</u>
	<u>Type 1 Variance</u>
:	<u>Zoning Confirmation Letter - Formal</u>
:	<u>WHP, AHP and TDR</u>
Notes:	
(1)	<u>A Conceptual Plan shall be submitted to be reviewed as part of a PAC application.</u>
(2)	<u>Applicants shall indicate whether they have questions related to the request(s) for staff to address before submitting for the Concurrent Review.</u>

A. E. Pre-Application Conference (PAC)

The purpose of the ~~pre-application conference~~ **PAC** is to provide the ~~applicant~~ **Applicant** with an opportunity to submit ~~a preliminary an~~ application and ~~conceptual site plan~~ a **Conceptual Plan** for review by the Zoning Division and other County Agencies. ~~The preliminary application and conceptual site plan will be reviewed for compliance with applicable Codes, and to determine the appropriate review processes required for the proposed development.~~

1. Plan Review Applicant's Request and Responsibility

~~The applicant shall specify in the application whether the PAC is requested for a conceptual plan review. A conceptual master plan shall be required for the Infill Redevelopment Overlay (IRO), or applications for rezoning or conditional use approval for Development Orders in the Priority Redevelopment Areas (PRAs). A PAC application shall include, but not limited to, the following: [Ord. 2005 – 002] [Ord. 2010-005] [Ord. 2010-022]~~

- ~~a. Identification of the proposed uses as defined in Art. 4, Use Regulations;~~
- ~~b. Identification of the requested processes;~~
- ~~c. Application of code requirements specific to the use(s) or the subject property;~~
- ~~d. Review of the proposed Conceptual Plan for those applications in the IRO or PRA; and~~
- ~~e. Specific questions pertinent to the application for County Agencies to respond.~~

2. Sufficiency and Insufficiency

The application shall follow the procedures as provided in ~~Article 2.A.1.G, Art. 2.B, Public Hearing Processes and Art. 2.C, Administrative Processes~~ **Application Procedures**.

3. Additional IRO and PRA Requirements

- a. Preliminary PAC Application**
The ~~preliminary PAC~~ application shall identify and document any proposed ~~Type I or Type II Variances or~~ **Waivers**; and include any previous BCC conditions of approval, if applicable. **[Ord. 2010-005] [Ord. 2012-027]**
- b. Conceptual Site Plan**
The ~~conceptual site plan~~ **Conceptual Plan** shall be prepared in compliance with the ~~applicable type of Plans pursuant to the Zoning~~ **Technical Manual, Title 2, Plans**. The plan shall indicate and delineate the applicable items listed in ~~the Table below for PAC: [Ord. 2010-005]~~

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EXHIBIT B

ARTICLE 2, DEVELOPMENT REVIEW PROCEDURES SUMMARY OF AMENDMENTS

(Updated 10/17/17)

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Table 2.A.1-5. Conceptual Master Plan Requirements for PAC

Conceptual Master Plan Requirements	IRO	PRAs
Intensity or density	✓	✓
Transect zones assigned to all land.	✓	✓
Vehicular and pedestrian circulation, including location of access points and interconnectivity to adjacent parcels, perimeter streets, internal street network including alleys.	✓	✓
General outline of building placement and building type, including any tenants 65,000 square feet or larger.	✓	
Pedestrian streetscape realm for all perimeter street frontages or required frontage types.	✓	✓
Pedestrian area for main street(s).		
Proposed or required mix of uses, including residential units, identifying whether or not such is horizontally or vertically integrated.	✓	✓
Location of any Conditional Uses, and outdoor uses such as Restaurant, Financial Institution with Drive Thru Facilities, Financial Institution Freestanding ATM, gasoline pumps and related queuing areas, outdoor dining areas, and required outdoor daycare areas, among others. Where applicable, additional detail shall be required to demonstrate how such uses will be located behind buildings, or shielded from adjacent residential uses or perimeter streets.	✓	✓
Location of parking, loading and service areas (dumpsters, etc.).	✓	✓
Required public open space or usable open space.	✓	✓
Green Building Incentive Program: Where applicable, include any site improvements that will be used towards an application for bonus height.		✓
[Ord. 2010-005] [Ord. 2010-022] [Ord. 2017-007]		

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4. Review Summary

Within ten days after the date of the PAC, the DRO shall provide the Applicant with a written response to the Applicant's questions. ~~summary of the preliminary issues, findings, and necessary approvals required for the application.~~ **[Ord. 2010-005]**

B. Pre-Application Appointment (PAA)

The purpose of a PAA is to provide the Applicant an opportunity to discuss the proposed request(s) with Zoning Division staff prior to the official submittal of an application.

1. Applicant's Request and Responsibility

The Applicant shall request the PAA and specify whether the attendance of the other County Agencies is required. Prior to the PAA, the Applicant shall specify the requests, prepare a list of questions related to the subject property, and provide a copy of relevant information regarding the proposed development to the DRO. For a DOA application, it shall be the responsibility of the Applicant to research and review prior approved files, which includes but not limited to, plans, resolutions and other relevant documents prior to the PAA.

F. Initiation of Development Review Process

An application for any development order may be submitted by the following authority: PBC official, owner, agent who is authorized in writing to act on the owner's behalf, or person having a written contractual interest in the land for which the amendment or development permit is proposed.
[Relocated to Art. 2.A.2, Initiation of Applications]

Reason for amendments: [Zoning]
1. Revise the title of this Section to Zoning Application Procedures to clarify that these procedures are for Zoning applications.
2. Clarify that the application must reflect the outcome of those issues that was discussed with staff through a Pre-Application Conference or an Appointment. The Applicant must make an effort to adhere to what was presented to staff so that no new code compliance issues may arise, and may result in a delay in the review of the official submitted application.
3. Clarify that the Justification Statement is part of the application submittal requirements, and is reflective of the current Zoning Division practice.
4. Provide minor modifications to the Code references for Plan Requirements.
5. Include thresholds for submittal of Sign Plans.

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EXHIBIT B

ARTICLE 2, DEVELOPMENT REVIEW PROCEDURES SUMMARY OF AMENDMENTS

(Updated 10/17/17)

Section 6 Zoning Application Procedures

G. Application Procedures

1. General

~~An application shall be submitted for all development orders regulated by this Code. All Zoning applications shall be submitted to the Zoning Division. Applications shall be reviewed for require sufficiency review prior to being placed on the agenda for a public hearing or meeting, or proceeding to the subsequent step in the development review process the initiation of review by the DRO, unless otherwise specified stated in this Code. [Ord. 2005-041] It is recommended that applications that were subject to a review by the DRO under a PAC or PAA remain consistent with what was requested or discussed at the conference or appointment. Amendments to the application request(s) that are different from what was discussed at the PAC or PAA shall be documented in the Justification Statement of the application.~~

2A. Zoning Application Requirements

~~The application form and requirements for a development order, approved through the Public Hearing or the administrative process, Applications shall be submitted in a manner and forms established by the Zoning Division specified by the, PBC official responsible for reviewing the application unless otherwise stated herein. The applicant shall also provide additional application requirements specific to a zoning district, use, or process that are referenced in the applicable sections of the ULDC. The general requirements for all applications are outlined in the Zoning Technical Manual, which is published and periodically updated by the Zoning Division. [Ord. 2005-041] [Ord. 2009-040]~~

1. Justification Statement

~~Applicants shall provide a Justification Statement, which shall include but not limited to:~~

- ~~a. Summary of the request(s) specifying the types of applications and approval processes;~~
- ~~b. Project history with prior resolutions, if applicable;~~
- ~~c. Analyses of the applicable Standards pursuant to Chapter B, Public Hearing Processes or Chapter C, Administrative Processes; and~~
- ~~d. Any other pertinent information related to the subject property.~~

3B. Plan Requirements

~~All applications or applicants submitting for a Public Hearing or an Administrative Approval process, excluding FLU Comprehensive Plan Amendments and Privately Initiated Amendments, shall require the submittal of submit Pplan(s) to the DRO or Zoning Director, except where indicated otherwise. The type of plan shall be based upon the type of application request(s), and shall be prepared to include graphics and tabular data consistent with the Zoning Technical Manual requirements and standards, as amended. The Pplan shall provide sufficient information for County Agencies the DRO to review in order to render comments on the project application for compliance with the applicable standards of the Code pursuant to Art.2.B.1.B, Standards, Art.2.B.2.B, Standards for Conditional Uses and Development Order Amendments, or Art.2.D.1.E, Standards for Administrative Approval Art. 2.B, Public Hearing Processes and Art. 2.C, Administrative Processes. In addition, the plan shall be prepared in compliance with the following: [2009-040] [2015-006] [Ord. 2017-002]~~

~~a1. The Land Development Design Standards Manual (LDM) published and maintained by the Land Development Division; and, [Ord. 2009-040]~~

~~b. All applicable objectives, standards and requirements in this Code; and, [Ord. 2009-040]~~

~~e2. Plan labeling standards as follows, unless otherwise stated herein; [Ord. 2009-040]~~

~~1)a. Plans requiring DRO certification for Public Hearing BCC or ZC's approval shall be labeled "Preliminary". [Ord. 2009-040] After the BCC or ZC approves the DOs, the DRO shall finalize the Preliminary Plans to ensure consistency with the approved DOs. These Plans shall be labeled as Final Plans at the Final DRO approval process.~~

~~2)b. Plans requiring DRO's approval shall be labeled "Final". [Ord. 2009-040]~~

d3. Master Plan

~~The mMaster pPlan shall be the controlling document for a PDD listed below. All development site elements including, but not limited to: ingress/ and egress, density, and intensity in the PDD shall be consistent with the mMaster pPlan. All subdivisions and plats shall be consistent with the mMaster pPlan. In cases of conflict between plans, the most recently approved BCC plan for those DOs that have no Final DRO plans or DRO final plan, where applicable, shall prevail. [Ord. 2009-040]~~

1)a. Preliminary Master Plan (PMP) for Public Hearing Approval

~~The BCC shall approve a PMP for the following PDDs: PUD, RVPD, MHPD, PIPD, PDDs with a MLU or EDC future land use designation; and a PUD within the Lion Country Safari (LCS) where the transfer of density from other PDDs within the LCS is proposed; and, an application for a rezoning to the IR, UC or UI districts. [Ord. 2009-040] [Ord. 2010-022] [Ord. 2011-016]~~

a1) Preliminary Site Plan (PSP) or Subdivision Plan (PSBP) Options

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EXHIBIT B

ARTICLE 2, DEVELOPMENT REVIEW PROCEDURES SUMMARY OF AMENDMENTS

(Updated 10/17/17)

1 For a PUD application with no proposed subdivision, the ~~applicant~~ Applicant may
2 submit a PSP prior to certification for public hearing process, which includes but not
3 limited to: layout of lots and buildings, ingress/ ~~and~~ egress, recreation areas, ~~or~~
4 exemplary design standards, if applicable, ~~etc.~~ for the purpose of ~~a the BCC's~~
5 ~~consideration review at the hearing.~~ For a PUD with proposed subdivision of lots,
6 ~~application proposing to subdivide,~~ the ~~applicant~~ Applicant may submit a PSBP
7 pursuant to Preliminary Subdivision Plan. [Ord. 2009-040]

~~b) IR, UC or UI District Requirements~~

8 ~~A Preliminary Master Plan shall include all of the requirements for a Conceptual Master~~
9 ~~Plan. [Ord. 2010-022]~~

~~e2) Lion Country Safari~~

10 A ~~Master Plan~~ PMP shall be required for any LCS PUD application that proposes to
11 transfer density from the MUPD or RVPD in accordance with FLUE Objective 1.11,
12 Lion Country Safari Overlay. All other Plans within the LCS shall be consistent with
13 the ~~Master Plan~~ PMP. [Ord. 2011-016]

~~2)b. Final Master Plan (FMP) for Public Hearing Approval Processes~~

14 For applications with a PMP, the ~~applicant~~ Applicant shall submit a FMP ~~for final review~~
15 ~~and approval by to~~ the DRO ~~for finalization of the BCC or ZC approved DO(s).~~ The FMP
16 shall be prepared consistent with the BCC ~~or ZC~~ approved PMP, and all modifications shall
17 be approved by the BCC ~~or ZC~~ unless the proposed changes are required to meet ~~e~~
18 ~~Conditions of a~~ Approval or are in accordance with the ULDC, whichever is more restrictive.
19 [Ord. 2009-040]

~~e4. Site Plan~~

20 The ~~s~~Site ~~p~~Plan shall be the controlling plan for Conditional Uses or PDDs listed below. All
21 development site elements including, but not limited to: ingress/ ~~and~~ egress, density, and
22 intensity in the proposed ~~project application~~ shall be consistent with the ~~s~~Site ~~p~~Plan. All plats
23 shall be consistent with the ~~s~~Site ~~p~~Plan. In cases of conflict between plans, the most recently
24 approved BCC ~~plan~~ Preliminary Plan(s) for those DOs that have no Final or DRO final site
25 pPlan(s), as applicable, shall prevail. [Ord. 2009-040] [Ord. 2017-007]

~~1)a. Preliminary Site Plan (PSP)~~

26 The BCC shall approve a PSP for the following applications: ~~CA Class A~~ Conditional Use,
27 MXPD, MUPD and equivalent previously approved planned developments. The ZC shall
28 approve a PSP for a ~~CB Class B~~ Conditional Use request. [Ord. 2009-040] [Ord. 2017-
29 007]

~~2)b. Final Site Plan (FSP) with Public Hearing Approval Processes (Off-The-Board)~~

30 After a PSP is approved by the BCC or ZC, the ~~a~~Applicant shall submit a FSP to the DRO
31 ~~for final review and approval to~~ the DRO ~~for finalization of the BCC or ZC approved DO(s).~~
32 The DRO shall review the FSP for consistency with the PSP, applicable code requirements,
33 BCC or ZC ~~e~~Conditions of ~~a~~Approval. All modifications to the PSP that are shown on the
34 FSP must be approved by the BCC or ZC unless the proposed changes are required to
35 meet ~~e~~Conditions of ~~a~~Approval or are in accordance with the ULDC, whichever is more
36 restrictive. [Ord. 2009-040]

~~3)c. Final Site Plan (FSP) for Administrative Approval~~

37 The DRO shall approve a ~~Final Site Plan~~ FSP for: [Ord. 2009-040]

38 ~~a1) Any requests for uses that have a "D" in the uUse mMatrices in Art. 4, Use Regulations;~~
39 ~~or, [Ord. 2009-040] [Ord. 2017-007]~~

40 ~~b2) Any requests subject to Table 4.A.9.A, Development Thresholds for Projects Requiring~~
41 ~~DRO Approval, and where it specifies in Art. 3, Overlays. [Ord. 2009-040] [Ord. 2017-~~
42 ~~007]~~

~~f5. Subdivision Plan~~

43 The ~~s~~Subdivision ~~p~~Plan shall be the controlling plan for Conditional Uses ~~or PDDs~~ that are
44 subject to the subdivision process. All development site elements including, but not limited to:
45 ingress/ ~~and~~ egress, density, and intensity in the proposed project shall be consistent with the
46 subdivision ~~plan~~. In cases of conflict between plans, the most recently approved BCC ~~plan~~
47 Preliminary Plan(s) for those DOs that have no Final DRO plans or DRO final subdivision plan,
48 as applicable, shall prevail. All plans and plats shall be consistent. [Ord. 2009-040] [Ord.
49 2010-005] [Ord. 2017-007]

~~1)a. Preliminary Subdivision Plan (PSBP) for Public Hearing Approval Processes~~

50 The DRO shall review and certify a PSBP for any applications that are subject to the
51 submittal requirement of a PMP ~~pursuant to Art. 2.A.1.G.3.d 2.A.5.C.1, Master Plan,~~ and
52 which involves in the subdivision of land to be platted. The ~~a~~Applicant may submit a PSBP
53 prior to certification for public hearing process, which includes but not limited to: layout of
54 lots, exemplary design standards, ingress/ ~~and~~ egress, density, ~~etc.~~ for the purpose of a
55 BCC's ~~consideration review.~~ [Ord. 2009-040]

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EXHIBIT B

ARTICLE 2, DEVELOPMENT REVIEW PROCEDURES SUMMARY OF AMENDMENTS

(Updated 10/17/17)

1 **2)b. Final Subdivision Plan (FSBP) for Public Hearing Approval Processes (Off-The-**
2 **Board)**

3 After a PSBP is approved by the BCC or ZC, the ~~applicant~~ **Applicant** shall submit a FSBP
4 for parcels of land that are subject to subdivision to the DRO ~~for final review and approval~~
5 ~~for finalization of the BCC or ZC approved DO(s)~~. The FSBP shall be ~~reviewed and~~
6 approved prior to submission of an application for a plat or other approval required by
7 Article 11, Subdivision, Platting, and Required Improvements. **[Ord. 2009-040] [Ord.**
8 **2010-005]**

9 **3)c. Final Subdivision Plan (FSBP) for Administrative Approval**

10 The DRO shall approve a Final Subdivision Plan for: **[Ord. 2009-040] [Ord. 2010-005]**

11 **a1)** Any subdivision of lots when the Zoning Director determines that it does not require
12 the Public Hearing Approval Process. **[Ord. 2009-040] [Ord. 2010-005]**

13 **4)d. Exception**

14 A minor subdivision may be exempt from this Section subject to the approval of a Plat
15 Waiver pursuant to Article 11, Subdivision, Platting, and Required Improvements. **[Ord.**
16 **2009-040]**

17 **g6. Regulating Plans - Optional**

18 When applicable, Regulating Plans shall provide a comprehensive graphic and written
19 description of the project. **[Ord. 2017-002]**

20 **4)a. Thresholds**

21 Regulating Plan(s) may be submitted to the ~~Zoning Division~~ **DRO** for review and
22 consideration ~~or for approval~~ under the following circumstances: **[Ord. 2017-002]**

23 **a1)** The Applicant may choose to provide design details to demonstrate the intent of the
24 requests or the requests are in compliance with the Standards of the Code; **[Ord. 2017-**
25 **002]**

26 **b2)** Staff may recommend the submittal of the Regulating Plans due to the size and
27 complexity of the application and site design; or, **[Ord. 2017-002]**

28 **e3)** By a ZC or BCC Condition of Approval. **[Ord. 2017-002]**

29 **2)b. Submittal Requirements**

30 If submitted, the Plans shall be prepared in accordance with the Submittal Requirements,
31 and consistent with the format and naming requirements pursuant to the Zoning Technical
32 Manual. Regulating Plans shall be drawn to scale or labeled with notes, specifications and
33 dimension, and shall include where applicable, the following: **[Ord. 2017-002]**

34 **a1)** Street cross sections, including sidewalks, bike lanes, street trees, on street parking
35 and lighting; **[Ord. 2009-040] [Ord. 2017-002]**

36 **b2)** Typical lot layouts for each housing type, including building envelope, screen
37 enclosure/pool setbacks, and driveway access; **[Ord. 2009-040] [Ord. 2017-002]**

38 **e3)** Landscape buffer and interior landscaping details (plan view and cross section); **[Ord.**
39 **2009-040] [Ord. 2017-002]**

40 ~~d) Median landscape detail;~~ **[Ord. 2009-040] [Ord. 2017-002]**

41 **e4)** Pedestrian circulation ~~plan~~ in accordance with Art. 3.E, Planned Development Districts
42 (PDDS); **[Ord. 2009-040] [Ord. 2017-002]**

43 **f5)** Phasing pursuant to Art. 2.E, Monitoring; **[Ord. 2009-040] [Ord. 2010-005] [Ord. 2017-**
44 **002]**

45 **g6)** Screening details; and **[Ord. 2009-040] [Ord. 2017-002]**

46 **h7)** Neighborhood parks. **[Ord. 2009-040] [Ord. 2017-002]**

47 **c. Other Plans**

48 All other plans, including but not limited to: Phasing, Pedestrian or Vehicular Circulation,
49 shall be submitted as Regulating Plans and label with the applicable name specifying the
50 nature of the plan(s). Refer to the Zoning Technical Manual for examples.

51 **h7. Landscape Related Plans**

52 Article 7, Landscaping, identifies different types of landscape related plans that are
53 ~~administered by the Zoning Division~~ reviewed by the DRO for a final decision: Planting Plan,
54 Landscape Plan, and Alternative Landscape Plan (ALP). All Plans shall be prepared consistent
55 with the approved Master, Site or Subdivision Plan. Application requirements, labeling of Plans,
56 and approval procedures for the Landscape related Plans shall be consistent, where
57 applicable, with ~~Article 2.A.1.G.3, Art. 2.A.6.B, Plan Requirements; and Article 2.A.1.G.3.g.,~~
58 Regulating Plans, and the Zoning Technical Manual, and Article 7, LANDSCAPING. All types
59 of Landscape Plans shall be submitted at Building Permit, unless it is required to be submitted
60 at ~~Final DRO~~ Final Approval by the DRO through a Condition of Approval. The following Table
61 summarizes the different types of Plans, applicability, and approval authority. **[Ord. 2009-040]**
62 **[Ord. 2016-042]**

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EXHIBIT B

ARTICLE 2, DEVELOPMENT REVIEW PROCEDURES SUMMARY OF AMENDMENTS

(Updated 10/17/17)

1

Table 2.A.1.G.3-6.B.7, Landscape Related Plans

Types of Landscape Plan	Additional Plan Requirements	Applicability	Approval of Plan(s)	Approval Authority
Planting Plan (6)	Identify number, location, height and species of required trees, palms, or pines and shrubs (4)	Single Family	(1)	Zoning Director assigned to Landscape Inspectors <u>DRO</u>
		Two-unit Townhouse		
		A lot with two MF units		
		Vacant lots within 120 days of demolition		
Landscape Plan	Identify number, location, height and species of required trees, palms, or pines and shrubs. (4)	Non-residential developments	(1) (3)	Zoning Director assigned to Landscape Inspectors <u>DRO</u>
		A lot with more than two MF units	(1) (3)	Zoning Director assigned to Landscape Inspectors <u>DRO</u>
		Common areas of PUD	(1) (3)	Zoning Director assigned to Landscape Inspectors <u>DRO</u>
		Variance	(1) (3)	ZC
		Type 2 Waiver	(1) (3)	BCC
		Type 1 Waiver	(1) (3)	DRO
ALP	Identify number, location, height and species of required trees, palms, or pines and shrubs. (4)	(2) (5)	(1) (3)	DRO

[Ord. 2016-042]

Notes:

- (1) Approval of Plan(s) must be completed prior to the issuance of a Building Permit, unless it is required to be approved at Final DRO by a Condition of Approval.
- (2) Applicant may submit the ALP concurrent with the DO application to garner support of the Waiver request(s). The ALP may be required as a Condition of Approval by the ZC, BCC or DRO.
- (3) Landscape Plan(s) and ALP (except Planting Plan) shall be signed and sealed by a Florida Licensed Landscape Architect prior to the approval of a Building Permit.
- (4) A Tree Disposition Chart may apply to all of the Landscape related Plans, where a Site has existing native vegetation, even if no Waivers or Variances are being requested, Refer to Technical Manual, Title 4.
- (5) An ALP may be submitted by the Applicant concurrently with a Waiver request to modify Landscape standards. The DRO may determine that the Waiver for Landscape requirements pursuant to Art.7 could be shown on a Site, Subdivision or Regulating Plan in lieu of an ALP.
- (6) May be approved by the Building Division. The amount of required plant material shall be indicated on the applicable Building Division submittal form and installed prior to issuance of COCertificate of Occupancy.

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i8. Sign Plans

Art. 8, Signage, identifies two types of sign plans that are reviewed by the DRO for a decision: Master Sign Plan and Alternative Sign Plan (ASP). Application requirements, labeling of Plans, certification and approval procedures of Master Sign Plans or Alternative Sign Plans All Plans shall be prepared consistent with the approved DO, Art. 8, Signage, and shall be consistent with Art. 2.A.1.G.3-2.A.6.B, Plan Requirements, Art. 2.A.1.G.3.g, Regulating Plans and Art. 8, Signage. [Ord. 2009-040] [Ord. 2010-022] [Ord. 2016-042] The DRO may allow the proposed signs be shown on a Site, Subdivision or Regulating Plan, whichever is most applicable.

a. Thresholds

- 1) The Applicant may submit a PMSP to the BCC or ZC for consideration and a decision. The BCC or ZC may impose a Condition of Approval on the proposed signs.
- 2) The Applicant shall submit a Preliminary ASP for Sign Variances or Waivers to the ZC or BCC for consideration and a final decision.
- 3) The Applicant shall submit the FMSP at Final DRO or at Building Permit Review.

Reason for amendments: [Zoning]

1. Clarify Sufficiency Review deadlines and include references to the applicable review process

18 4-Section 7 Sufficiency Review

19 ~~The appropriate PBC official responsible for reviewing the application~~ The DRO shall determine whether or
20 not the application is sufficient or insufficient ~~within ten days of from the date of~~ submittal by reviewing the
21 required information ~~required-provided~~ in the application, and any additional data necessary to evaluate the
22 application. Sufficiency review procedures specified in other Articles applicable to particular County
23 aAgencies may supersede these provisions, unless stated otherwise. **[Ord. 2005-041] [Ord. 2011-016]**
24 Applications subject to the Public Hearing Processes shall be subject to the requirements of Art. 2.B.2,
25 Sufficiency Review and Art. 2.C.2, Sufficiency Review for Administrative Processes.

a.—Sufficiency

~~If the application is determined to be sufficient, it shall be reviewed by the appropriate PBC official pursuant to the procedures and standards of this Article. The application shall then~~

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EXHIBIT B

ARTICLE 2, DEVELOPMENT REVIEW PROCEDURES SUMMARY OF AMENDMENTS

(Updated 10/17/17)

~~be placed on the next available agenda consistent with the established dates published in the Annual Zoning Calendar, or proceed to the next subsequent step in the development review process. The agenda shall be made available to the public no less than five days prior to the applicable hearing or review date. [Ord. 2005-041] [Relocated to Art. 2.B.2, Sufficiency Review, and Art. 2.C.2, Sufficiency Review]~~

~~**b. Insufficiency**~~

~~If an application is determined to be insufficient, staff shall provide a written notice to the applicant specifying the deficiencies. The notice shall be mailed within ten days of receipt of the application. [Relocated to Art. 2.B.2, Sufficiency Review, and Art. 2.C.2, Sufficiency Review]~~

~~1) No further action shall be taken on the application until the deficiencies are remedied. [Relocated to Art. 2.B.2, Sufficiency Review, and Art. 2.C.2, Sufficiency Review]~~

~~2) If amended and determined to be sufficient, the application shall be processed in accordance with Art. 2.A.1.G.4.a, Sufficiency. [Ord. 2005-041] [Relocated to Art. 2.B.2, Sufficiency Review, and Art. 2.C.2, Sufficiency Review]~~

~~3) If the deficiencies are not remedied within 20 days of the written notice, the application shall be considered withdrawn. [Ord. 2005-041] [Ord. 2011-016] [Relocated to Art. 2.B.2, Sufficiency Review, and Art. 2.C.2, Sufficiency Review]~~

~~**H. Consolidated Application**~~

~~**1. Small Scale Amendments**~~

~~If a land use amendment requires a rezoning, Conditional Use, development order amendment or abandonment application, the applications shall be reviewed and considered by the BCC concurrently. [Relocated to Art. 2.A.3.B, Land Use Amendments] An application for a Type II variance may be submitted concurrently or separately. [Relocated to Art. 2.A.3.D, Type 2 Waivers and Type 2 Variances] Applications that are contingent upon the approval of variances must be submitted separately. [Partially relocated to Art. 2.A.3.D.1, Mandatory Pre-submittal Appointment] The applicant shall submit a master plan and/or site plan as part of the zoning application. The zoning application shall be submitted at a scheduled zoning application intake within 90 days of receipt of the land use amendment application. If a complete zoning application is not submitted, the land use amendment shall be administratively withdrawn. [Ord. 2006-036] [Ord. 2009-040] [Ord. 2017-007] [Partially relocated to Art. 2.A.3.B, Land Use Amendments]~~

~~**2. Zoning Applications**~~

~~Applications for development orders may be consolidated for review, subject to approval by the Zoning Director. When applications for development orders are consolidated the review period shall not be less than the time frame established for the application with the longest review period. [Relocated to Art. 2.A.3.C, Zoning Applications]~~

Reason for amendments: [Zoning]

1. Relocate the Review, Certification, and Decision procedures to the applicable Chapter. The review procedures for the Comprehensive Plan amendments is located in Chapter H; Public Hearing procedures are located in Chapter B, and Administrative procedures in Chapter C.

~~**I. Section 8 Review and Certification Decision**~~

~~All Zoning applications subject to the Public Hearing Process shall be reviewed and processed pursuant to Art. 2.B, Public Hearing Processes. Applications that are subject to Administrative Approval shall be reviewed and processed pursuant to Art. 2.C, Administrative Processes.~~

~~**1. Review**~~

~~All Rezoning, Conditional Use, Waivers, Development Order Amendment and concurrent Type II Variance applications, shall be reviewed and certified by the DRO. [Ord. 2006-036] [Ord. 2011-016] [Ord. 2017-007]~~

~~**2. Certification**~~

~~The application shall meet all minimum Code requirements and standards pursuant to this Code and other applicable standards prior to certification by the DRO. An application shall not be certified until it meets all certification standards. The DRO shall prepare a list of certification issues and make it available to the applicant at least five days prior to the DRO review date meeting. An applicant shall be given three days following the DRO review date to satisfy any outstanding certification issues. Certified applications shall be scheduled for the first hearing, or a subsequent hearing in accordance with the annual Zoning Calendar or as is mutually agreed upon by the applicant and the DRO.~~

~~**3. Non-certification**~~

~~If the application is not certified, the DRO shall prepare a list of outstanding certification issues and comments. The list shall be made available no less than seven days after review by the DRO. [Ord. 2008-003].~~

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EXHIBIT B

**ARTICLE 2, DEVELOPMENT REVIEW PROCEDURES
SUMMARY OF AMENDMENTS**

(Updated 10/17/17)

a. ~~Resubmittal Requirements~~

~~The applicant shall provide a written response addressing all outstanding certification issues and comments in a manner and form acceptable to the Zoning Division. The revised documents shall be submitted to all DRO agencies for review and comment on the resubmittal date as established on the Annual Zoning Calendar. The applicant shall request to be placed on the DRO agenda a minimum of two days prior to the DRO meeting.~~ **[Ord. 2005-041] [Ord. 2008-003] [Partially relocated to Art. 2.B.3.C.1, Resubmittal Requirements]**

4. ~~Application Modification After Certification~~

~~Applications shall not be significantly modified after certification, unless requested or agreed to by PBC. Significant modifications to proposed site or master plans within ten days of a scheduled public hearing date shall result in a postponement. For the purposes of this Article, a modification shall be considered significant if it exceeds 30 percent or more change from the certified plan.~~ **[Ord. 2005-002] [Partially relocated to Art. 2.B.3.D, Application Modification After Certification]**

Reason for amendments: [Zoning]

1. Relocate Notification to the new Chapter B, Public Hearing Processes.

J. Notification

1. Applicability

~~Applications subject to Public Hearing or Type 1B Variance processes, corrective resolutions, or Administrative Inquiries, shall require notification to the public, in accordance with the following table:~~ **[Ord. 2011-016] [Ord. 2015-031] [Ord. 2017-002] [Relocated to Art. 2.C.4.A, Applicability]**

Table 2.A.1.J – Notification Applicability

Process	Newspaper Publication	Courtesy Notice	Signs
Development Order Abandonment (ABN) (1)	Yes	N/A	N/A
Corrective Resolution	Yes	N/A	N/A
Type 1B Variance	N/A (2)	Yes	Yes
Type II Variance	Yes	Yes	Yes
Other Public Hearing (Rezoning, CA, CB, DOA, Unique Structure, Waiver)	Yes	Yes	Yes
Administrative Inquiry (3)	N/A	Yes	N/A

[Ord. 2015-031] [Ord. 2017-002] [Ord. 2017-007]

Notes:

- ~~Applies to Administrative and Public Hearing Abandonments, excluding Development Orders advertised and abandoned simultaneously as part of a subsequent Development Order; and, Development Orders advertised and reviewed for revocation pursuant to Art. 2.E, Monitoring.~~
- ~~Reasonable notice shall be required in compliance with F.S. 286.011.~~
- ~~Only applicable to an inquiry related to a specific development or parcel and not for general direction on a topic.~~ **[Ord. 2017-002]**

[Relocated to Table 2.C.4 Notification Applicability]

2. ~~Newspaper Publication~~

~~Notice shall be published in a newspaper of general circulation in PBC in accordance with F.S. §125.66.~~ **[Ord. 2011-016] [Ord. 2015-031] [Relocated to Art. 2.B.4.B, Newspaper Publication]**

3. ~~Courtesy Notice~~

a. ~~Applicability and Mailing Boundary~~

~~Courtesy notices shall be mailed to all property owners, interested parties or other entities identified in Table 2.A.1.J, Courtesy Notice Requirements.~~ **[Ord. 2006-036] [Ord. 2008-003] [Ord. 2011-016] [Ord. 2015-031] [Relocated to Art. 2.B.4.C.1, Applicability and Mailing Boundary]**

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EXHIBIT B

**ARTICLE 2, DEVELOPMENT REVIEW PROCEDURES
SUMMARY OF AMENDMENTS
(Updated 10/17/17)**

1

Table 2.A.1.J—Courtesy Notice Requirements

Process	Recipients and Boundaries			
	Certified Mail 0 to 300 feet (1)(5)	Regular Mail 301 to 500 feet (1)(5)	Regular Mail 0 to 500 feet	Regular Mail within One Mile (1)
Type I-B Variance	All owners of real property (2), condominium associations (3) and POAs, HOAs or equivalent.	N/A	N/A	Counties and Municipalities (4)
Type II Variance		N/A	N/A	
Other Public Hearing (Rezoning, CA, CB, DOA, Unique Structure, Waiver)		All owners of real property (2), condominium associations (3) and POAs, HOAs or equivalent.	N/A	
Administrative Inquiry (Site Specific) (6)	N/A	N/A	All owners of real property (2)	N/A

[Ord. 2011-016] [Ord. 2012-003] [Ord. 2015-031] [Ord. 2016-016] [Ord. 2017-002] [Ord. 2017-007]

Notes:

- Distance shall be measured from the property line of the affected area, unless stated otherwise. If the adjacent property within the mailing boundary is owned by the applicant or a related entity, the 300 or 500 foot notification boundary shall be extended from these parcels. A larger notification boundary of 1,000 feet is required for properties located in the Exurban or Rural Tiers. **[Ord. 2012-003]** A larger notification boundary of 1,000 feet is required for properties located in the Exurban or Rural Tiers. **[Partially relocated to note #7 in table 2.B.4.C]**
- Includes all owners of real property, whose names and addresses are known by reference to the latest published ad valorem tax records of the PBC Property Appraiser.
- Includes condominium associations and all real property owners when real property consists of a condominium.
- Shall also include municipalities that have the subject parcel identified within the PBC Future Annexation Map
- The applicant shall provide the list of all Condominium Associations, POAs, HOAs or equivalent within the boundaries. **[Ord. 2016-016]**
- Shall be mailed a minimum of ten days prior to the date of the AI by the applicant submitting the inquiry.

[Relocated to Table 2.B.4.C – Courtesy Notice Requirements]

b.—Notice Content

Courtesy notices shall include the following information: **[Ord. 2011-016]**

- ~~A general summary of the application;~~ **[Ord. 2011-016]** **[Relocated to Art. 2.B.4.C.2 a, related to Notice Content]**
- ~~A date, time and place for the Public Hearing(s);~~ **[Ord. 2011-016]** **[Relocated to Art. 2.B.4.C.2 b, related to Notice Content]**
- ~~A general location map of the subject property; and,~~ **[Ord. 2011-016]** **[Relocated to Art. 2.B.4.C.2 c, related to Notice Content]**
- ~~A statement indicating that interested parties may appear at the Public Hearing and be heard regarding the request.~~ **[Ord. 2011-016]** **[Relocated to Art. 2.B.4.C.2 d, related to Notice Content]**

c.—Failure to Receive Courtesy Notice

~~Failure to receive a notice shall not be deemed a failure to comply with Art. 2.A.1.J, Notification, or be grounds to challenge the validity of any decision made by the approving authority.~~ **[Ord. 2011-016] [Ord. 2015-031]** **[Relocated to Art. 2.B.4.C.3, Failure to Receive Courtesy Notice]**

4.—Signs

~~a.—The applicant shall post signs regarding the public hearing on the property subject to the application. The signs shall be prepared by the applicant using information provided by the Zoning Division, consistent with the requirements of the Zoning Technical Manual. Signs must be posted at least 15 days in advance of any public hearing. One sign shall be posted for each 250 feet of frontage along a street up to a maximum of ten signs. All signs shall be: **[Ord. 2010-022] [Ord. 2011-016] [Ord. 2012-003] [Ord. 2016-016]** **[Relocated to Art. 2.B.4.C.D.1, Related to Signs]**~~

- ~~Evenly spaced along the street when more than one sign per property is required;~~ **[Ord. 2011-016] [Ord. 2012-003]** **[Relocated to Art. 2.B.4.C.D.1.a, Related to Signs]**
- ~~Setback no more than 25 feet from the property line; and,~~ **[Ord. 2011-016]** **[Relocated to Art. 2.B.4.C.D.1.b, Related to Signs]**
- ~~Erected in full view of the public.~~ **[Ord. 2011-016]** **[Relocated to Art. 2.B.4.C.D.1.c, Related to Signs]**

~~Where the property does not have sufficient frontage on a street, signs shall be in a location acceptable to the Zoning Director. The applicant shall submit photographs confirming the signs have been posted. The failure of any such posted notice to remain in place after it has been posted shall not be deemed a failure to comply with Art. 2.A.1.J, Notification or be grounds to challenge the validity of any decision made by the approving authority. The applicant shall also be required to ensure the signs have been removed no later than five days after the final hearing. **[Ord. 2010-022] [Ord. 2011-016] [Ord. 2015-031]** **[Relocated to Art. 2.B.4.C.D.1.c, Related to Signs]**~~

b.—Exceptions

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EXHIBIT B

ARTICLE 2, DEVELOPMENT REVIEW PROCEDURES SUMMARY OF AMENDMENTS

(Updated 10/17/17)

~~Signs posted by a public agency or the BCC may be posted on the nearest street or at major intersections leading to and within the subject property.~~ [Relocated to Art. 2.B.4.C.D.2, Exceptions]

~~5. Postponements~~

~~All applications postponed for three or more consecutive hearings shall require the applicant to provide new notification pursuant to Art. 2.A.1.J, Notification. [Ord. 2010-022] [Ord. 2011-016]~~ [Relocated to Art. 2.B, Public Hearing Processes]

Reason for amendments: [Zoning]

1. Relocate to Public Hearing Procedures to the new Chapter B, Public Hearing Processes.

~~K. Public Hearing Procedures~~

~~1. Scheduling~~

~~If an application has been certified by the DRO and a public hearing is required, the responsible PBC official shall schedule a public hearing in accordance with the dates established in the annual Zoning Calendar.~~ [Partially relocated to Art. 2.B.5.A, Scheduling]

~~a. Number of Hearings~~

~~Both the ZC and the BCC shall hold at least one public hearing on a proposed amendment to the boundaries of the Official Zoning Map for non-PBC initiated applications and PBC initiated applications for properties consisting of less than ten contiguous acres of land.~~ [Partially relocated to Art. 2.B.5.A.1, Number of Hearings]

~~b. Exception~~

~~The ZC shall hold at least one public hearing and the BCC shall hold two public hearings on a proposed amendment to the boundaries of the Official Zoning Map for PBC initiated applications consisting of ten or more contiguous acres of land.~~ [Relocated to Art. 2.B.5.A.2, Exception for Official Zoning Map Amendment]

~~2. Staff Report and Recommendation~~

~~a. Report~~

~~The PBC official responsible for reviewing the application shall prepare a report for each application which incorporates the comments of the agencies responsible for reviewing the application, and a recommendation of approval, approval with conditions, or denial based on the applicable standards. The report shall be made available to the public at least five days prior to the hearing date.~~ [Relocated to Art. 2.B.5.B.1, Report]

~~3. Board Action~~

~~a. Action by ZC~~

~~The ZC shall conduct a public hearing on the application pursuant to the procedures in Article 2.B, Public Hearing Process.~~ [Partially relocated to Art. 2.B.5.C.1, Action by ZC]

~~1) Scheduling~~

~~After DRO certification, the application shall be considered at the next available regularly scheduled public hearing by the ZC, or such time as is mutually agreed upon between the applicant and the Zoning Director. The scheduling of the application for public hearing shall ensure the public notice requirements are satisfied.~~ [Relocated to Art. 2.B.5.C.1.a, Scheduling]

~~2) Rezoning, Class A Conditional Use, DOA, Type II Waivers~~

~~The ZC shall consider the application, the staff report, the relevant support materials, the DRO certification and public testimony given at the hearing. After close of the public hearing, the ZC shall recommend to the BCC that the application be approved, approved with conditions, modified, continued, postponed or denied based upon: the standards in Article 2.B.1.B, Standards, and Article 2.B.2.B, Standards, applicable to all Conditional Uses, Rezoning, and DOA's; or, the standards in Article 2.B.2.G.3, Standards, applicable to all Type II Waivers. [Ord. 2008-003] [Ord. 2011-016] [Ord. 2012-027] [Ord. 2017-007]~~ [Relocated to Art. 2.B.5.C.1.b, Rezoning, Class A Conditional Use, DOA, Type 2 Waivers]

~~3) Class B Conditional Use, DOA, and Type II Variance~~

~~The ZC shall consider the application, staff report, relevant support materials, DRO certification, public testimony, and evidence for the public record given at the hearing. An application for a development permit for a Class B conditional use, which does not receive the required rezoning, shall be decertified. At the close of the public hearing, the ZC shall by not less than a majority of a quorum present approve, approve with conditions, modify, postpone, or deny the application. The actions shall be based upon standards in Art. 2.B.1.B Standards and Art. 2.B.3.E, Standards, applicable to all Conditional Uses, and Type II Variances, and any standards specifically applicable to the use as required in Art. 4.B, Use Classification, thereby adopting a resolution approving, approving with conditions, or denying the proposed request. The resolution shall be filed with the Clerk of the Circuit Court. [Ord. 2006-036] [Ord. 2008-003]~~

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EXHIBIT B

ARTICLE 2, DEVELOPMENT REVIEW PROCEDURES SUMMARY OF AMENDMENTS

(Updated 10/17/17)

[Partially relocated to Art. 2.B.5.C.1.c, Class B Conditional Use, DOA, Type 2
Variances and ABN]

~~b. Action by BCC~~

~~1) Scheduling~~

~~After the review and recommendation of the ZC, the application shall be considered at the next available regularly scheduled public hearing by the BCC, or such time as is mutually agreed upon between the applicant and the Zoning Director. The scheduling of the application for public hearing shall ensure the public notice requirements are satisfied. [Relocated to Art. 2.B.5.C.2.a, Scheduling]~~

~~2) Public Hearing(s)~~

~~At the public hearing(s), the BCC shall consider the application, all relevant support materials, the recommendation of the ZC, the testimony given and the evidence introduced into the record at the public hearing(s). [Relocated to Art. 2.B.5.C.2.b, Public Hearing(s)]~~

~~3) Decision~~

~~At the conclusion of the final public hearing, the BCC shall approve, approve with conditions, modify, postpone, withdraw, or deny the proposed development order based upon: the standards in Article 2.B.1.B, Standards, and Article 2.B.2.B, Standards, applicable to all Conditional Uses, Rezoning and DOA's; or, the standards in Article 2.B.2.G.3, Standards, thereby adopting a resolution approving, approving with conditions, or denying a proposed request by not less than a majority of a quorum present. The resolution shall be filed with the Clerk of the Circuit Court. [Ord. 2008-003] [Ord. 2012-027] [Ord. 2017-007] [Relocated to Art. 2.B.5.C.2.c, Decision]~~

~~4) Remand~~

~~If at any time during the public hearing, the ZC or BCC determines that the application is based upon incomplete, inaccurate information or misstatements of fact, it may refer the application back to the ZC or DRO for further review and a revised staff report. [Relocated to Art. 2.B.5.C.3, Remand by the ZC or BCC]~~

~~c. Action by the Hearing Officer~~

~~At the public hearing(s), the Hearing Officer shall consider the application, all relevant support materials, staff report, testimony given, and evidence introduced into the record at the public hearing(s) and decide to approve, approve with conditions, deny, continue, postpone, modify or withdraw the request. [Ord. 2006-036] [Relocated to Art. 2.B.5.C.4, Action by the Hearing Officer]~~

~~4. Conduct of Hearing~~

~~a. Oath or Affirmation~~

~~All testimony and evidence shall be given under oath or by affirmation to the body conducting the hearing. [Relocated to Art. 2.B.5.D.1, Oath or Affirmation]~~

~~b. Rights of All Persons~~

~~Any person may appear at a public hearing and submit evidence, either individually or as a representative of an organization. Anyone representing an organization shall present evidence of his/her authority to speak on behalf of the organization in regard to the matter under consideration. Each person who appears at a public hearing shall be identified, state an address, and if appearing on behalf of an organization, state the name and mailing address of the organization. [Relocated to Art. 2.B.5.D.2, Rights of All Persons]~~

~~c. Order of Proceedings~~

~~Robert's Rules of Order shall be observed during the proceeding in accordance with Article 2.G.2, General Provisions. The governing body may adopt bylaws stipulating the manner in which the proceedings will be conducted. The body conducting the hearing may exclude testimony or evidence that it finds to be irrelevant, immaterial or unduly repetitious formal rules of evidence. Formal Rules of evidence shall not apply but fundamental due process shall be observed. The order of the proceedings shall be as follows: [Relocated to Art. 2.B.5.D.3, Procedures of Conduct of Quasi-Judicial Hearings]~~

~~1) The PBC official responsible for reviewing the application shall present a written and or oral recommendation, including any report prepared. This recommendation shall address each standard required to be considered by this Code prior to approval of the application.~~

~~2) The applicant shall present any information the applicant deems appropriate. [Relocated to Art. 2.B.5.D.3.a, Procedures for Conduct of Quasi-Judicial Hearings]~~

~~3) Public testimony shall be heard. [Relocated to Art. 2.B.5.D.3.c, Procedures for Conduct of Quasi-Judicial Hearings]~~

~~4) The PBC official responsible for reviewing the application may respond to any statement made by the applicant or any public comment. [Relocated to Art. 2.B.5.D.3.d, Procedures for Conduct of Quasi-Judicial Hearings]~~

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(Updated 10/17/17)

~~5) The applicant may respond to any testimony or evidence presented by the PBC staff or public at the discretion of the Chair. [Relocated to Art. 2.B.5.D.3.e, Procedures for Conduct of Quasi-Judicial Hearings]~~

~~6) The governing body may direct questions to staff and the applicant specific to the request. [Relocated to Art. 2.B.5.D.3.f, Procedures for Conduct of Quasi-Judicial Hearings]~~

~~7) The governing body shall discuss the facts of the petition and make a recommendation. [Relocated to Art. 2.B.5.D.3.g, Procedures for Conduct of Quasi-Judicial Hearings]~~

L. Actions by Decision Making Bodies or Persons

1. General

~~All decision making persons and bodies shall act in accordance with the time limits established in this Code. [Relocated to Art. 2.C.5, Public Hearing Procedures]~~

2. Administrative Processes

a. Action by DRO

~~The DRO shall approve, approve with conditions, revoke, deny or administratively withdraw an application based upon the recommendation of the reviewing agencies, in accordance with the procedures, standards and limitations of this Code and Article 2.D, Administrative Process, including where applicable: the standards of Art. 2.D.1.E, Standards for Administrative Approval, or, the standards of Art. 2.D.6.C, Standards, applicable to Type-I Waivers. [Ord. 2012-027] [Ord. 2014-025] [Relocated to Art. 2.C, Administrative Processes]~~

b. Action by Zoning Director

~~The Zoning Director, in accordance with the procedures, standards and limitations of this Code, shall approve, approve with conditions, withdraw, deny or revoke an application for a development permit. [Relocated to Art. 2.C, Administrative Processes]~~

3. Conditions

~~Conditions may be imposed to ensure the uses or site plan of development approved by the decision making body or person is implemented accordingly. [Relocated to Art. 2.C, Administrative Processes]~~

4. Findings/Results

~~All decisions shall be in writing and shall include the following elements: [Relocated to Art. 2.C, Administrative Processes]~~

~~a. A statement of specific findings of fact; and [Relocated to Art. 2.C, Administrative Processes]~~

~~b. A statement of approval, approval with conditions, or denial with or without prejudice. If there is a decision for denial, it shall be with prejudice unless determined otherwise by the decision making body or person. [Relocated to Art. 2.C, Administrative Processes]~~

5. Continuance or Postponement

a. BCC and ZC

~~The body conducting the public hearing may, on its own motion or at the request of an applicant, continue the public hearing to a fixed date, time and place. An applicant shall be granted one postponement to the next regularly scheduled hearing if requested in writing five days prior to the hearing. The body conducting the hearing shall determine if an application shall be postponed when an applicant fails to submit a request for postponement five days prior to the hearing. All subsequent request for continuance or postponement shall be granted at the discretion of the decision making body. [Ord. 2005-041] [Ord. 2006-036] [Relocated to Art. 2.B.5.E.1, BCC and Zoning Commission]~~

6. Notification of Decision

~~Notification to the applicant of the final action by a decision making body or person shall be provided by the PBC official responsible for reviewing the application within ten days of the final decision. A copy of the decision shall be made available to the public. [Ord. 2008-003]~~

Reason for amendments: [Zoning]

- 1. Split Development Order Abandonment process to Legislative Abandonment which is a process to be considered by the BCC or ZC, and relocate to Chapter B, Public Hearing. Those Administrative Abandonments will be relocated to Chapter C, Administrative Processes.

Q-Section 9 Development Order Abandonment (ABN)

~~Abandonments of DOs that were approved by the BCC or ZC shall be subject to the requirements indicated in Art. 2.B, Public Hearing Processes. Abandonments of DOs approved by the DRO shall be subject to the requirements indicated in Art. 2.C, Administrative Processes.~~

1. General

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EXHIBIT B

ARTICLE 2, DEVELOPMENT REVIEW PROCEDURES SUMMARY OF AMENDMENTS

(Updated 10/17/17)

- 1 ~~A Development Order for a Conditional Use or similar Development Order granted under~~
2 ~~Ordinance 1957-003, Ordinance 1973-002, Ord. No.1992-002 or Ord. No. 2003-067, as~~
3 ~~amended, may be abandoned according to the procedures in this Section. [Ord. 2010-022]~~
4 ~~[Relocated to Art. 2.B.6.G.1, General, related to Development Order Abandonment]~~
- 5 **2. ~~Development Orders Not Implemented~~**
- 6 ~~All development orders which were never implemented shall be either: [Ord. 2005-002]~~
7 ~~[Relocated to Art. 2.B.6.G.2, Development Orders not Implemented]~~
- 8 **a. ~~Abandoned~~**
- 9 ~~Abandoned simultaneously with issuance of a subsequent development order; [Relocated~~
10 ~~to Art. 2.B.6.G.2.a, Public Hearing Abandonment]~~
- 11 **b. ~~Administrative Abandoned~~**
- 12 ~~Administratively abandoned upon demonstration to the Zoning Director that the~~
13 ~~development order was not implemented; or [Relocated to Art. 2.B.6.G.2.b,~~
14 ~~Administrative Abandonment]~~
- 15 **c. ~~Reviewed for Revocation~~**
- 16 ~~Reviewed for revocation pursuant to Article 2.E, Monitoring. [Relocated to Art.~~
17 ~~2.B.6.G.2.c, Revocation]~~
- 18 **3. ~~Implemented Development Orders~~**
- 19 ~~Certain implemented Development Orders, pursuant to Art. 2.D, Administrative Process,~~
20 ~~qualify for administrative abandonment. Other implemented Development Orders require~~
21 ~~Public Hearing abandonment by the Board (BCC or ZC) that approved the Development Order.~~
22 ~~[Ord. 2009-040] [Ord. 2010-022] [Ord. 2011-001] [Relocated to Art. 2.B.6.G.3,~~
23 ~~Implemented DOs]~~
- 24 **a. ~~Administrative Abandonment~~**
- 25 ~~A Development Order, which was used, implemented or benefited from, may be~~
26 ~~administratively abandoned by filing an application with the Zoning Director demonstrating~~
27 ~~that the following criteria are met; [Relocated to Art. 2.B.6.G.3.b, Administrative~~
28 ~~Abandonment]~~
- 29 ~~1) All conditions of approval have been met; [Relocated from Art. 2.B.6.G.3.b.1),~~
30 ~~Related to Administrative Abandonment]~~
- 31 ~~2) There is no reliance by other parties on additional performance; and [Relocated from~~
32 ~~Art. 2.B.6.G.3.b.2), Related to Administrative Abandonment]~~
- 33 ~~3) Consent of all property owners has been received. [Relocated from Art.~~
34 ~~2.B.6.G.3.b.3), Related to Administrative Abandonment]~~
- 35 **b. ~~Public Hearing Abandonment~~**
- 36 ~~A development order, which was used, implemented or benefited from, may be abandoned~~
37 ~~simultaneously with the issuance of a subsequent development order by the BCC or ZC,~~
38 ~~as applicable. The property owner also has the option to petition the BCC or the ZC to~~
39 ~~abandon the development order through expedited application review process, pursuant~~
40 ~~to Article 2.B.2.H.2, Expedited Application Consideration (EAC). [Ord. 2009-040]~~
41 ~~[Relocated to Art. 2.B.6.G.3.a, Public Hearing Abandonment]~~
- 42 **c. ~~Unpaid Status Fees~~**
- 43 ~~A development order shall not be abandoned, either administratively or by approval of a~~
44 ~~subsequent development order, until all unpaid status report fees imposed by action~~
45 ~~pursuant to Article 2.E, Monitoring, have been paid. [Relocated to Art. 2.B.6.G.3.c,~~
46 ~~Unpaid Status Fees]~~
- 47 **4. ~~Additional Guidelines~~**
- 48 ~~In determining whether a development was used, implemented or benefited from, consideration~~
49 ~~shall be given to the following factors: [Relocated to Art. 2.B.6.G.4, Additional Criteria]~~
- 50 **a. ~~Whether any construction or additional construction authorized in the development order~~**
51 **~~has commenced. [Relocated to Art. 2.B.6.G.4.a, related to Additional Criteria]~~**
- 52 **b. ~~Whether a physical or economic use of the development order has occurred, including~~**
53 **~~physical or economic expansion. [Relocated to Art. 2.B.6.G.4.b, related to Additional~~**
54 **~~Criteria]~~**
- 55
56
57
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EXHIBIT B

ARTICLE 2, DEVELOPMENT REVIEW PROCEDURES SUMMARY OF AMENDMENTS

(Updated 10/17/17)

Reason for amendments: [Zoning]
1. Consolidate Withdrawal, Denial or Suspension of Applications under one Section. Minor updates of terms, e.g. Replacing governing body with Authority for consistency.
2. Reorganize these processes under current practice and in this order: Postponement, Remand, Suspension, Withdrawal and Denial.

Section 10 Postponement, Remand, Suspension of Development Review, Withdrawal and Denial of Application

A. Postponement and Remand

Postponement or remand of applications that were subject to the final decision of BCC or ZC shall be subject to the requirements indicated in Art. 2.B, Public Hearing Processes. Applications that are subject to the final decision by the DRO shall be subject to the requirements indicated in Art. 2.C, Administrative Processes.

~~B.~~ Suspension of Development Review Proceedings

An application for a ~~development order DO~~ may be suspended during the pendency of a Code Enforcement proceeding pursuant to Article 10, Enforcement, or for any Code violation involving all or a portion of the land proposed for development, unless it is demonstrated in writing by the ~~applicant~~ that suspension of development review processing could be adverse to the public interest. [Relocated from Art. 2.A.1.O, Suspension of Development Review Proceedings]

MC. Withdrawal

The ~~applicant~~ Applicant shall have the right to withdraw an application for a ~~development order DO~~ at any time prior to the final action on the application by the decision making body or person. Requests for withdrawal received by the PBC official responsible for reviewing the application five days prior to a hearing or review date shall be granted without prejudice. Thereafter, the ~~governing body decision making body or person~~ may make a motion on the application for withdrawal with or without prejudice. Withdrawal with prejudice prohibits the filing of a successive application, which is not materially different, as defined in this Section, for one calendar year.

ND. Denial of Application

1. Denial

When an application is denied with prejudice, an application for a ~~development order DO~~ for all or a part of the same land shall not be considered for a period of one year after the date of denial. Withdrawal Denial with prejudice prohibits the filing of a successive application, which is not materially different, as defined in this Section, for one calendar year.

2. Exceptions

~~a.~~ The subsequent application involves a development proposal that is materially different from the prior proposal. For the purposes of this Section, an application for a ~~development permit DO~~ shall be considered materially different if it involves a change in intensity or density of 25 percent or more.

3. Reconsideration

~~b.~~ A majority of the members on the prevailing side of the decision making body that made the final decision on the application determines that the prior denial was based on a material mistake of fact.

Section 11 P. Violation of Condition of ~~Development Order DO~~

A violation of any condition in a ~~development order DO~~ shall be considered a violation of this Code.

1. The violation shall be rectified prior to any public hearing or meeting on the issuance of any subsequent development order for that project, unless the subsequent application seeks to amend the condition that has been violated. Unless otherwise specified in the development order DO, an approved use must comply with all conditions prior to implementing the approval.
2. The violation shall be subject to any and all enforcement procedures available as provided by Article 10, Enforcement and by all applicable laws and ordinances.

~~T.~~ Section 12 Outstanding Liens or Fines

~~1A.~~ General

~~Development order a~~ Applications for properties that have outstanding liens or fines owed to PBC shall be restricted as follows:

~~a1. Rezoning, Conditional Use, Development Order Amendment, Waivers and Variances Applications subject to Public Hearing Processes~~

The approving ~~body~~ Decision Making Body shall impose a ~~e~~ C Condition of a ~~A~~ Approval requiring the payment of any outstanding liens or fines by a date certain or prior to a specific event; **[Ord. 2009-040]**

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EXHIBIT B

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(Updated 10/17/17)

1 **b2. Applications subject to Administrative Processes for uses designated as a “D” in Use**
2 **Matrices**

3 The DRO shall not approve the application until the payment of any outstanding liens or fines;
4 and, [Ord. 2017-007]

5 **e3. Time extension approved by the ZC or BCC**

6 The “Notice of Intent to Withhold Development Permits” required by Article 2.E, Monitoring,
7 shall not be released until payment of any outstanding liens or fines.

8 **2B. Contest by the Applicant**

9 In the event litigation contesting the validity of the lien or fine is initiated prior to the application for
10 the development order, the time for payment shall be established only after the conclusion of
11 litigation. In this case, a condition shall be in place that requires the owner/developer to notify the
12 County Attorney at Final Order, and if the lien is upheld, payment of the lien shall occur 35 days
13 after the Final Order.

14 **R-Section 13 Misrepresentation**

15 If there is evidence that an application ~~for a development order~~ was considered wherein there was
16 misrepresentation, fraud, deceit, or a deliberate error of omission, ~~PBC the PBC Official responsible for the~~
17 ~~application~~ shall initiate a rehearing to reconsider the ~~DO development order~~. ~~PBC The applicable Authority~~
18 shall approve, approve with new conditions, or deny the ~~development order DO~~ at the rehearing based on
19 the applicable ~~s-Standards~~. If evidence of misrepresentation, fraud, deceit, or a deliberate error of omission
20 is discovered during the application review and approval process, the application shall be decertified and
21 remanded to ~~sufficiency review DRO for a re-review based on resubmitted information~~.

22 **S. Section 14 Appeal**

23 **1A. General**

24 Appeals from Decision Making Bodies and Officials shall be conducted as set forth in this section
25 unless ~~stated otherwise herein specifically provided for elsewhere in this Code~~. [Ord. 2011-016]

26 **B. Judicial Relief**

27 **1. Appeal of BCC Decision**

28 *Any person aggrieved by a decision of the BCC on an application for a ~~development order DO~~*
29 *or Status Report may apply for judicial relief by the filing of a Petition for Writ of Certiorari in the*
30 *Circuit Court of the Fifteenth Judicial Circuit in and for PBC, Florida, within 30 calendar days of*
31 *the date the zoning resolution is filed with the Clerk of the Circuit Court. [Relocated from Art.*

32 *2.A.1.S.3.a, Appeal of BCC Decision, below]*

33 **2. Appeal of Hearing Officer and ZC Variance Decisions**

34 *Any person aggrieved by a decision of the Hearing Officer or the ZC on an application for a*
35 *Type 2 Variance may apply for judicial relief by the filing of a Petition for Writ of Certiorari in the*
36 *Circuit Court of the Fifteenth Judicial Circuit in and for PBC, Florida, within 30 calendar days of*
37 *the decision. [Ord. 2006-036] [Relocated from Art. 2.A.1.S.3.b, Appeal of Hearing Officer*
38 *and ZC Variance Decision, below]*

39 **2C. Non-Judicial Relief**

40 **a1. Standards**

41 **1a) Filing Time**

42 The appeal ~~by the Applicant~~ shall be filed within 20 days after the notice indicating the
43 decision is mailed to the ~~a~~Applicant, unless stated otherwise. A written request for the
44 appeal shall state the grounds for the objection and use established forms and procedures.
45 [Ord. 2011-016]

46 **2b) Notification**

47 The ~~applicable PBC Official official~~ responsible for the decision or an interpretation shall
48 mail a written notification containing the date, time and place of the appeal hearing to the
49 ~~a~~Applicant, at least ten days prior to the hearing. [Ord. 2011-016]

50 **b2. Processes**

51 **1a. Class B Conditional Use**

52 Any Person aggrieved by the decision of the Zoning Commission regarding a Class B
53 Conditional Use may appeal that decision to the BCC according to the following: [Ord.
54 2011-016]

55 **a1)** The BCC shall consider the appeal petition within 60 days of its filing. [Ord. 2011-016]

56 **b2)** At the hearing, the BCC shall provide the petitioner, the ~~a~~Applicant (if the ~~a~~Applicant is
57 not the petitioner), any Person who appeared before the ZC and PBC staff an
58 opportunity to present arguments and testimony. [Ord. 2011-016]

59 **e3)** In making its decision, the BCC shall consider only the record before the ZC at the time
60 of the decision, and the correctness of the findings of fact or any specific condition of

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1 approval imposed by the ZC. The notice and hearing provisions for a Class A
2 conditional use shall govern the appeal. [Ord. 2011-016]

3 ~~d4)~~ The BCC shall reverse the decision of the ZC only if there is substantial competent
4 evidence in the record before the ZC that the decision failed to comply with the
5 standards of Article 2.B.6.B.2, Standards. [Ord. 2011-016]

2)b. ~~DRO Review Administrative DO~~

7 Any Person seeking ~~Development Order~~ a DO approval from the DRO, except for Type 1
8 Waivers, may appeal that decision to the DRAB according to the following: [Ord. 2005-
9 002] [Ord. 2011-016] [Ord. 2012-027]

10 a1) The DRAB shall consider the appeal petition within 60 days of its filing or a date agreed
11 upon by the ~~a~~Applicant and ~~Zoning staff~~ the DRO. The Zoning Division shall coordinate
12 and establish the date for the DRAB hearing. [Ord. 2011-016]

13 b2) The DRAB may reverse or affirm or modify the decision of the DRO. [Ord. 2011-016]

14 e3) At the hearing, the DRAB shall only consider testimony and argument relating to the
15 application, supporting documentation, and any staff report or documentation
16 presented at the time of the DRO decision. [Ord. 2011-016]

17 d4) The decision of the DRO shall be presumed correct and the Person seeking the appeal
18 shall have the burden of demonstrating error. The DRAB shall defer to the discretion
19 of the DRO in interpreting the ULDC and shall not modify or reject the interpretation if
20 it is supported by substantial competent evidence, unless the interpretation is found to
21 be contrary to the Plan, this Code, or the Official Zoning Map. [Ord. 2011-016]

3)c. ~~Special Permit Temporary Use~~

23 ~~Except for appeals regarding Adult Entertainment Special Permit applications, set forth in~~
24 ~~Art. 4.B.2.C.1.d, License per Palm Beach County Adult Entertainment Code, any Any~~
25 Person aggrieved by a decision of the ~~Zoning Director~~ DRO regarding a ~~Special Permit~~
26 ~~Temporary Use~~ may appeal that decision to the ~~Hearing Officer~~ DRAB according to the
27 following: [Ord. 2006-036] [Ord. 2011-016]

28 a1) The ~~Zoning Division~~ DRO shall coordinate and establish the date for the Hearing
29 Officer to consider the appeal which shall be within 40 days of the filing of the appeal.
30 [Ord. 2011-016]

31 b2) The Hearing Officer may reverse or affirm or modify the decision of the ~~Zoning Director~~
32 DRO. [Ord. 2011-016]

33 e3) At the hearing, the ~~Hearing Officer~~ DRAB shall only consider testimony and argument
34 relating to the application, supporting documentation, and any staff report or
35 documentation presented at the time of the ~~Zoning Director~~DRO's decision. [Ord.
36 2011-016]

37 d4) The ~~Zoning Director's~~ DRO's decision shall be presumed correct and the Person
38 seeking the appeal shall have the burden of demonstrating error. The ~~Hearing Officer~~
39 DRAB shall defer to the discretion of the ~~Zoning Director~~ DRO in interpreting the ULDC
40 and shall not modify or reject the interpretation if it is supported by substantial
41 competent evidence, unless the interpretation is found to be contrary to the Plan, this
42 Code, or the Official Zoning Map. [Ord. 2011-016]

a) Adult Entertainment

44 The appeal process is set forth on Art. 4.B.2.C.1.d, License per Palm Beach
45 County Adult Entertainment Code.

4)e. Interpretations

47 The Person who sought the interpretation may appeal that interpretation to the Hearing
48 Officer, unless stated otherwise, according to the following: [Ord. 2006-036] [Ord. 2011-
49 016]

50 a1) The agency responsible for the interpretation shall coordinate and establish the date
51 for the Hearing Officer to consider the appeal which shall be within 40 days of the filing
52 of the appeal or a date agreed upon the Applicant and Agency Staff. [Ord. 2011-016]

53 b2) The Hearing Officer may reverse or affirm or modify the interpretation. [Ord. 2006-
54 036] [Ord. 2011-016]

55 e3) At the hearing, the Hearing Officer shall only consider testimony and argument relating
56 to documentation submitted by the Person seeking the interpretation, and any staff
57 report or documentation presented at the time of the interpretation. [Ord. 2011-016]

58 d4) The interpretation shall be presumed correct and the Person seeking the appeal shall
59 have the burden of demonstrating error. The Hearing Officer shall defer to the
60 discretion of the applicable authority in interpreting the ULDC and shall not modify or
61 reject the interpretation if it is supported by substantial competent evidence, unless the
62 interpretation is found to be contrary to the Plan, this Code, or the Official Zoning Map.
63 [Ord. 2011-016]

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5)f. ~~Type 1A and~~ Type 1B Administrative Variance Decisions

Any Person aggrieved by a decision of the ~~Zoning Director~~ DRO on an application for a ~~Type 1A or~~ Type 1B Administrative Variance may appeal to the Hearing Officer according to the following: **[Ord. 2006-036] [Ord. 2011-016]**

a1) The Zoning Division shall coordinate and establish the date for the Hearing Officer to consider the appeal which shall be within 40 days of the filing of the appeal or a date agreed upon the Applicant and Zoning staff. **[Ord. 2011-016]**

b2) The Hearing Officer may reverse or affirm or modify the decision. **[Ord. 2011-016]**

c3) At the hearing, the Hearing Officer shall only consider testimony and argument relating to the application, supporting documentation, and any staff report or documentation presented at the time of the Zoning Director's decision. **[Ord. 2011-016]**

d4) The Zoning Director's decision shall be presumed correct and the Person seeking the appeal shall have the burden of demonstrating error. The Hearing Officer shall defer to the discretion of the Zoning Director in interpreting the ULDC and shall not modify or reject the interpretation if it is supported by substantial competent evidence, unless the interpretation is found to be contrary to the Plan, this Code, or the Official Zoning Map. **[Ord. 2011-016]**

6)g. ~~Type I~~ 1 Waiver

a1) URAO

Any Person seeking a URAO ~~Type I~~ 1 Waiver from the DRO may appeal that decision to the BCC pursuant to the procedures in Art. 2.A.1.S.2.b.1, Class B Conditional Use. **[Ord. 2011-016]**

b2) Other Type I Waivers

Any Person seeking a ~~Type I~~ 1 Waiver, except for URAO, may appeal that decision to the Zoning Commission subject to the following: **[Ord. 2011-016] [Ord. 2012-027]**

~~(1a)~~ The ZC shall consider the appeal petition within 60 days of its filing. **[Ord. 2011-016]**

~~(2b)~~ At the hearing, the ZC shall provide the petitioner, the Applicant, and PBC staff an opportunity to present arguments and testimony. **[Ord. 2011-016]**

~~(3c)~~ The ZC shall consider only the evidence presented to County Staff at time of the decision and the correctness of findings of fact or any condition imposed by the DRO. **[Ord. 2011-016]**

~~(4d)~~ The ZC shall modify or reject only if substantial evidence is contrary to the Plan, ULDC, or Official Zoning Map. **[Ord. 2011-016]**

~~3. Judicial Relief~~

~~a. Appeal of BCC Decision~~

~~Any person aggrieved by a decision of the BCC on an application for a development order or Status Report may apply for judicial relief by the filing of a Petition for Writ of Certiorari in the Circuit Court of the Fifteenth Judicial Circuit in and for PBC, Florida, within 30 calendar days of the date the zoning resolution is filed with the Clerk of the Circuit Court. [Relocated to Art. 2.A.11.B, Judicial Relief, above]~~

~~b. Appeal of Hearing Officer and ZC Variance Decisions~~

~~Any person aggrieved by a decision of the Hearing Officer or the ZC on an application for a Type II variance may apply for judicial relief by the filing of a Petition for Writ of Certiorari in the Circuit Court of the Fifteenth Judicial Circuit in and for PBC, Florida, within 30 calendar days of the decision. [Ord. 2006-036] [Relocated to Art. 2.A.11.B, Judicial Relief, above]~~

Part 2. ULDC Art. 2.B, Public Hearing Process (page 26-32 of 87), is hereby amended as follows:

Reason for amendments: [Zoning]
1. Consolidate procedures that are related to Public Hearing processes to the new Chapter B, Public Hearing Process. Clarify Chapter B establishes procedures and standards for all applications that are subject to the BCC or ZC's final decision.
2. Under Sufficiency Review, add reference to the Annual Zoning Calendar for Submittal, Staff Comments and Resubmittal by the Applicant. Clarify that Staff will notify the Applicant of insufficiencies and allow time for them to be addressed. If the insufficiencies are not addressed by the Applicant the second month, Staff will advise the Applicant that the application may be administratively withdrawn, unless a time extension is requested.
3. Clarify the 30% threshold limitation as it relates to intensity, density, vehicular use areas, etc. for requests to modify items that have been certified for Public Hearings

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EXHIBIT B

ARTICLE 2, DEVELOPMENT REVIEW PROCEDURES SUMMARY OF AMENDMENTS

(Updated 10/17/17)

CHAPTER B PUBLIC HEARING PROCESSES

Section 1 Purpose

To establish procedures and standards for:

- Sufficiency determination of applications that are subject to the Public Hearing processes;
- Submittal, Review, Resubmittal, and Certification of applications that are subject to Table 2.A.1.C.1, BCC – Legislative and Quasi-Judicial Processes, and Table 2.A.2.C.2, ZC – Quasi-Judicial Processes;
- Public notification as mandated by Florida Statutes, and Courtesy notification provided by the County;
- Preparation of Staff Reports and recommendations to the Decision Making Bodies;
- Scheduling and Conduct of Hearings; and
- Final decision by the BCC or ZC pursuant to Art. 2.G, Decision Making Bodies.

Section 2 Sufficiency Review

A. Sufficiency

The DRO shall ensure the applications meet all Submittal requirements and the requests are consistent with Art. 2.A, General. *If the application is determined to be sufficient by the DRO, it shall be distributed to the applicable County Agencies for review pursuant to the procedures and standards of this Article. [Ord. 2005-041] [Partially relocated from Art. 2.A.1.G.4.a, Sufficiency]*

B. Insufficiency

If an application is determined to be insufficient pursuant to the Reasons for Insufficiencies listed in the Zoning Technical Manual, the DRO shall provide written notification to the Applicant specifying the deficiencies. [Partially relocated from Art. 2.A.1.G.4.b.1), Related to Insufficiency] The notification shall be forwarded to the Applicant within ten days of the application's submittal date.

1. No further action shall be taken on the application until the deficiencies are remedied.

2. The Applicant shall address all insufficiencies and resubmit the application on the submittal date of the next month pursuant to the Annual Zoning Calendar.

3. If the application is amended and determined to be sufficient by the DRO, the application shall be processed for review.

4. If the deficiencies are not remedied prior to the next Submittal date as indicated on the Annual Zoning Calendar, the DRO shall issue a second written notification to the Applicant indicating the application shall be considered withdrawn unless a time extension request has been submitted.

C. Time Extension

The Applicant may submit a written request to the Zoning Director should additional time be required to address unresolved issues. Such request shall be submitted to the Zoning Director no later than 5 days after the issuance of the second Insufficiency notification.

D. Administrative Withdrawal

If the Applicant fails to address the insufficiencies or request a time extension, it may result in an Administrative withdrawal of the application.

Section 3 General

The DRO shall coordinate the review of applications with all the applicable Agencies based on the request(s), and in accordance with Tables 2.A.2.C.1 – Board of County Commissioners, Legislative and Quasi-Judicial Processes, and Table 2.A.2.C.2 – Zoning Commission, Quasi-Judicial Processes. The application(s) shall be assigned by the DRO to be reviewed through the Full DRO, which consists of all applicable County Agencies. An Applicant may also request a Concurrent Review by the DRO.

Section 4 Review, Resubmittal and Certification

Review of an application shall be initiated by the DRO on the date it is deemed sufficient, subject to the timeline specified in the Table below. The processing time may vary based upon the types of requests.

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EXHIBIT B

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Table 2.B.4, Review, Resubmittal and Certification

<u>Processes</u>	<u>DRO</u>
<u>Application Submittal by Applicant</u>	Refer to Annual Zoning Calendar.
<u>Sufficiency Review by Staff</u>	10 days from the date of Application Submittal.
<u>Insufficiency to be addressed by Applicant</u>	The Applicant may resubmit on the Submittal date of the following month. Refer to Annual Zoning Calendar.
<u>Initiate Review and Staff Comments</u>	10 days from the date of Sufficiency.
<u>Resubmittal by Applicant</u>	The Applicant shall address all issues and comments by the next Submittal date. Refer to the Annual Zoning Calendar.
<u>Staff Review and Comments on Resubmittal</u>	Refer to Annual Zoning Calendar.
<u>Certification for Public Hearings</u>	Refer to Annual Zoning Calendar.

A. Review

The DRO shall prepare a list of issues and comments and make it available to the Applicant. The Applicant shall provide a written response addressing all outstanding issues and comments by the next Submittal date.

B. Certification

If the resubmitted documents satisfy Code requirements and address the DRO's list of outstanding issues and comments, the DRO shall issue a Result Letter indicating the certification of the application.

C. Non-certification

If the resubmitted documents fail to address all listed outstanding issues and comments, the DRO shall issue a Result List indicating that the application is not certified.

1. Resubmittal Requirements

The Applicant shall provide a written response, addressing all outstanding issues and comments for those applications that are not certified, in a manner and form acceptable to the Zoning Division-DRO. The revised documents shall be resubmitted to DRO for review and comment on the Submittal date as established on the Annual Zoning Calendar. **[Ord. 2005-041] [Ord. 2008-003] [Partially relocated from Art. 2.A.1.I.3.a, Resubmittal Requirements]**

D. Application Modification After Certification

Applications shall not be significantly modified after certification, unless requested or agreed to by the DRO. Significant modifications to the certified plan(s) and application(s) within ten days of a scheduled public hearing date shall result in a postponement. For the purposes of this Article, a modification shall be considered significant if it exceeds 30 percent or more change from the certified plan or application request. The DRO may consider, but not limited to: intensity, density, land area, or vehicular use areas, to determine whether the certified plans or documents exceed the 30 percent threshold. **[Ord. 2005 - 002] [Relocated from Art. 2.A.1.I.4, Application Modification After Certification]**

E. Continuance or Postponement

Applications for a DO that are continued or postponed for more than six months by the DRO must obtain approval from the Zoning Director. All applications, that have been continued or postponed for more than six months without approval from the Zoning Director, shall be administratively withdrawn. **[Ord. 2005 - 002] [Relocated from Art. 2.A.1.L.5.b, DRO as it related to Continuance or Postponement]**

Reason for amendments: [Zoning]
1. Under the current provisions, it is not clear how far courtesy notices have to be extended when adjacent properties within the mailing boundary are owned by the Applicant or a related entity. In some cases, a very large parcel owned by the same Applicant or related entity are adjacent to a site required to provide notifications. If the current regulations are applied, the first properties being notified may be thousands of feet away from the site subject to a Zoning process in which case the courtesy notice is not relevant. This amendment establishes a maximum distance to determine the mailing boundary for properties owned by the same owner of the application.
2. Expand the mailing boundary of 1,000 feet for regular mail to properties in the Glades Tier. This Tier has larger lot size than the Rural and Exurban Tiers where the regulation currently applies.
3. Clarify that Courtesy Notices are required to be mailed to adjacent property owners for Type 1 Variances Public meetings

Section 5 Notification

A. Applicability

Applications subject to Public Hearing or Type 1 Variance processes, corrective resolutions, or Administrative Inquiries, or any application that will result in the redevelopment of an existing occupied mobile home park, shall require notification to the public, in accordance with the following Table: **[Ord. 2011-016] [Ord. 2015-031] [Ord. 2017-002] [Ord. 2017-025] [Relocated from Art. 2.A.1.J.1, Applicability]**

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EXHIBIT B

**ARTICLE 2, DEVELOPMENT REVIEW PROCEDURES
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1

Table 2.B.5 – Notification Applicability

Requests	Newspaper Publication	Courtesy Notice	Signs
ABN (1)	Yes	N/A	N/A
Corrective Resolution	Yes	N/A	N/A
Type 1 Variance	N/A (2)	Yes	Yes
Type 2 Variance	Yes	Yes	Yes
Other Public Hearing (Rezoning, Conditional Uses, DOA, Waiver)	Yes	Yes	Yes
Administrative Inquiry (3)	N/A	Yes	N/A
Redevelopment of Mobile Home Parks	N/A	N/A	Yes (4)

[Ord. 2015-031] [Ord. 2017-002] [Ord. 2017-007] [Ord. 2017-025]

Notes:

1. Applies to Public Hearing and Administrative Abandonments, excluding: DOs advertised and abandoned simultaneously as part of a subsequent; and, DOs advertised and reviewed for revocation pursuant to Art. 2.E, Monitoring.
2. Notification shall be required in compliance with F.S. 286.011.
3. Only applicable to an inquiry related to a specific development or parcel and not for general direction on a topic. **[Ord. 2017-002]**
4. In addition to any applicable signs required for the Public Hearing processes applications for the redevelopment of occupied mobile home parks shall be subject to additional posting requirements.

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[Relocated from Table 2.A.1.J – Notification Applicability]

B. Newspaper Publication

Notice shall be published in a newspaper of general circulation in PBC in accordance with F.S. 125.66. **[Ord. 2011-016] [Ord. 2015-031]** **[Relocated from, Art. 2.A.1.J.2, Newspaper Publication]**

C. Courtesy Notice

1. Applicability and Mailing Boundary

Courtesy notices shall be mailed to all property owners, interested parties or other entities identified in the following table: **[Ord. 2006-036] [Ord. 2008-003] [Ord. 2011-016] [Ord. 2015-031]** **[Relocated from Art. 2.A.1.J.3, Courtesy Notice]**

Table 2.B.5.C – Courtesy Notice Requirements

Process	Recipients and Boundaries			
	Certified Mail 0 to 300 feet (1)(5)	Regular Mail 301 to 500 feet (1)(5)(7)	Regular Mail 0 to 500 feet	Regular Mail within One Mile (1)
Type 1 Variance	All owners of real property (2), condominium associations (3) and POAs, HOAs or equivalent.	NA	N/A	Counties and Municipalities (4)
Type 2 Variance		NA	N/A	
Other Public Hearing (Rezoning, Conditional Uses, DOA, Waiver)		All owners of real property (2), condominium associations (3) and POAs, HOAs or equivalent.	N/A	
Administrative Inquiry (Site Specific) (6)	N/A	N/A	All owners of real property (2)	N/A

[Ord. 2011-016] [Ord. 2012-003] [Ord. 2015-031] [Ord. 2016-016] [Ord. 2017-002] [Ord. 2017-007]

Notes:

1. Distance shall be measured from the property line of the affected area, unless stated otherwise. If the adjacent property within the mailing boundary is owned by the applicant or a related entity, the notification boundary shall be extended an additional 500 feet beyond the boundary of the adjacent parcel. Courtesy notices are not required where the outer boundary of the adjacent parcel lies from the subject site more than 1,500 feet on properties located in the Glades, Exurban and Rural Tiers, or 1,000 feet for properties in other Tiers. **[Ord. 2012-003]**
2. Includes all owners of real property, whose names and addresses are known by reference to the latest published ad valorem tax records of the PBC Property Appraiser.
3. Includes condominium associations and all real property owners when real property consists of a condominium.
4. Shall also include municipalities that have the subject parcel identified within the PBC Future Annexation Map
5. The Applicant shall provide the list of all Condominium Associations, POAs, HOAs or equivalent within the boundaries. **[Ord. 2016-016]**
6. Shall be mailed a minimum of ten days prior to the date of the AI by the Applicant submitting the inquiry.
7. A larger notification boundary from 301 to 1,000 feet is required for properties located in the Glades, Exurban or Rural Tiers. **[Relocated from note #1.]**

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[Relocated from Table 2.A.1.J - Courtesy Notice Requirements]

2. Notice Content

Courtesy notices shall include the following information: **[Ord. 2011-016]** **[Relocated from Art. 2.A.1.J.3.b, Notice Content]**

a. A general summary of the application; [Ord. 2011-016] **[Relocated from Art. 2.A.1.J.3.b.1), Related to Notice Content]**

b. A date, time and place for the Public Hearing(s) or the Public Meeting(s) for Type 1 Variance; [Ord. 2011-016] **[Relocated from Art. 2.A.1.J.3.b.2), Related to Notice Content]**

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- 1 *c.* A general location map of the subject property; and, [Ord. 2011-016] [Relocated from Art.
2 2.A.1.J.3.b.3), Related to Notice Content]
- 3 *d.* A statement indicating that interested parties may appear at the Public Hearing or the
4 Public Meeting for the Type 1 Variance to be heard regarding the request. [Ord. 2011-
5 016] [Relocated from Art. 2.A.1.J.3.b.4), Related to Notice Content]
- 6 **3. Failure to Receive Courtesy Notice**
7 Failure to receive a notice shall not be deemed a failure to comply with Art. 2.A.1.J B.5,
8 Notification, or be grounds to challenge the validity of any decision made by the approving
9 authority. [Ord. 2011-016] [Ord. 2015-031] [Relocated from Art. 2.A.1.J.3.c, Failure to
10 Receive Courtesy Notice]
- 11 **D. Signs**
- 12 **1.** The Applicant shall post signs regarding the public hearing or the public meeting on the
13 property subject to the application. The signs shall be prepared by the Applicant using
14 information provided by the Zoning Division, consistent with the requirements of the Zoning
15 Technical Manual. Signs must be posted at least 15 days in advance of any public hearing.
16 One sign shall be posted for each 250 feet of frontage, or a fraction thereof, along a street up
17 to a maximum of ten signs. All signs shall be: [Ord. 2010-022] [Ord. 2011-016] [Ord. 2012-
18 003] [Ord. 2016-016] [Relocated from Art. 2.A.1.J.4.a, Related to Signs]
- 19 *a.* Evenly spaced along the street when more than one sign per property is required; [Ord.
20 2011-016] [Ord. 2012-003] [Relocated from Art. 2.A.1.J.4.a.1), Related to Signs]
- 21 *b.* Setback no more than 25 feet from the property line; and, [Ord. 2011-016] [Relocated
22 from Art. 2.A.1.J.4.a.2), Related to Signs]
- 23 *c.* Erected in full view by the public. [Ord. 2011-016] [Relocated from Art. 2.A.1.J.4.a.3),
24 Related to Signs]
- 25 Where the property does not have sufficient frontage on a street, signs shall be in a location
26 acceptable to the Zoning Director. The Applicant shall submit to the DRO an affidavit of
27 Installation of Notification Signs with photographs confirming the signs have been posted.
28 The failure of any such posted notice to remain in place after it has been posted shall not
29 be deemed a failure to comply with this Section or be grounds to challenge the validity of
30 any decision made by the approving authority. The Applicant shall also be required to
31 ensure the signs have been removed no later than five days after the final hearing. [Ord.
32 2010-022] [Ord. 2011-016] [Ord. 2015-031] [Relocated from Art. 2.A.1.J.4.a.3), Related
33 to Signs]
- 34 **2. Exceptions**
35 Signs posted by a public agency or the BCC may be posted on the nearest street or at major
36 intersections leading to and within the subject property. [Relocated from Art. 2.A.1.J.4.b,
37 Exceptions]
- 38 **3. Additional Sign Notification Requirements for Redevelopment of Mobile Home Parks**
39 The purpose of this Section is to provide additional notice to a prospective purchaser of a
40 mobile home in a mobile home park that has either applied for or received an approval to
41 redevelop the property, potentially to another use. Should a person decide to purchase any
42 mobile home in this park, he or she may be required to bear the cost of removing the mobile
43 home to another suitable location. An application for a DO that will result in the redevelopment
44 of an existing occupied mobile home park, shall be subject to the following additional
45 notification requirements: [Ord. 2017-025]
- 46 **a. Standards for Notification**
47 In addition to the sign requirements above, the following additional requirements shall
48 apply: [Ord. 2017-025]
- 49 1) The Applicant shall post signs within 30 days of an application being deemed sufficient.
50 [Ord. 2017-025]
- 51 2) Signs shall be prepared by the Applicant using information provided by the Zoning
52 Division, consistent with the requirements of the Zoning Technical Manual, and at a
53 minimum shall be posted in English, Creole and Spanish, to include the following
54 specific text: "This mobile home park has applied for or has received an approval to
55 redevelop the property, potentially to another use. Should you decide to purchase any
56 mobile home in this park, you may be required to bear the cost of removing the mobile
57 home to another suitable location". [Ord. 2017-025]
- 58 3) One sign shall be posted for each 250 feet of frontage, evenly spaced, along a street
59 up to a maximum of 5 signs, and where applicable at the entrance to any park
60 management offices and recreational facilities. [Ord. 2017-025]
- 61 4) Signs shall remain posted until such time as the application is approved, denied or
62 withdrawn. [Ord. 2017-025]
- 63 **b. Standards Applicable to Redevelopment Approvals**
64 Upon approval, the above public information signs shall be updated and reposted in
65 accordance with the following: [Ord. 2017-025]

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EXHIBIT B

ARTICLE 2, DEVELOPMENT REVIEW PROCEDURES SUMMARY OF AMENDMENTS

(Updated 10/17/17)

- 1) The signs shall be posted within 30 days of a zoning application approval, in accordance with the information above, including number, spacing, location and language, to include the following text: "This mobile home park has been approved for (specific use). Should you decide to purchase any mobile home in this park, you may be required to bear the cost of removing the mobile home to another suitable location". **[Ord. 2017-025]**
- 2) The signs shall be maintained until such time as all mobile home units within the affected development area have been removed from the park, or the approval is abandoned. **[Ord. 2017-025]**

c. Compliance with Notice Requirement

The owner of the mobile home park shall be required to submit the form Affidavit of Installation of Notification Signs substantiating that such signage is consistently being maintained, on a quarterly basis, as follows: **[Ord. 2017-025]**

- 1) To the Zoning Division, for signs required under 1 above; and, **[Ord. 2017-025]**
- 2) To the Monitoring and Compliance Section of the Planning Division, for signs required under 2 above. **[Ord. 2017-025]**

4. Postponements

*All applications postponed for three or more consecutive hearings shall require the Applicant to provide new notification pursuant to Art. 2.C.4, Notification. **[Ord. 2010-022] [Ord. 2011-016]***
[Relocated from Art. 2.A.1.J.5, Postponement]

Reason for amendments: [Zoning]
1. Clarify the number of hearings required for applications that are subject to quasi-judicial processes.
2. Consolidate Scheduling procedures, which are currently repeated in three locations.
3. Add language giving the Zoning Commission (ZC) the authority to remand an application back to the DRO, if during their hearings, it is discovered that information is incomplete, inaccurate or misrepresented.

Section 6 Public Hearing Procedures

*All decision making persons and bodies shall act in accordance with the time limits established in this Code, unless stated otherwise. **[Relocated from Art. 2.A.1.L.1 General, related to Actions by Decision Making Bodies or Persons]***

A. Scheduling

*Once an application has been certified by the DRO, the DRO shall schedule a public hearing in accordance with the dates established in the Annual Zoning Calendar, or such time as is mutually agreed upon between the Applicant and the DRO. The scheduling of the application for public hearing shall ensure the public notice requirements are satisfied. **[Relocated from Art. 2.A.1.K.1, Scheduling as it related to Public Hearing Procedures]***

1. Number of Hearings

*Both the ZC and the BCC shall hold at least one public hearing on applications that are subject to the Public Hearing processes, unless otherwise stated herein. **[Partially relocated from Art. 2.A.1.K.1.a, Number of Hearings]***

2. Exception for Official Zoning Map Amendment

*The ZC shall hold at least one public hearing and the BCC shall hold two public hearings on a proposed amendment to the boundaries of the Official Zoning Map for PBC initiated applications consisting of ten or more contiguous acres of land. **[Relocated from Art. 2.A.1.K.1.b, Exception]***

B. Staff Report and Recommendation

a. Report

*The DRO or the PBC official responsible for reviewing the application shall prepare a report for each application. The DRO shall incorporate the analysis and Conditions of Approval of the Agencies who are responsible for reviewing the application, and a recommendation of approval, approval with conditions, or denial based on the applicable Standards. The report shall be made available to the public at least five days prior to the hearing date. **[Relocated from Art. 2.A.1.K.2.a, Report]***

C. Board Action

1. Action by ZC

*The ZC shall conduct a public hearing on the application, subject to the following procedures: **[Relocated from Art. 2.A.1.K.3.a, Action by ZC]***

1) Scheduling

~~*After DRO certification, the application shall be considered at the next available regularly scheduled public hearing by the ZC, or such time as is mutually agreed upon between the Applicant and the Zoning Director. The scheduling of the application for public hearing shall*~~

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EXHIBIT B

ARTICLE 2, DEVELOPMENT REVIEW PROCEDURES SUMMARY OF AMENDMENTS

(Updated 10/17/17)

- 1 ~~ensure the public notice requirements are satisfied.~~ [Relocated from Art. 2.A.1.K.3.a.1),
2 Scheduling]
- 3 **a. Rezoning, Class A Conditional Use, DOA, Type II Waivers Recommendations by the**
4 **ZC**
5 ~~The ZC shall consider the application where the BCC makes a final decision, including staff~~
6 ~~report, relevant support materials, public testimony, DRO certification and public testimony~~
7 ~~given at the hearing. After close of the public hearing, the ZC shall recommend to the BCC~~
8 ~~that the application be approved, approved with Conditions, modified, continued,~~
9 ~~postponed or denied based upon the applicable Standards in Art. 2.B.7, Types of~~
10 ~~Applications. [Ord. 2008-003] [Ord. 2011-016] [Ord. 2012-027] [Ord. 2017-007]~~
11 ~~[Relocated from Art. 2.A.1.K.3.a.2), Rezoning, Class A Conditional Use, DOA, Type II~~
12 ~~Waiver]~~
- 13 **c. Class B Conditional Use, DOA, Type II Variance Final Decision by the ZC**
14 ~~The ZC shall consider the application where the ZC makes a final decision, including, staff~~
15 ~~report, relevant support materials, DRO certification, public testimony, and public testimony~~
16 ~~given at the hearing. After close of the public hearing, the ZC shall by not less than a~~
17 ~~majority of a quorum present approve, approve with conditions, modify, postpone, or deny~~
18 ~~the application. The actions shall be based upon the applicable and any Standards specific~~
19 ~~to the use as required in Art. 4.B, Use Classification, thereby adopting a resolution~~
20 ~~approving, approving with Conditions, or denying the proposed request. The resolution~~
21 ~~shall be filed with the Zoning Division, Clerk of the Circuit Court. [Ord. 2006-036] [Ord.~~
22 ~~2008-003] [Partially relocated from Art. 2.A.1.K.3.a.3), Class B Conditional Use, DOA,~~
23 ~~and Type II Variance]~~
- 24 **d. Remand by the ZC**
25 ~~If at any time during the public hearing, the ZC determines that the application is based~~
26 ~~upon incomplete, inaccurate information or misstatements of fact, it may remand the~~
27 ~~application back to the DRO for further review and a revised staff report.~~
- 28 **2. Action by BCC**
- 29 **a. Public Hearing(s) Recommendations by the ZC**
30 ~~At the public hearing(s), the BCC shall consider the application, staff report, relevant~~
31 ~~support materials, the recommendation of the ZC, and the public testimony submitted~~
32 ~~before and given at the hearing, and the evidence introduced into the record at the public~~
33 ~~hearing(s). [Relocated from Art. 2.A.1.K.3.b.2), Public Hearing(s)]~~
- 34 **b. Final Decision by the BCC**
35 ~~The BCC shall consider the application, staff report, relevant support materials, DRO~~
36 ~~certification, the ZC recommendation, public testimony submitted before and given at the~~
37 ~~hearing. After close of the public hearing, the BCC shall by not less than a majority of a~~
38 ~~quorum present approve, approve with conditions, modify, postpone, or deny the~~
39 ~~application. The actions shall be based upon the applicable and any Standards specific to~~
40 ~~the use as required in Art. 4.B, Use Classification, thereby adopting a resolution approving,~~
41 ~~approving with Conditions, or denying the proposed request. The resolution shall be filed~~
42 ~~with the Clerk of the Circuit Court. [Ord. 2008-003] [Ord. 2012-027] [Ord. 2017-007]~~
43 ~~[Relocated from Art. 2.A.1.K.3.b.3), Decision, page 20]~~
- 44 **c. Remand by the BCC**
45 ~~If at any time during the public hearing, the ZC or BCC determines that the application is~~
46 ~~based upon incomplete, inaccurate information or misstatements of fact, the BCC may~~
47 ~~refer remand the application back to the ZC or DRO for further review and a revised staff~~
48 ~~report. [Relocated from Art. 2.A.1.K.3.b.4), Remand]~~
- 49 **3. Action by the Hearing Officer**
50 ~~At the public hearing(s), the Hearing Officer shall consider the application, all relevant support~~
51 ~~materials, staff report, testimony given, and evidence introduced into the record at the public~~
52 ~~hearing(s) and decide to approve, approve with conditions, deny, continue, postpone, modify~~
53 ~~or withdraw the request. [Ord. 2006-036] [Relocated from Art. 2.A.1.K.3.c, Action by the~~
54 ~~Hearing Officer]~~

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EXHIBIT B

ARTICLE 2, DEVELOPMENT REVIEW PROCEDURES SUMMARY OF AMENDMENTS

(Updated 10/17/17)

Reason for amendments: [Zoning]
1. Reorder the hearing proceedings, to require the Applicant to make their presentation to the Decision Making Bodies prior to the staff presentation. This change will result in partial inconsistency with the steps indicated in Robert's Rules of Orders.
2. Add Postponement by right to reflect current practice. An Applicant may request to have their application postponed to a later date if the request is made five days prior to the scheduled hearing.

D. Conduct of Hearings

1. Oath or Affirmation

All testimony and evidence shall be given under oath or by affirmation to the body conducting the hearing. [Relocated from Art. 2.A.1.K.4.a, Oath or Affirmation]

2. Rights of All Persons

Any person may appear at a public hearing and submit evidence, either individually or as a representative of an organization. Anyone representing an organization shall present evidence of his/her authority to speak on behalf of the organization in regard to the matter under consideration. Each person who appears at a public hearing shall be identified, state an address, and if appearing on behalf of an organization, state the name and mailing address of the organization. [Relocated from Art. 2.A.1.K.4.b, Rights of All Persons]

3. Order of Proceedings Procedures for Public Hearings

Robert's Rules of Order shall be observed during the The proceeding procedures of the hearings shall be in accordance with Article 2.G.2, General Provisions. The decision making body may adopt bylaws stipulating the manner in which the proceedings will be conducted. The body conducting the hearing may exclude testimony or evidence that it finds to be irrelevant, immaterial or unduly repetitious formal rules of evidence. Formal Rules of evidence shall not apply but fundamental due process shall be observed. The order of the proceedings shall be as follows: [Relocated from Art. 2.A.1.K.4.c, Order of Proceedings]

a. The Applicant shall present any information the Applicant deems appropriate. [Relocated from Art. 2.A.1.K.4.c.2), Related to Order of Proceedings]

b. The PBC official responsible for reviewing the application shall present a written or oral recommendation, including any report prepared. This recommendation shall address each standard required to be considered by this Code prior to rendering a decision on the application.

c. Public testimony shall be heard. [Relocated from Art. 2.A.1.K.4.c.3), Related to Order of Proceedings]

d. The PBC official responsible for reviewing the application may respond to any statement made by the Applicant or any public comment. [Relocated from Art. 2.A.1.K.4.c.4), related to Order of Proceedings]

e. The Applicant may respond to any testimony or evidence presented by the PBC staff or public at the discretion of the Chair. [Relocated from Art. 2.A.1.K.4.c.5), related to Order of Proceedings]

f. The decision making body may direct questions to staff and the Applicant specific to the request. [Relocated from Art. 2.A.1.K.4.c.6), Related to Order of Proceedings]

g. The decision making body shall discuss the facts of the application and make a recommendation. [Relocated from Art. 2.A.1.K.4.c.1), related to Order of Proceedings]

E. Continuance or Postponement of Hearings

The ~~body~~BCC or ZC conducting the public hearing may, on its own motion or at the request of an Applicant, continue the public hearing to a fixed date, time and place. The ~~body conducting the hearing~~ BCC or ZC shall determine if an application shall be postponed when an Applicant fails to submit a request for postponement five days prior to the hearing. All subsequent request for continuance or postponement shall be granted at the discretion of the decision making body. [Ord. 2005-041] [Ord. 2006-036] [Relocated from Art. 2.A.1.L.5.a, BCC and ZC, related to Continuance or Postponement]

1. Postponement by Right

An Applicant shall be granted a postponement by right to the next regularly scheduled hearing if requested in writing five days prior to the hearing. If the postponement is requested less than five days of the date of the scheduled hearing, the request for postponement shall be presented at the hearing and at the discretion of the ZC or BCC.

F. Finalization of Approved DOs

The Applicant shall submit an application to the DRO for finalization of the BCC or ZC approved DOs in accordance with the procedures in Art. 2.C.3, Finalization of BCC or ZC DOs.

G. Other Procedures

Other procedures, which include: Remand, Suspension of Development Review, Withdrawal and Denial of Application; are referenced in Art. 2.A.10; Violation of Condition of DO in Art. 2.A.11;

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EXHIBIT B

ARTICLE 2, DEVELOPMENT REVIEW PROCEDURES SUMMARY OF AMENDMENTS

(Updated 10/17/17)

Outstanding Liens or Fines in Art. 2.A.12; Misrepresentation in Art. 2.A.13; and Appeal in Art. 2.A.14.

Reason for amendments: [Zoning]
1. Clarify that certain Standards must be considered by the BCC and ZC for Rezoning to a standard Zoning district, with or without a Conditional Overlay Zone (allows conditions of approval to be imposed) and a PDD or TDD. Amend current Rezoning text to reduce redundancy.
2. Add additional standard for rezoning to a PDD or TDD since these types of applications are subject to submittal of plans showing the proposed layout of the buildings, parking, and landscaping.

Section 7 **Types of Application**

Section 1A Official Zoning Map Amendment (Rezoning) to a Standard District

A1. Purpose

~~The purpose of this Section is to~~ To provide a means for changing the boundaries of the Official Zoning Map for a parcel of land. This Section is not intended to relieve particular hardships or to confer special privileges or rights on any person, but only to make necessary adjustments in light of changed conditions. In determining whether to grant an amendment, the BCC shall consider, the consistency of the proposed amendment with the intent of the Plan set forth in this Section.

B2. Standards

When considering an application for rezoning to a standard zoning district with or without a COZ, the BCC and ZC shall utilize ~~consider~~ Standards a through g 1—7 indicated below. ~~In addition, the standards indicated in Section 2.B of this Chapter shall also be considered for rezoning to a standard zoning district with a Conditional Use, and rezoning to a PDD or TDD with or without a Waiver.~~ An amendment which fails to meet any of these standards shall be deemed adverse to the public interest and shall not be approved. [Ord. 2007-001] [Ord. 2012-003] [Ord. 2017-007]

4a. Consistency with the Plan

The proposed amendment is consistent with the Plan. [Ord. 2007-001]

2b. Consistency with the Code

The proposed amendment is not in conflict with any portion of this Code, and is consistent with the stated purpose and intent of this Code. [Ord. 2007-001]

3c. Compatibility with Surrounding Uses

The proposed amendment is compatible, and generally consistent with existing uses and surrounding zoning districts, and is the appropriate zoning district for the parcel of land. In making this finding, the BCC may apply an alternative zoning district. [Ord. 2007-001]

4d. Effect on the Natural Environment

The proposed amendment will not result in significantly adverse impacts on the natural environment, including but not limited to water, air, stormwater management, wildlife, vegetation, wetlands, and the natural functioning of the environment. [Ord. 2007-001]

5.e. Development Patterns

The proposed amendment will result in a logical, orderly, and timely development pattern. [Ord. 2007-001]

6f. Adequate Public Facilities

The proposed amendment complies with Art. 2.F, Concurrency. [Ord. 2007-001]

7g. Changed ~~Conditions or~~ Circumstances

There are demonstrated changed ~~conditions or~~ circumstances provided by the Applicant's Justification Statement that necessitate the amendment. [Ord. 2007-001]

G3. Effect of a Map Amendment

1a. General

Approval of a rezoning shall be deemed to authorize only the particular zoning district for which it is approved.

2b. Time Limitations

A rezoning with a COZ shall may be reviewed pursuant to Art. 2.E, Monitoring. [Ord. 2005-002]

D4. Development Order Amendment to ~~a PDD, TDD or~~ a Standard Zoning District with a COZ

~~A development order DO for a PDD, TDD or~~ a standard zoning district with a COZ may be modified through a DOA amended, extended, varied or altered either pursuant to the Conditions of Approval established with its original approval, or as otherwise set forth in this Code. ~~Prior to any PDD, TDD or COZ being amended, extended, varied or altered, the~~ The ~~Applicant shall demonstrate and the ZC/ BCC must find that a change of circumstances or~~ conditions has occurred which make it necessary or reasonable to amend, extend, vary or alter the ~~PDD, TDD or~~ COZ. [Ord. 2005-041] [Ord. 2009-040]

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EXHIBIT B

ARTICLE 2, DEVELOPMENT REVIEW PROCEDURES SUMMARY OF AMENDMENTS

(Updated 10/17/17)

E5. Rezoning of Mobile Home Parks

Any rezoning of property having an existing mobile home park shall comply with the requirements of F.S. 723.083, Governmental Action Affecting Removal of Mobile Home Owners. [Ord. 2017-025]

Reason for amendments: [Zoning]

- | |
|--|
| 1. Separate Rezoning of a Standard Zoning District from the Rezoning to a PDD or TDD, as the latter involves the review of a Site Plan showing design layout of buildings, amenities, parking etc. The Standards to evaluate a rezoning to a PDD or a TDD should be similar to the Standards of a Conditional Use. |
| 2. Separate Conditional Uses and DOAs from Unique Structures and Type 2 Waivers as they are subject to different evaluation Standards. |

Section 2 B Conditional Uses and Official Zoning Map Amendment (Rezoning) to a PDD or TDD Unique Structures and Type II Waivers

A1. Purpose

~~Conditional Uses and Rezoning to a PDD or TDD, and Type II Waivers are generally compatible with the other uses or site design permitted in a district, but~~ require individual review of ~~their~~ the subject property's location, proposed design, site configuration, intensity or density and may require the imposition of conditions to ensure the appropriateness and compatibility of the use with its surrounding land uses at a particular location. [Ord. 2007-001] [Ord. 2011-016] [Ord. 2017-007]

B2. Standards

When considering a ~~Development Order DO~~ application for a Conditional Use or a Rezoning to a PDD or a TDD, the BCC and or ZC shall utilize ~~consider the S~~standards a through h1—8 indicated below. ~~An application or Development Order Amendment~~ which fails to meet any of these Standards shall be deemed adverse to the public interest and shall not be approved. [Ord. 2007-001] [Ord. 2011-016] [Ord. 2012-003] [Ord. 2017-007]

4a. Consistency with the Plan

The proposed use or amendment is consistent with the purposes, goals, objectives and policies of the Plan, including standards for building and structural intensities and densities, and intensities of use. [Ord. 2007-001]

2b. Consistency with the Code

The proposed use or amendment ~~complies with is not in conflict with any portion of this Code, and is consistent with the stated purpose and intent of this Code.~~ all applicable standards and provisions of this Code, for use, layout, function, and general development characteristics. ~~The proposed use also complies with all applicable portions of Article 4.B, Use Classification.~~ [Ord. 2007-001]

3c. Compatibility with Surrounding Uses

The proposed use or amendment is compatible and generally consistent with the uses and character of the land surrounding and in the vicinity of the land proposed for development. [Ord. 2007-001]

4-d. Design Minimizes Adverse Impact

The design of the proposed use minimizes adverse effects, including visual impact and intensity of the proposed use on adjacent lands.

5e. Design Minimizes Environmental Impact

The proposed use and design minimizes environmental impacts, including, but not limited to, water, air, stormwater management, wildlife, vegetation, wetlands and the natural functioning of the environment. [Ord. 2007-001]

6f. Development Patterns

The proposed use or amendment will result in a logical, orderly and timely development pattern. [Ord. 2007-001]

7g. Adequate Public Facilities

The extent to which the proposed use complies with Art. 2.F, Concurrency. [Ord. 2007-001]

8h. Changed ~~Conditions or~~ Circumstances

There are demonstrated changed ~~conditions or~~ circumstances, provided by the Applicant's Justification Statement that necessitate a modification. [Ord. 2007-001]

3. Effect of an issuance of a DO or a Map Amendment

a. General

~~Issuance of a DO for a Conditional Use or a rezoning to a PDD or TDD shall be deemed to authorize only the particular site configuration, layout, and level of impacts which were approved pursuant to this Code, unless the approval is abandoned.~~

~~1) Permitted uses may occur in conjunction with or in place of a Conditional Use; and~~

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EXHIBIT B

ARTICLE 2, DEVELOPMENT REVIEW PROCEDURES SUMMARY OF AMENDMENTS

(Updated 10/17/17)

2) Approval of a rezoning shall be deemed to authorize only the particular zoning district for which it is approved.

b. Time Limitations

The DO shall be reviewed pursuant to Art. 2.E, Monitoring.

c. Zoning Plan Compliance and Initiation of Use

Development, benefit, or use of a Conditional Use shall not be permitted until the Applicant has secured and complied with all other DOs and site improvements required by this Code. [Ord. 2017-007]

The approval of a DO shall not ensure that subsequent approvals for other Development Permits will be granted unless the relevant and applicable portions of this Code are met.

C. Standards for Unique Structure

~~In order to be considered a Unique Structure, the BCC and ZC shall consider and find that all five standards listed below have been satisfied by the applicant prior to making a motion or decision for approval of a Unique Structure. A request for a unique structure which fails to meet any of these standards shall be deemed adverse to the public interest and shall not be approved. [Ord. 2009-040] [Partially relocated to Art. 2.C.6.E, Standards for Unique Structure]~~

1. Consistency with the Plan

~~The proposed architectural composition is consistent with the purposes, goals, objectives, and policies of the Plan, including standards for building and structural intensities and densities. [Ord. 2009-040] [Relocated to Art. 2.C.6.E.1, Consistency with the Plan]~~

2. Complies with Other Standards of Code

~~The proposed architectural composition complies with all standards imposed on it by all other applicable provisions of this Code for use, layout, function, and general development characteristics. [Ord. 2009-040] [Relocated to Art. 2.C.6.E.2, Complies with Other Standards of Code]~~

3. Architectural Compatibility

~~The proposed architectural composition is consistent with the Architectural Style, (see Technical Manual for examples) and generally consistent with the: scale, proportion, unity, harmony and context of the architecture in the surrounding area. [Ord. 2009-040] [Relocated to Art. 2.C.6.E.3, Architectural Compatibility]~~

4. Design Minimizes Environmental Impact

~~The proposed architectural composition minimizes environmental impacts, including but not limited to water, air, stormwater management, wildlife, vegetation, wetlands, and the natural functioning of the environment. [Ord. 2009-040] [Relocated to Art. 2.C.6.E.4, Design Minimizes Environmental Impact]~~

5. Circumstances

~~Whether and to what extent it can be demonstrated that there are any circumstances that support the designation. [Ord. 2009-040] [Relocated to Art. 2.C.6.E.5, Circumstances]~~

D. Class A Conditional Use

14. Authorized Class A Conditional Uses

Only those uses that are authorized as Class A Conditional Use in the uUse mMatrices in Art. 4, Use Regulations, may be approved as Class A Conditional Use. The designation of a use as a Class A Conditional Use in a district does not constitute an authorization of such use or an assurance that such use will be approved under this Code. [Ord. 2017-007]

E. Requested Use

~~All prior approvals for a Requested Use shall correspond to a Conditional Use. [Ord. 2017-007] [Relocated to 2.C.6.A.5, Requested Use, below]~~

F. Class B Conditional Use

15. Authorized Class B Conditional Uses

Only those uses that are authorized as Class B Conditional Use in the uUse mMatrices in Art. 4, Use Regulations, may be approved as Class B Conditional Use. The designation of a use as a Class B Conditional Use in a district does not constitute an authorization of such use or an assurance that such use will be approved under this Code. [Ord. 2017-007]

6. Requested Use

~~All prior approvals for a Requested Use shall correspond to a Conditional Use. [Ord. 2017-007] [Relocated from Art. 2.B.2.E, Requested Use, above]~~

G. Type II Waivers

1. Purpose

~~The purpose of Type II Waivers is to allow flexibility for mixed-use or infill redevelopment projects, or site design or layout, where alternative solutions can be permitted, subject to performance criteria or limitations. Type II Waivers are not intended to relieve specific financial hardship nor circumvent the intent of this Code. A Type II Waiver may not be granted if it conflicts with other sections of this Code, or the Florida Building Code. [Ord. 2011-016] [Ord. 2012-027] [Relocated to Art. 2.C.6.D.1, Purpose]~~

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EXHIBIT B

ARTICLE 2, DEVELOPMENT REVIEW PROCEDURES
SUMMARY OF AMENDMENTS

(Updated 10/17/17)

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~~2. Applicability~~

~~Requests for Type II Waivers shall only be permitted where expressly stated within the ULDC. [Ord. 2011-016] [Ord. 2012-027] [Relocated to Art. 2.C.6.D.2, Applicability]~~

Table 2.B.2.G – Summary of Type II Waivers

<i>Type II Waiver Summary List</i>
GAO Minimum Density Requirements
Urban Redevelopment Area
PDD Frontage
PDD Cul-de-sacs
AGR TMD Parking Structure
AGR TMD Block Structure
Commercial Communication Towers [Ord. 2017-007]
Large Scale Commercial Development Location of Front Side and Rear Parking
Art. 8.G.3.B, Electronic Message Signs [Ord. 2016-020]
Art. 7.F.3.E, Chain Link Fences [Ord. 2016-016]
[Ord. 2012-027] [Ord. 2016-016] [Ord. 2016-020] [Ord. 2017-007]

[Relocated to Table 2.C.6.D – Summary of Type 2 Waivers]

~~3. Standards~~

~~When considering a Development Order application for a Type II Waiver, the BCC shall consider the standards indicated below and any other standards applicable to the specific Type II Waiver as contained in this Code. A Type II Waiver, which fails to meet any of the standards, shall be deemed adverse to the public interest and shall not be approved. [Ord. 2011-016] [Ord. 2012-027] [Relocated to Art. 2.C.6.D.3, Standards]~~

~~a. The Waiver does not create additional conflicts with other requirements of the ULDC, and is consistent with the stated purpose and intent for the Zoning district or Overlay; [Ord. 2010-022] [Ord. 2011-016] [Ord. 2012-027] [Relocated to Art. 2.C.6.D.3.a, related to Standards]~~

~~b. The Waiver will not cause a detrimental effect on the overall design and development standards of the project, and will be in harmony with the general site layout and design details of the development; and, [Ord. 2010-022] [Ord. 2012-027] [Relocated to Art. 2.C.6.D.3.b, related to Standards]~~

~~c. The alternative design option recommended as part of the Waiver approval, if granted, will not adversely impact adjacent properties. [Ord. 2010-022] [Ord. 2012-027] [Relocated to Art. 2.C.6.D.3.c, related to Standards]~~

Reason for amendments: [Zoning]	
1.	Add timeline for applicant to submit for an EAC request to the County Engineer and the Zoning Director.

HC. Development Order Amendment (DOA)

1. General Purpose

~~A Development Order DO for a Class A COZ, Conditional Use, PDD or TDD Class B Conditional Use, or Type II Waiver may be amended, extended, varied or altered only pursuant to the standards and procedures established for its original approval, or as otherwise set forth in this Section Chapter. A Type 2 Waiver or a Type 2 Variance shall not be amended through a DOA process. Before any such Development Order is amended, extended, varied or altered, the applicant shall demonstrate and the ZC/BCC shall find that a change of circumstances or conditions has occurred which make it necessary to amend, extend, vary or alter the Conditional Use. [Ord. 2007-001] [Ord. 2011-016] [Ord. 2017-007]~~

2. Standards

~~Pursuant to the Standards indicated in Art. 2.B.7.B.2, Conditional Uses and Rezoning to a PDD or TDD.~~

23. Expedited Application Consideration (EAC)

~~Certain minor Development Order DO amendments may be eligible for expedited consideration and review subject to the following criteria: [Ord. 2016-042]~~

a. Criteria

The application shall meet all of the following criteria in order to be reviewed under the EAC process; [Ord. 2016-042]

- 1) Approval of the Zoning Director and the County Engineer shall be obtained prior to submission. The Zoning Director and the County Engineer shall consult with any other department responsible for the Conditions of Approval. They shall approve or deny the request to obtain expedited consideration based on compatibility of the request with the surrounding area. The magnitude of the requested modification shall also be considered. The County Engineer and the Zoning Director shall only permit expedited consideration for proposals which have minimal site design impact, and which, if

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EXHIBIT B

**ARTICLE 2, DEVELOPMENT REVIEW PROCEDURES
SUMMARY OF AMENDMENTS**

(Updated 10/17/17)

- 1 approved, will be compatible with surrounding areas; **[Ord. 2007-001] [Ord. 2016-**
- 2 **042]**
- 3 2) The proposed application, if approved, will not increase intensity or density of the
- 4 project; **[Ord. 2007-001]**
- 5 3) Proof of compliance with all previous conditions of development approval; **[Ord. 2007-**
- 6 **001]**
- 7 4) No change to the threshold certificate, except alteration of legal description, shall
- 8 occur; **[Ord. 2007-001]**
- 9 5) The proposed amendment does not affect uses or intensities/densities within a DRI
- 10 **(Development of Regional Impact); [Ord. 2007-001] [Ord. 2016-042]**
- 11 6) All impacts shall be internal to the project; and, **[Ord. 2007-001] [Ord. 2016-042]**
- 12 7) Addition of land area limited to abandoned R-O-W or easements along the perimeter
- 13 of the development. **[Ord. 2016-042]**

b. Procedures

The Applicant shall submit a written request for an EAC to the County Engineer 7 and the Zoning Director 10 days prior to the Submittal date of the application. After approval by the County Engineer and the Zoning Director to participate in an EAC process, the application shall be submitted and reviewed pursuant to the applicable development approval procedure, except that:

- 1) After the application is certified by the DRO, the proposed modification may proceed directly to the next BCC hearing for which advertising requirements can be met. **[Ord. 2007-001]**

4. Effect of an issuance of a DO

Pursuant to Art. 2.B.7.B.3, Effect of an Issuance of a DO for Conditional Uses or a Rezoning to a PDD or TDD.

Reason for amendments: [Zoning]
1. Rename Type II Waivers to Type 2 Waivers to provide consistency with the general formatting of the ULDC (Roman numeral to Arabic).
2. Reorder the Public Hearing Process in the new Chapter C beginning with Rezoning, Conditional Uses, DOAs, Type 2 Waivers, Unique Structures, Abandonments and Type 2 Variances.
3. Combine Unique Structures under the Type 2 Waiver process. However, the Unique Structures request is subject to a separate set of standards because it is specifically related to architectural design.

D. Type 2 Waivers

1. Purpose

A Type 2 Waivers is to allow flexibility for mixed use or infill redevelopment projects, or architectural design, site design or layout, where alternative solutions can be allowed, subject to performance criteria or limitations. Type 2 Waivers are not intended to relieve specific financial hardship nor circumvent the intent of this Code. A Type 2 Waiver may not be granted if it conflicts with other sections of this Code, or the Florida Building Code. [Ord. 2011-016] [Ord. 2012-027] [Relocated from Art. 2.B.2.G.1, Purpose, above]

2. Applicability

Requests for Type 2 Waivers shall only be permitted where expressly stated within the ULDC or indicated in the following Table. [Ord. 2011-016] [Ord. 2012-027] [Relocated from Art. 2.B.2.G.2, Applicability, above]

Table 2.C.6.D – Summary of Type 2 Waivers

<u>Type 2 Waiver Summary List</u>
<u>GAO Minimum Density Requirements</u>
<u>Urban Redevelopment Area</u>
<u>PDD Frontage</u>
<u>PDD Cul-de-sacs</u>
<u>AGR TMD Parking Structure</u>
<u>AGR TMD Block Structure</u>
<u>Commercial Communication Towers [Ord. 2017-007]</u>
<u>Large Scale Commercial Development Location of Front Side and Rear Parking</u>
<u>Art. 8.G.3.B, Electronic Message Signs [Ord. 2016-020]</u>
<u>Art. 7.F.3.E, Chain Link Fences [Ord. 2016-016]</u>
<u>[Ord. 2012-027] [Ord. 2016-016] [Ord. 2016-020] [Ord. 2017-007]</u>

[Relocated from Table 2.B.2.G – Summary of Type II Waivers, above]

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EXHIBIT B

ARTICLE 2, DEVELOPMENT REVIEW PROCEDURES SUMMARY OF AMENDMENTS

(Updated 10/17/17)

Table 2.B.7.D - Summary of Type 2 Waivers

<u>Glades Area Overlay (GAO)</u>	<u>Table 3.B.4.E.1, Property Development Regulations Exceptions - Type 2 Waivers for Minimum Density</u>
<u>Urban Redevelopment Overlay (URAO)</u>	<u>Table 3.B.16.G, Type 1 and 2 URAO Waivers</u>
<u>WCRAO Expansion of Existing Non-conforming Parking</u>	<u>Art. 3.B.14.B.1.a, Expansion of Existing Non-conforming Parking</u>
<u>WCRAO Density Bonus Programs</u>	<u>Art. 3.B.14.H.2, Density Bonus Programs</u>
<u>IRO, Residential Setbacks</u>	<u>Art. 3.B.15.F.6.e.4)a), Residential Setbacks</u>
<u>URA Residential Setbacks</u>	<u>Art. 3.B.16.E.3.a, Residential Setbacks</u>
<u>PDD Minimum Frontage</u>	<u>Art. 3.E.1.C.2.a.1)a), Type 2 Waiver – Infill Development</u>
<u>PDD Cul-de-sacs</u>	<u>Art. 3.E.1.C.2.a.5)b), Type 2 Waiver for additional percentage</u>
<u>AGR Tier - Parking Structure</u>	<u>Art. 3.F.2.A.2.d.1)a), Type 2 Waiver for Parking Structures</u>
<u>AGR TMD - Block Structure</u>	<u>Art. 3.F.4.D.9, Type 2 Waiver for Block Structure</u>
<u>Commercial Communication Towers</u>	<u>Art. 4.B.9.H.5, Type 2 Waiver from Required Dimensional Criteria</u>
<u>Unique Structure</u>	<u>Art. 5.C.1.E.2, Unique Structure</u>
<u>Large Scale Commercial Development - Parking</u>	<u>Art. 6.A.1.D.2.c.1)d), Type 2 Waiver for Parking Location</u>

[Relocated from Table 2.D.6.B – Summary of Type I Waivers]

3. Standards for a Type 2 Waiver

When considering a DO application for a Type 2 Waiver, the BCC shall ~~utilize~~ ~~consider~~ the Standards indicated below and any other standards specific to a Type 2 Waiver as contained in this Code. For a Unique Structure, refer to the Standards listed in Art. 2.B.7.D.4 below, and for a Commercial Communication Tower, refer to Art. 4.B.9.H.5.d, Criteria for Granting a Type 2 Waiver. A Type 2 Waiver, which fails to meet any of the Standards, shall be deemed adverse to the public interest and shall not be approved. [Ord. 2011-016] [Ord. 2012-027] [Relocated from Art. 2.B.2.G.3, Standards, above]

- a. The Waiver does not create additional conflicts with other requirements of the ULDC, and is consistent with the stated purpose and intent for the zoning district or overlay; [Ord. 2010-022] [Ord. 2011-016] [Ord. 2012-027] [Relocated from Art. 2.B.2.G.3.a, related to Standards, above]*
- b. The Waiver will not cause a detrimental effect on the overall design and development standards of the project, and will be in harmony with the general site layout and design details of the development; and, [Ord. 2010-022] [Ord. 2012-027] [Relocated from Art. 2.B.2.G.3.b, related to Standards, above]*
- c. The alternative design option recommended as part of the Waiver approval, if granted, will not adversely impact adjacent properties. [Ord. 2010-022] [Ord. 2012-027] [Relocated from Art. 2.B.2.G.3.c, related to Standards, above]*
- d. For the purpose of Medical Marijuana Dispensing Facility in Art. 4.B.2.C.34.h, the BCC shall make the determination that the location of a medical marijuana dispensing facility promotes the health, safety and welfare of the community. [Ord. 2017-028]*

4. Standards for a Unique Structure

When considering a DO application for a Unique Structure, the BCC and ZC shall ~~utilize~~ ~~consider~~ the standards a - e indicated below in addition to the requirements as stated in Art. 5.C.1.F.2, Design Standards, Unique Structure. A request for a Unique Structure which fails to meet any of these Standards shall be deemed adverse to the public interest and shall not be approved. [Ord. 2009-040] [Partially relocated from Art. 2.B.2.C, Standards for Unique Structure, above]

1.a. Consistency with the Plan

The proposed architectural composition is consistent with the purposes, goals, objectives, and policies of the Plan, including standards for building and structural intensities and densities. [Ord. 2009-040] [Relocated from Art. 2.B.2.C.1, Consistency with the Plan, above]

2.b. Complies with Other Standards of Code

The proposed architectural composition complies with all standards imposed on it by all other applicable provisions of this Code for use, layout, function, and general development characteristics. [Ord. 2009-040] [Relocated from Art. 2.B.2.C.2, Complies with Other Standards of Code, above]

3.c. Architectural Compatibility

The proposed architectural composition is consistent with the Architectural Style, (see Technical Manual for examples) and generally consistent with the: scale, proportion, unity, harmony and context of the architecture in the surrounding area. [Ord. 2009-040] [Relocated from Art. 2.B.2.C.3, Architectural Compatibility, above]

4.d. Design Minimizes Environmental Impact

The proposed architectural composition minimizes environmental impacts, including but not limited to water, air, stormwater management, wildlife, vegetation, wetlands, and the natural functioning of the environment. [Ord. 2009-040] [Relocated from Art. 2.B.2.C.4, Design Minimizes Environmental Impact, above]

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EXHIBIT B

ARTICLE 2, DEVELOPMENT REVIEW PROCEDURES SUMMARY OF AMENDMENTS

(Updated 10/17/17)

1 **5.e. Circumstances**

2 *Whether and to what extent it can be demonstrated that there are any circumstances that*
3 *support the designation. [Ord. 2009-040] [Relocated from Art. 2.B.2.C.5, Circumstances,*
4 *above]*

5 **5. Effect of an issuance of a DO**

6 Pursuant to Art. 2.B.7.B.3, Effect of an Issuance of a DO for Conditional Uses or a Rezoning
7 to a PDD or TDD.

8 **I.—Conditions of Approval**

9 **1.—Class A Conditional, Type II Waiver, and Development Order Amendment**

10 ~~The DRO and ZC may recommend, and the BCC may impose, such conditions in a~~
11 ~~Development Order for a Class A Conditional Use, Type II Waiver, or Development Order~~
12 ~~Amendment that are necessary to accomplish the purposes of the Plan and this Code; to~~
13 ~~prevent or minimize adverse effects upon the public, the environment and neighborhoods; and~~
14 ~~to ensure compatibility, including, but not limited to, limitations on function, size, bulk, location~~
15 ~~of improvements and buildings, standards for landscaping, buffering, lighting, adequate ingress~~
16 ~~and egress, conveyance of property, on-site or off-site improvements, duration and hours of~~
17 ~~operation. Conditions shall be included if conventional standards are inadequate to protect the~~
18 ~~public interest and surrounding land uses or if additional improvements are needed to facilitate~~
19 ~~a transition between different uses. Conditions are not intended to restate Code provisions.~~
20 ~~Any Code provision which is expressly restated as a condition of approval, shall not be eligible~~
21 ~~for a variance unless otherwise specified in the condition. Fixed time periods may be set for~~
22 ~~compliance with conditions and shall be governed by Art. 2.E, Monitoring. [Ord. 2007-001]~~
23 ~~[Ord. 2011-016] [Ord. 2017-007] [Relocated to Art. 2.C.7.A, BCC Approved DO or DOA]~~

24 **2.—Class B Conditional Use**

25 ~~The DRO may recommend, and the ZC may impose, such conditions in a development order~~
26 ~~for a Class B Conditional Use as stated in Article 2.B.2.I.1, Class A Conditional Use, Type II~~
27 ~~Waiver and Development Order Amendment, above. [Ord. 2017-007] [Partially relocated to~~
28 ~~Art. 2.C.7.B, ZC Approved DO or DOA]~~

29 **J.—Effect of Issuance of a Development Order**

30 **1.—General**

31 ~~Issuance of a Development Order for a Conditional Use, Type II Waiver, or DOA shall be~~
32 ~~deemed to authorize only the particular site configuration, layout and level of impacts which~~
33 ~~were approved pursuant to this Code, unless the approval is abandoned. Permitted uses may~~
34 ~~occur in conjunction with or in place of a Conditional Use. [Ord. 2011-016] [Ord. 2017-007]~~

35 **2.—Site Plan Compliance/Initiation of Use**

36 ~~Development, benefit, or use of a Conditional Use or DOA shall not be permitted until the~~
37 ~~applicant has secured and complied with all other development orders and site improvements~~
38 ~~required by this Code. [Ord. 2017-007]~~

39 ~~The approval of a Development Order shall not ensure that subsequent approvals for other~~
40 ~~Development Permits will be granted unless the relevant and applicable portions of this Code~~
41 ~~are met.~~

42

Reason for amendments: [Zoning]
1. Rename Type II Waivers to Type 2 Waivers to provide consistency with the general formatting of the ULDC.
2. Reorder the Public Hearing Process in the new Chapter C beginning with Rezoning, Conditional Uses, DOAs, Type 2 Waivers, Unique Structures, Abandonments and Type 2 Variance.
3. Accommodate language, indicating limitations of the ZCs authority as it relates to Type 2 Variances, from Chapter A of Article 2.
4. Clarify whether a Type 2 Variance can be submitted simultaneously with another process or if it must be submitted as a standalone application.
5. Relocate Noise Variance Standards to the General Standards to evaluate a Type 2 Variance. In addition to the seven standards, an application for a Noise Variance is subject to three additional criteria.
6. Delete ZC's authority to impose Conditions for a Type 2 Variance under this Section since this has been already stated under Chapter A, General- Action by the ZC.

43 **Section 3 E. Type II 2 Variance**

44 **A1. General Purpose**

45 ~~To allow variances in accordance with Art. 2.B.3.E, Standards, unless stated otherwise. A~~
46 ~~Type 2 Variance is to allow adjustment from certain Code requirements as it applies to land~~
47 ~~development. Type 2 Variances are not intended to relieve specific financial hardship nor~~
48 ~~circumvent the intent of this Code. Variance requests for density or intensity beyond the stated~~
49 ~~limits of the Plan shall be prohibited. [Relocated to Prohibition, below]—Type II Variances~~
50 ~~shall be required for the following: [Ord. 2011-001] [Ord. 2012-003]~~

51 **Notes:**

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EXHIBIT B

ARTICLE 2, DEVELOPMENT REVIEW PROCEDURES SUMMARY OF AMENDMENTS

(Updated 10/17/17)

2. Prohibition

Variance requests for density or intensity beyond the stated limits of the Plan shall be prohibited. [Relocated from General, above] In addition, the ZC is not authorized to grant variances from Code regulations with prohibited provisions, or the following Articles of the ULDC: [Ord. 2006-036] [Ord. 2011-001] [Ord. 2014-001] [Relocated from Art. 2.A.1.D.1.b.5), Related to Zoning Commission]

a. Art. 1, General Provisions (excluding Article 1.F.3.D.1, Applicability); [Ord. 2008-003] [Relocated from Art. 2.A.1.D.1.b.5)a), Related to Zoning Commission]

b. Art. 2, Development Review Application Processes and Procedures; [Relocated from Art. 2.A.1.D.1.b.5)b), Related to Zoning Commission]

c. Art. 3.B.3, COZ, Conditional Overlay Zone; [Relocated from Art. 2.A.1.D.1.b.5)c), Related to Zoning Commission]

d. Art 3.B.16, Urban Redevelopment Area Overlay URAO, except for parking requirements within the URAO. [Ord. 2011-016] [Relocated from Art. 2.A.1.D.1.b.5)d), Related to Zoning Commission]

e. Art. 4, Use Regulations, unless specifically authorized in Article 4.B, Use Classification; or, to allow for a reduction in minimum lot size required for a use, in accordance with Art. 1.G.1.B.6, Lots Reduced by Eminent Domain, Properties Affected by Eminent Domain Proceedings; [Ord. 2007-013] [Ord. 2008-003] [Ord. 2010-022] [Ord. 2014-001] [Relocated from Art. 2.A.1.D.1.b.5)e), Related to Zoning Commission]

f. Art. 5.C.1.H.1.f Design Elements Subject to ZC or BCC approval; [Ord. 2011-001] [Relocated from Art. 2.A.1.D.1.b.5)f), Related to Zoning Commission]

g. Art 5.C.1.H.1.g Rural Design Elements, except for Table 5.C.1.H, Rural Roof Design Elements; [Ord. 2011-001] [Relocated from Art. 2.A.1.D.1.b.5)g), Related to Zoning Commission]

h. Art 5.C.1.I, Large Scale Commercial Development; [Ord. 2011-001] [Relocated from Art. 2.A.1.D.1.b.5)h), Related to Zoning Commission]

i. Art. 5.D, Parks and Recreation – Rules and Recreation Standards; [Relocated from Art. 2.A.1.D.1.b.5)i), Related to Zoning Commission]

j. Art. 5.F, Legal Documents (excluding provisions in Art. 5.F.2, Easements); [Relocated from Art. 2.A.1.D.1.b.5)j), Related to Zoning Commission]

k. Art. 5.G, Density Bonus Programs; [Relocated from Art. 2.A.1.D.1.b.5)k), Related to Zoning Commission]

l. Art. 8.G.3.B, Electronic Message Signs; [Ord. 2016-020] [Relocated from Art. 2.A.1.D.1.b.5)l), Related to Zoning Commission]

m. Art. 13, Impact Fees; [Relocated from Art. 2.A.1.D.1.b.5)m), Related to Zoning Commission]

n. Art. 14, Environmental Standards; [Relocated from Art. 2.A.1.D.1.b.5)n), Related to Zoning Commission]

o. Art. 15, Health Regulations; [Relocated from Art. 2.A.1.D.1.b.5)o), Related to Zoning Commission]

p) Art. 16, Airport Regulations. [Relocated from Art. 2.A.1.D.1.b.5)p), Related to Zoning Commission]

3. Type 2 Variance Applications

Type 2 Variance applications include those that are processed by the Zoning Division and the Land Development Division. Variance applications may be submitted concurrently or separately with a request for a DO unless determined by the DRO that the Variance is subject to a Standalone application, and must be approved prior to the submittal of the DO application.

~~[Ord. 2011-001] [Ord. 2012-003]~~

a. Zoning Type 2 Variance (ZV)

The ZV shall only apply to the following applications:

~~1. any application requesting variances from the ULDC requirements which are allowed under the authority of Article 2.A.1.D.1.b, Zoning Commission; [Ord. 2011-001]~~

~~2.1. any application requesting five or more variances; [Ord. 2009-040] [Ord. 2011-001]~~

~~3.2. any application requesting variances that exceed 15 percent of a required standard or Property Development Regulations for residential lots of three units or less; [Ord. 2009-040] [Ord. 2011-001] [Ord. 2012-003]~~

~~4.3. any application requesting variances that exceed the standards of Art. 2.D.3.D.2, Non Residential Projects; [Ord. 2012-003] [Ord. 2012-027]~~

B. Application Procedure

4b. Subdivision Variance (SV)

A ~~v~~variance from Article 11, Subdivision, Platting and Required Improvements, shall be submitted to the County Engineer and shall comply with the application procedures and requirements of this ~~Article. Chapter. The County Engineer shall review the application and~~

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EXHIBIT B

ARTICLE 2, DEVELOPMENT REVIEW PROCEDURES SUMMARY OF AMENDMENTS

(Updated 10/17/17)

~~forward a copy to the applicable agencies for review and comment within 15 days after the application is determined sufficient.~~

34. Sequence of Submittal

An application for a ~~v~~Variance ~~shall be submitted as a Concurrent or a Standalone Variance, and shall comply with the following:~~

a) Concurrent Variance

~~a. A Concurrent Variance shall be submitted with the DO application. The Variance and the DO application shall be scheduled for the same hearings to be considered by the ZC. Approval of a vVariance by the ZC shall be obtained prior to Final Plan, master plan, site plan or subdivision plan approval by the DRO, plat recordation, or issuance of a building permit, whichever occurs first.~~

b) Standalone Variance

~~b. If an application for a development order DO is contingent upon approval of a vVariance, then the vVariance shall be submitted as a Standalone Variance application. The approval of the Variance by the ZC shall be obtained prior to certification or Final Approval of the DO by the DRO.~~

5. Application Requirements

a) Description

All properties described in one application must be contiguous. The ~~Zoning Director~~ DRO may require more than one application if the property concerned contains more than 40 acres, or the fee paid for one application would not equal the cost of processing multiple applications.

~~D. Review and Recommendation~~

~~1. Zoning and Subdivision Variances~~

~~The applicable PBC Departments shall review the application and forward recommendations or comments to the Zoning Director within 15 working days after the application is determined sufficient. The staff report shall contain recommended findings of fact and conclusions of law, and a recommendation of approval, approval with conditions, or denial with or without prejudice based on the standards in Art. 2.A.1.L, Actions by Decision Making Bodies or Persons. [Ord. 2008-003]~~

E6. Standards for Zoning or Subdivision Variance

The ZC shall consider and find that all seven criteria listed below have been satisfied by the aApplicant prior to making a motion for approval, of a zoning or subdivision variance: **[Ord. 2006-036]**

~~1.a.~~ 1.a. Special conditions and circumstances exist that are peculiar to the parcel of land, building or structure, that are not applicable to other parcels of land, structures or buildings in the same district;

~~2.b.~~ 2.b. Special circumstances and conditions do not result from the actions of the aApplicant;

~~3.c.~~ 3.c. Granting the variance shall not confer upon the aApplicant any special privilege denied by the Plan and this Code to other parcels of land, buildings, or structures, in the same district;

~~4.d.~~ 4.d. Literal interpretation and enforcement of the terms and provisions of this Code would deprive the aApplicant of rights commonly enjoyed by other parcels of land in the same district, and would work an unnecessary and undue hardship;

~~5.e.~~ 5.e. Granting the variance is the minimum variance that will make possible the reasonable use of the parcel of land, building or structure;

~~6.f.~~ 6.f. Granting the variance will be consistent with the purposes, goals, objectives, and policies of the Plan and this Code; and

~~7.g.~~ 7.g. Granting the variance will not be injurious to the area involved or otherwise detrimental to the public welfare.

~~2.7. Noise Variance~~

~~For requests for a Noise Variance, the ZC shall consider An application for a noise variance shall be subject to the following criteria in addition to the Standards listed above. provisions of Art. 2.B.3.E, Standards: [Ord. 2010-022] [Relocated from Art. 2.B.3.B.2, Noise Variance]~~

~~a. Additional time is necessary to alter the activity to comply with the provisions of Art. 5.E.4.B, Noise Limitations and Prohibitions; [Ord. 2010-022] [Relocated from Art. 2.B.3.B.2.a, Noise Variance]~~

~~b. The activity, operation, or noise source will be of temporary duration which cannot be done in a manner that complies with Art. 5.E.4.B, Noise Limitations and Prohibitions; [Ord. 2010-022] [Relocated from Art. 2.B.3.B.2.b, Noise Variance]~~

~~c. No reasonable alternative is available. Any vVariance granted pursuant to this section contains all conditions upon which the variance has been granted, including but not limited to the effective date, time of day, location, sound level, limit or equipment limitation and duration of the variance. [Ord. 2010-022] [Relocated from Art. 2.B.3.B.2.c, Noise Variance]~~

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EXHIBIT B

ARTICLE 2, DEVELOPMENT REVIEW PROCEDURES SUMMARY OF AMENDMENTS

(Updated 10/17/17)

8. Effect of Issuance of a DO

Issuance of a Type 2 Variance DO shall be deemed to authorize any permitted use in the underlying zoning district, unless a specific condition of approval limits the specific use for which it is issued.

A. Time Limitation

Unless otherwise specified in the DO or a condition of approval, construction shall be commenced pursuant to Table 2.E.3.B, Time Limitation of Development Order for Each Phase, within 12 months of the variance approval date, otherwise it shall become null and void. If more than one variance was granted, the use of one of the variances shall vest the other variances. Permitted time frames do not change with successive owners. **[Ord. 2012-027]**

1) Request for Time Extension

Upon written request, an extension of time for the variance or any condition thereof may be granted for a maximum of 24 months. No request for an extension shall be considered unless a written application requesting the extension is submitted to the appropriate Department prior to the date the development order or condition is to expire. Failure to submit an application for an extension within the time limits established by this Section shall render the development order for the variance null and void. **[Ord. 2012-027]**

2) Exemption for Applications Not Subject to Building Permit

If a Type 2 Variance is requested that does not require a building permit to implement, then the Applicant shall include a written statement with the application requesting a condition of approval to grant an exemption from time limitation requirements. Granting of the exemption from time limitations shall be subject to ZC approval of a condition of approval specifying that no building permit is necessary to vest the Type 2 Variance. **[Ord. 2012-027]**

B. Conforming

Approval of a variance by the ZC shall render a parcel of land, building or the structure to be conforming. Use of the variance shall be limited to the exact dimensions and configuration of the parcel of land, building or structure as indicated on the site plan as submitted in the application. The parcel of land, building or structure may not be further expanded, except in accordance with the standards of the Code. **[Ord. 2006-036]**

Q.G. Development Order Abandonment (ABN)

1. Purpose

A DO for a Conditional Use or similar DO granted under Ordinance 1957-003, Ordinance 1973-002, Ord. No. 1992-002 or Ord. No. 2003-067, as amended, may be abandoned according to the procedures in this Section and pursuant to Art. 2.C, Public Hearing Processes. **[Ord. 2010-022]** **[Relocated from Art. 2.A.1.Q.1, General related to Development Order Abandonment]**

2. DOs Not Implemented

All DOs which were never implemented shall be either: **[Ord. 2005 – 002]** **[Relocated from Art. 2.A.1.Q.2, Development Orders not Implemented]**

a. Public Hearing Abandonment

Abandoned simultaneously with issuance of a subsequent DO; or **[Relocated from Art. 2.A.1.Q.2.a, Abandoned]**

eb. Revocation

Reviewed for revocation pursuant to Article 2.E, Monitoring. **[Relocated from Art. 2.A.1.Q.2.c, Review for Revocation]**

3. Implemented DOs

Certain implemented DOs, pursuant to Art. 2.C, Administrative Process, qualify for administrative abandonment. Other implemented DOs require Public Hearing abandonment by the Board (BCC or ZC) that approved the DO. **[Ord. 2009-040]** **[Ord. 2010-022]** **[Ord. 2011-001]** **[Relocated from Art. 2.A.1.Q.3, Implemented Development Orders]**

a. Public Hearing Abandonment

A DO, which was used, implemented or benefited from, may be abandoned simultaneously with the issuance of a subsequent development order by the BCC or ZC, as applicable. The property owner also has the option to request the BCC or the ZC to abandon the DO through expedited application review process, pursuant to Article 2.B.6.C.3, Expedited Application Consideration (EAC). **[Ord. 2009-040]** **[Relocated from Art. 2.A.1.Q.3.b, Public Hearing Abandonment]**

eb. Unpaid Status Fees

A DO shall not be abandoned, either administratively or by approval of a subsequent DO, until all unpaid status report fees imposed by action pursuant to Article 2.E, Monitoring, have been paid. **[Relocated from Art. 2.A.1.Q.3.c, Unpaid Status Fees]**

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EXHIBIT B

ARTICLE 2, DEVELOPMENT REVIEW PROCEDURES
SUMMARY OF AMENDMENTS

(Updated 10/17/17)

4. **Additional Criteria**

In determining whether a DO was used, implemented or benefited from, consideration shall be given to either one or both of the criteria: [Relocated from Art. 2.A.1.Q.4, Additional Guidelines]

a. Whether any construction or additional construction authorized in the DO has commenced or [Relocated from Art. 2.A.1.Q.4.a, related to Additional Guidelines]

b. Whether a physical or economic use of the DO has occurred, including physical or economic expansion. [Relocated from Art. 2.A.1.Q.4.b, related to Additional Guidelines]

Reason for amendments: [Zoning]	
1.	Relocate language related to the authority to impose Conditions of Approval under after the applicable Public Hearing Process.

Section 8 Conditions of Approval

A. BCC Approved DOs

The DRO and ZC may recommend, and the BCC may impose, such conditions in a DO that are necessary to accomplish the purposes of the Plan and this Code; to prevent or minimize adverse effects upon the public, the environment and neighborhoods; and to ensure compatibility, including, but not limited to, limitations on function, size, bulk, location of improvements and buildings, standards for landscaping, buffering, lighting, adequate ingress and egress, conveyance of property, on-site or off-site improvements, duration and hours of operation. Conditions shall be included if conventional standards are inadequate to protect the public interest and surrounding land uses or if additional improvements are needed to facilitate a transition between different uses. Conditions are not intended to restate Code provisions. Any Code provision which is expressly restated as a condition of approval, shall not be eligible for a variance unless otherwise specified in the condition. Fixed time periods may be set for compliance with conditions and shall be governed by Art. 2.E, Monitoring. [Ord. 2007-001] [Ord. 2011-016] [Ord. 2017-007] [Relocated from Art. 2.B.2.I, Conditions of Approval, above]

B. ZC Approved DOs

The DRO may recommend, and the ZC may impose, such conditions in a DO for the same purposes as stated in above. [Ord. 2017-007] [Relocated from Art. 2.B.2.I, Conditions of Approval, above]

Reason for amendments: [Zoning]	
1.	Relocate language related to allowing permitted uses to occupy a space with an approved DO.
2.	Minor amendments of applying acronyms.

Section 8 Effect of Issuance of a Development Order

1-A. General

Issuance of a ~~Development Order~~ DO for a Conditional Use, DOA or a Type # 2 Waiver, ~~or DOA~~ shall be deemed to authorize only the particular site configuration, layout and level of impacts which were approved pursuant to this Code, unless the approval is abandoned. Permitted uses may occur in conjunction with or in place of a Conditional Use, provided there are no Conditions of Approval that prohibit the permitted uses to be added to the building or a bay of the building. [Ord. 2011-016] [Ord. 2017-007] [Relocated from Art. 2.B.2.J.1, Effect of Issuance of a Development Order-General]

2.1. Zoning Site-Plan Compliance/ and Initiation of Use

Development, benefit, or use of a Conditional Use or DOA shall not be permitted until the Applicant has secured and complied with all other development orders and site improvements required by this Code. [Ord. 2017-007]

The approval of a ~~Development Order~~ DO shall not ensure that subsequent approvals for other ~~Development Permits~~ DO will be granted unless the relevant and applicable portions of this Code are met. [Relocated from Art. 2.B.2.J.2, Effect of Issuance of a Development Order-Site Plan Compliance/Initiation of Use]

GB. Effect of Development Order Type 2 Variance

1. General

Issuance of a ~~development order for a variance~~ Type 2 Variance DO shall be deemed to authorize any permitted use in the underlying zoning district, unless a specific condition of approval limits the specific use for which it is issued. A ~~development order~~ DO for a variance shall run with the land.

2.1. Time Limitation

Unless otherwise specified in the ~~Development Order~~ DO or a condition of approval, construction shall be commenced pursuant to Table 2.E.3.B, Time Limitation of Development

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EXHIBIT B

ARTICLE 2, DEVELOPMENT REVIEW PROCEDURES SUMMARY OF AMENDMENTS

(Updated 10/17/17)

1 Order for Each Phase, within 12 months of the variance approval date, otherwise it shall
2 become null and void. If more than one variance was granted, the use of one of the variances
3 shall vest the other variances. Permitted time frames do not change with successive owners.
4 [Ord. 2012-027]

5 **a. Request for Time Extension**

6 Upon written request, an extension of time for the variance or any condition thereof may
7 be granted for a maximum of 24 months. No request for an extension shall be considered
8 unless a written application requesting the extension is submitted to the appropriate
9 Department prior to the date the development order or condition is to expire. Failure to
10 submit an application for an extension within the time limits established by this Section
11 shall render the development order for the variance null and void. [Ord. 2012-027]

12 **b. Exemption for Applications Not Subject to Building Permit**

13 If a Type ~~H-2~~ Variance is requested that does not require a building permit to implement,
14 then the ~~a~~Applicant shall include a written statement with the application requesting a
15 condition of approval to grant an exemption from time limitation requirements. Granting of
16 the exemption from time limitations shall be subject to ZC approval of a condition of
17 approval specifying that no building permit is necessary to vest the Type ~~H-2~~ Variance.
18 [Ord. 2012-027]

19 **~~3.2. Conforming~~**

20 Approval of a variance by the ZC shall render a parcel of land, building or the structure to be
21 conforming. Use of the variance shall be limited to the exact dimensions and configuration of
22 the parcel of land, building or structure as indicated on the site plan as submitted in the
23 application. The parcel of land, building or structure may not be further expanded, except in
24 accordance with the standards of the Code. [Ord. 2006-036]

27 **Part 3. ULDC Art. 2.C, FLU PLAN AMENDMENTS (page 32 to 36 of 88), is hereby amended as**
28 **follows:**
29

<p>Reason for amendments: [Planning] Chapter H – Relocate Chapter B to the new Chapter H – FLU Plan Amendments, which includes Land Use Amendments to the Future Land Use Atlas and Text Amendments to the Plan.</p>
--

30 **~~CHAPTER C—FLU PLAN AMENDMENTS~~**

31 **~~Section 1—General~~**

32 **~~A.—Purpose~~**

33 ~~The purpose of this section is to establish a review process for proposed site specific amendments~~
34 ~~to change Future Land Use (FLU) designations on the Future Land Use Atlas (FLUA) of the Palm~~
35 ~~Beach County Comprehensive Plan. [Ord. 2009-040] [Ord. 2012-027] [Relocated to Art. 2.H.1.A,~~
36 ~~Purpose]~~

37 **~~B.—Authority~~**

38 ~~Pursuant to F.S. §163.3184, the BCC may adopt site specific FLUA amendments to change the~~
39 ~~FLU subject to the provisions of this Section. [Ord. 2012-027] [Relocated to Art. 2.H.1.B,~~
40 ~~Authority]~~

41 **~~C.—Initiation~~**

42 ~~An application for a site specific FLUA amendment shall be initiated only by the property owner of~~
43 ~~the parcel, the authorized agent of the property owner or the BCC. An application for a site specific~~
44 ~~FLUA amendment may also include a request for an associated text amendment to the~~
45 ~~Comprehensive Plan subject to an additional fee set by the BCC. In order for the requested text~~
46 ~~amendment to be processed, it must be initiated by the BCC and the associated FLUA amendment~~
47 ~~application must be submitted and found sufficient. [Ord. 2009-040] [Ord. 2012-027] [Relocated~~
48 ~~to Art. 2.H.1.C, Initiation]~~

49 **~~D.—Established Dates and Fees~~**

50 **~~1.—Timing~~**

51 ~~The County accepts applications for Large Scale Amendments up to two times per year and~~
52 ~~Small Scale Amendments up to four times per year as scheduled by the Planning Director.~~
53 ~~Scheduled intake dates shall be announced in advance by the Planning Director. Additional~~
54 ~~amendment intake dates outside the scheduled rounds require approval by a super majority~~
55 ~~vote of the BCC. [Ord. 2009-040] [Ord. 2012-027] [Partially relocated to Art. 2.H.1.D.1,~~
56 ~~Timing]~~

57 **~~2.—Fees~~**

58 ~~The application for a FLUA amendment, and any associated text amendment, shall be~~
59 ~~accompanied by a fee established by the BCC. Any request for a refund shall be in writing,~~

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EXHIBIT B

ARTICLE 2, DEVELOPMENT REVIEW PROCEDURES SUMMARY OF AMENDMENTS

(Updated 10/17/17)

~~based upon the current PZB refund policy, and approval by the Planning Director. [Ord. 2012-027]~~ [Relocated to Art. 2.H.1.D.2, Fees]

~~E. Pre-Application Conference~~

~~The purpose of the pre-application conference is to identify issues relating to the proposed application prior to the intake date. A pre-application conference is optional with the exception of projects which consist of a FLUA amendment with concurrent application in the Zoning Division. Concurrent applications require a pre-application conference with both Planning and Zoning Division staff prior to the FLUA amendment intake date. [Ord. 2012-027]~~ [Partially relocated to Art. 2.H.1.E, Pre-Application Meeting]

~~F. Application Procedures~~

~~An application for a Site Specific amendment shall be submitted to the Planning Director along with a nonrefundable application fee that is established by the BCC. [Ord. 2012-027]~~ [Partially relocated to Art. 2.H.1.F, Application Procedures]

~~1. Concurrent Small Scale Amendments~~

~~If a small scale land use amendment requires a rezoning, conditional use, development order amendment or abandonment application(s), the two applications shall be reviewed and considered by the BCC concurrently. The applicant shall submit a site plan or conceptual site plan as part of the zoning application(s). The complete zoning application must be submitted at a scheduled zoning application intake within 90 calendar days of receipt of the small scale land use amendment application. If a complete zoning application is not submitted, the small scale land use amendment shall be administratively withdrawn immediately. [Ord. 2009-040]~~ [Partially relocated to Art. 2.H.1.F.1., Concurrent Small Scale Amendments]

~~2. Contents of Application~~

~~a. General~~

~~The application shall be submitted in a form established by the Planning Director. The application must contain applicable data and analysis to substantiate any claims made within the application. Failure of an applicant to disclose relevant information shall serve as grounds for postponement by the board holding the public hearing. [Ord. 2009-040]~~ [Relocated to Art. 2.H.1.F.2.a, General]

~~b. Amendments to the Application~~

~~Any information provided by an applicant following the distribution of the staff report to the LPA shall serve as grounds for postponement, as appropriate, of the public hearings by the board holding the public hearing. [Ord. 2009-040]~~ [Partially relocated to Art. 2.H.1.F.2.b, Amendments to the Application]

~~3. Sufficiency Review~~

~~The Planning Director shall determine whether the application is sufficient or insufficient within ten days of submittal by reviewing the information required in the application and any additional data necessary to evaluate the application. The determination of sufficiency shall be based upon whether or not the application responds to all the requested information and meets minimum application criteria, as provided by the Planning Director in the application instructions. [Ord. 2009-040] [Ord. 2012-027]~~ [Relocated to Art. 2.H.1.F.3, Sufficiency Review]

~~a. Sufficiency~~

~~If the application is determined to be sufficient, it shall be reviewed pursuant to the procedures and standards of this Article. [Ord. 2012-027]~~ [Relocated to Art. 2.H.1.F.3.a, Sufficiency]

~~b. Insufficiency~~

~~If an application is determined to be insufficient, the Planning Director shall provide a written notice to the applicant specifying the deficiencies within ten working days of the receipt of the application. The Planning Director shall take no further action on the application until the deficiencies are remedied. If the deficiencies are not remedied within ten working days of the notice of insufficiency, the application shall be withdrawn. [Ord. 2012-027]~~ [Relocated to Art. 2.H.1.F.3.b, Insufficiency]

~~4. Review, Report and Recommendation by Planning Director~~

~~When the application is determined sufficient, the Planning Director shall review the application, consult with other agencies, prepare a staff report (which incorporates the comments of the other agencies), and make a recommendation of approval, approval with conditions, or denial based on applicable data and analysis and consistency with the Palm Beach County Comprehensive Plan. The Planning Director shall send a copy of the staff report to the applicant at least five working days prior to the LPA public hearing. [Ord. 2009-040] [Ord. 2012-027]~~ [Partially relocated to Art. 2.H.1.F.4, Review, Report and Recommendation by Planning Director]

~~5. Notification~~

~~Notice of a proposed amendment for any public hearing shall be provided by publication of advertisement, mailed or electronically transmitted notice and posting as pursuant to the terms~~

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EXHIBIT B

ARTICLE 2, DEVELOPMENT REVIEW PROCEDURES SUMMARY OF AMENDMENTS

(Updated 10/17/17)

1 ~~of this Section. The Planning Director shall notify the Intergovernmental Plan Amendment~~
2 ~~Review Clearinghouse (IPARC) of proposed land use amendments pursuant to the Plan~~
3 ~~Amendment Coordinated Review Interlocal Agreement. [Ord. 2009-040] [Ord. 2012-027]~~
4 ~~[Relocated to Art. 2.H.1.F.5, Notification]~~

5 ~~**a. Newspaper Publication**~~

6 ~~The required advertisements shall meet the requirements of F.S. §163.3184(11)(b) and~~
7 ~~F.S. §.125.66(4)(b)2, as amended from time to time. [Ord. 2012-027] [Relocated to Art.~~
8 ~~2.H.1.F.5.a, Newspaper Publication]~~

9 ~~**b. Courtesy Notice**~~

10 ~~A copy of such notice shall be kept available for public inspection during regular business~~
11 ~~hours at the office of PZB. If the property is undergoing a simultaneous land use change~~
12 ~~and rezoning, the notice for the rezoning may be included in the notice required for the~~
13 ~~land use change. Courtesy notices shall be mailed a minimum of 15 calendar days prior to~~
14 ~~the date of the first public hearing by depositing such notice in the mail by first class mail,~~
15 ~~properly addressed and postage. [Ord. 2012-027] [Relocated to Art. 2.H.1.F.5.b,~~
16 ~~Courtesy Notice]~~

17 ~~**1) Applicability and Mailing Boundary**~~

18 ~~**a) Property Owners**~~

19 ~~A courtesy "notice" of a proposed plan amendment shall be sent to all owners of~~
20 ~~real property located within 500 feet of the periphery of the subject site in the~~
21 ~~Urban/Suburban, Agricultural Reserve, and Glades Tiers, and within 1000 feet of~~
22 ~~the periphery of the subject site in the Exurban and Rural Tiers, whose names and~~
23 ~~addresses are known by reference to the latest published ad valorem tax records~~
24 ~~of PBC Property Appraiser, except that when real property consists of a~~
25 ~~condominium, the courtesy notice shall be given to the condominium association~~
26 ~~and all real property owners living within 500 feet. If the area within 500 feet is~~
27 ~~owned by the applicant or partner in interest, the 500 foot notification boundary~~
28 ~~shall be extended from these parcels. Notification shall be sent to each owner as~~
29 ~~the ownership appears on the last approved tax roll. [Ord. 2012-027] [Relocated~~
30 ~~to Art. 2.H.1.F.5.b.1)a), Property Owners]~~

31 ~~**b) POA's and Cooperatives**~~

32 ~~All POA's and cooperatives located within 500 feet of the periphery of the subject~~
33 ~~site in the Urban/Suburban, Agricultural Reserve, and Glades Tiers, and within~~
34 ~~1000 feet of the periphery of the subject site in the Exurban and Rural Tiers, shall~~
35 ~~be notified. [Ord. 2012-027] [Relocated to Art. 2.H.1.F.5.b.1)b), POA's and~~
36 ~~Cooperatives]~~

37 ~~**c) Municipalities and Counties**~~

38 ~~All municipalities and counties within one mile of the subject site shall be notified.~~
39 ~~If a site is located within a future annexation area as identified in a municipality's~~
40 ~~Comprehensive Plan, the associated municipality shall be notified. [Ord. 2012-~~
41 ~~027] [Relocated to Art. 2.H.1.F.5.b.1)c), Municipalities and Counties]~~

42 ~~**d) Interested Parties**~~

43 ~~A courtesy notice of all public hearings may be sent upon request to all~~
44 ~~organizations, associations, and other interested persons or groups known to the~~
45 ~~Planning Director. An annual fee may be assessed to defray the cost. [Ord. 2012-~~
46 ~~027] [Relocated to Art. 2.H.1.F.5.b.1)d), Interested Parties]~~

47 ~~**2) Notice Content**~~

48 ~~All notices shall include the following information: [Ord. 2012-027] [Relocated to Art.~~
49 ~~2.H.1.F.5.b.2), Notice Content]~~

50 ~~a) a general summary of the application; [Ord. 2012-027] [Relocated to Art.~~
51 ~~2.H.1.F.5.b.2)a)]~~

52 ~~b) a date, time and place for the public hearings; [Ord. 2012-027] [Relocated to Art.~~
53 ~~2.H.1.F.5.b.2)b)]~~

54 ~~c) a general location map indicating the subject site including major streets; and [Ord.~~
55 ~~2012-027] [Relocated to Art. 2.H.1.F.5.b.2)c)]~~

56 ~~d) a statement that interested parties may appear at the public hearing and be heard~~
57 ~~regarding the amendment. [Ord. 2012-027] [Relocated to Art. 2.H.1.F.5.b.2)d)]~~

58 ~~**3) Failure to Receive Courtesy Notice**~~

59 ~~Failure to receive a courtesy notice shall not be deemed a failure to comply with this~~
60 ~~requirement. [Ord. 2012-027] [Relocated to Art. 2.H.1.F.5.b.3)]~~

61 ~~**c. Signs**~~

62 ~~1) The land subject to the application shall be posted with a notice of the public hearing~~
63 ~~by the applicant on a sign meeting standards and specifications issued by the County~~
64 ~~at least 15 calendar days in advance of any public hearing. One sign shall be posted~~

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(Updated 10/17/17)

~~for each 500 feet of frontage along a street up to a maximum of ten signs. All signs shall be: [Ord. 2012-027] [Relocated to Art. 2.H.1.F.5.c.1), Signs]~~

~~a) Evenly spaced along the street or in a location acceptable to the Planning Director. [Ord. 2012-027] [Relocated to Art. 2.H.1.F.5.c.1)a)]~~

~~b) Setback no more than 25 feet from the street. [Ord. 2012-027] [Relocated to Art. 2.H.1.F.5.c.1)b)]~~

~~c) Erected in full view of the public. [Ord. 2012-027] [Relocated to Art. 2.H.1.F.5.c.1)c)]~~

~~Signs shall be posted in a location acceptable to the Planning Director, where the land does not have significant frontage on a street. The failure of any such posted notice to remain in place after the notice has been posted shall not be deemed a failure to comply with this requirement, or be grounds to challenge the validity of any decision made by the BCC. The applicant shall ensure the signs have been removed no later than five days after the final hearing. [Ord. 2012-027] [Relocated to Art. 2.H.1.F.5.c.1), Signs]~~

d. Other Courtesy Notice

~~Prior to the initiation of a County site specific FLUA amendment, property owners shall receive a courtesy notice provided by the County of the proposed FLUA amendment for their property. This shall occur only for amendments presented to the BCC at time of formal round initiation. Those amendments not included during a formal round initiation shall be provided notice within 15 business days following BCC initiation. When the notice requirements would result in an extraordinary number of courtesy notices, staff will utilize an alternate means to provide notification to property owners. [Ord. 2012-027]~~

e. Exceptions to Mailing and Posting

~~The mailing and posting notice requirements shall not apply to actions by the BCC initiating a site specific FLUA amendment for a land use change to a Conservation (CON) designation following acquisition by a public agency. [Ord. 2012-027] [Partially relocated to Art. 2.H.1.F.5.e, Exceptions to Mailing and Posting]~~

6. Action by the Planning Commission Sitting as the Local Planning Agency (LPA)

~~The LPA public hearing shall be advertised in a newspaper of general circulation in accordance with requirements set forth in F.S. §163.3164(39), as amended from time to time. The LPA shall conduct a public hearing on the application pursuant to the procedures in Article 2.C.1.F.8, Conduct of Hearing, and make recommendations regarding the proposed amendments to the BCC. At the public hearing, the LPA shall review the application, the staff report, the relevant support materials, and public testimony given at the hearings. At the close of the public hearing, the LPA shall vote on its recommendations (approval, approval with conditions or denial). [Ord. 2009-040] [Ord. 2012-027] [Relocated to Art. 2.H.1.F.6, Action by the Planning Commission Sitting as the Local Planning Agency (LPA)]~~

7. Action by BCC

~~Action by the BCC shall be governed by F.S. §163.3184, as amended from time to time. [Ord. 2012-027] [Relocated to Art. 2.H.1.F.7, Action by BCC]~~

a. Transmittal Public Hearing

~~Large scale amendments require a transmittal public hearing. The transmittal public hearing shall be held on a weekday at least seven calendar days after notice is published pursuant to F.S. §163.3184(11)(b)1, as amended from time to time, pursuant to the procedures in Article 2.C.1.F.8, Conduct of Hearing. At the public hearing, the BCC shall consider the application, the staff report, the relevant support materials, the recommendations of the LPA, and the public testimony given at the public hearing, and by an affirmative vote of a majority of the members of the BCC present at the hearing, vote to approve, approve with conditions, or deny the transmittal of the application. Failure of the BCC to approve the transmittal of an application for a site specific amendment shall be deemed a denial of the proposed site specific amendment. [Ord. 2009-040] [Ord. 2012-027] [Relocated to Art. 2.H.1.F.7.a, Transmittal Public Hearing]~~

b. Adoption Public Hearing

~~The adoption public hearing shall be on a weekday at least five calendar days after the day the notice for the public hearing is published pursuant to F.S. §163.3184(11)(b)(2), as amended pursuant to the procedures in Article 2.C.1.F.8, Conduct of Hearing. At the public hearing, the BCC shall consider the application, the staff report, the relevant support materials, the State Land Planning Agency comments, and the public testimony given at the public hearing, vote to adopt, adopt with conditions, or not to adopt an ordinance making a site specific amendment. A decision to adopt an ordinance making a site specific amendment shall require a majority vote of the members of the BCC present at the hearing. Small Scale Development Amendments shall require only one public hearing before the BCC, which shall be an adoption public hearing, pursuant to F.S. § 163.3187(2), and content provisions of F.S. §125.66(4)(a) as amended from time to time. Actions approving~~

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EXHIBIT B

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(Updated 10/17/17)

~~Site Specific Plan amendments shall be adopted by Ordinances pursuant to F.S. § 163.3187, as amended from time to time. [Ord. 2009-040] [Ord. 2012-027] [Partially relocated to Art. 2.H.1.F.7.b, Adoption Public Hearing]~~

~~8. Conduct of Hearing~~

~~a. Rights of All Persons~~

~~Any person may appear at a public hearing and submit evidence, either individually or as a representative of an organization. Anyone representing an organization shall present evidence of their authority to speak on behalf of the organization in regard to the matter under consideration. Each person who appears at a public hearing shall be identified, state an address, and if appearing on behalf of an organization, state the name and mailing address of the organization. [Ord. 2012-027] [Relocated to Art. 2.H.1.F.8.a, Rights of All Persons]~~

~~b. Due Order of Proceedings~~

~~The order of the proceedings shall be as follows: [Ord. 2012-027] [Partially relocated to Art. 2.H.1.F.8.b, Due Order of Proceedings]~~

~~1) The Planning Director shall present a description of the application, a recommendation, and the staff report. [Ord. 2009-040] [Ord. 2012-027]~~

~~2) The applicant shall present any information the applicant deems appropriate; [Ord. 2012-027]~~

~~3) Public Testimony shall be heard; [Ord. 2012-027]~~

~~4) The Planning Director, the County Attorney and any other PBC staff may respond to any statement made by the applicant or any public comment; then [Ord. 2012-027]~~

~~5) The LPA may ask questions to PBC staff, the applicant, or members of the public. [Ord. 2009-040] [Ord. 2012-027]~~

~~c. Postponement of Public Hearing for Small Scale Amendments~~

~~1) Administrative Postponements~~

~~a) An applicant shall have the right to request and be granted one administrative postponement, of no more than 60 days, of the LPA public hearing without an additional fee; provided that the request is made in writing at least 20 working days prior to the hearing and is submitted along with an additional set of the required five-hundred foot public notice envelopes. [Ord. 2012-027] [Relocated to Art. 2.H.1.F.8.c.1)a), Administrative Postponements]~~

~~b) An applicant shall have the right to request and be granted one entitlement continuance, of no more than 60 days, of the BCC Adoption public hearing; provided that the request is made in writing at least 20 working days prior to the hearing and is submitted along with an additional set of the required five-hundred foot public notice envelopes. [Ord. 2009-040] [Ord. 2012-027] [Relocated to Art. 2.H.1.F.8.c.1)b), Administrative Postponements]~~

~~2) LPA or BCC Public Hearing Continuances~~

~~The body conducting the public hearing may by its own motion, or at the request of any applicant or the Planning Director, continue the public hearing or meeting to a fixed date, time and place. Such continuances shall be granted at the discretion of the body conducting the hearing only upon good cause shown. The applicant may be required to provide an additional set of the required courtesy notice envelopes and may be subject to a fee as established by the BCC. [Ord. 2009-040] [Ord. 2012-027] [Relocated to Art. 2.H.1.F.8.c.2), LPA or BCC Public Hearing Continuances]~~

~~d. Postponement of Large Scale Amendments~~

~~1) Administrative Postponements~~

~~An applicant shall have the right to request and be granted one administrative postponement, to a subsequent amendment round and will be subject to a fee as established by the BCC; provided that the request is made in writing at least 20 calendar working days prior to the LPA public hearing. In order to provide most current data, the applicant of an amendment postponed to the next round shall submit the fee with an updated application including a new traffic analysis on the intake date of the next round, along with a new set of courtesy notices. Failure to submit the fee and an updated application will result in the amendment being administratively withdrawn. [Ord. 2009-040] [Ord. 2012-027] [Partially relocated to Art. 2.H.1.F.8.d), Postponements of Large Scale Amendments]~~

~~2) Non-entitlement Continuances~~

~~The body conducting the public hearing may, on its own motion, or at the request of any applicant or the Planning Director, postpone the amendment to the next round. All postponements shall be granted at the discretion of the body conducting the hearing and shall be subject to a fee established by the BCC. In order to provide the most current data, the applicant of an amendment postponed to the next round shall be required to submit a revised application with new traffic analysis upon the intake date~~

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EXHIBIT B

**ARTICLE 2, DEVELOPMENT REVIEW PROCEDURES
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(Updated 10/17/17)**

~~of the next round, along with a new set of courtesy notices. Failure to submit the fee and an updated application will result in the amendment being administratively withdrawn. [Ord. 2012-027] [Relocated to Art. 2.H.1.F.8.d.2), Non Administrative Postponements]~~

~~**9. Withdrawal of Applications**~~

~~An applicant shall have the right to withdraw an application for a site specific amendment at any time prior to the advertised adoption public hearing by the BCC. Any request for a refund shall be in writing, based upon the current PZB refund policy, and approval by the Planning Director. Additionally, applicants shall not be entitled to the return of application materials. [Ord. 2009-040] [Ord. 2012-027] [Relocated to Art. 2.H.1.F.9, Withdrawal of Applications]~~

Part 4. **ULDC Art. 2.D, Administrative Process (page 37 - 49 of 87), is hereby amended as follows:**

Reason for amendments: [Zoning]	
1.	Amendments to this Chapter are proposed to: <ol style="list-style-type: none"> a. Relocate the Public Hearing process to the new Chapter B. the new Chapter C will accommodate administrative procedures. b. Clarify the two administrative functions of the DRO which is to finalize DOs or plans approved by the BCC or ZC; and to review and render a final decision on applications requiring administrative approval.
2.	Clarify that all Preliminary Plans must be finalized by the DRO under the Final Approval process, regardless of whether the approved DOs have modifications to the plan. Example, A request for modification of a Condition of Approval related to hours of operation, shall be subject to Final Plan Approval by the DRO.
3.	Eliminate the Zoning Review process (ZZR) which allows plan amendments that require only one Agency. The current Zoning Agency Review (ZAR) process allows plan amendments that require by two to five Agencies. The scope of the ZAR will be expanded to include proposed amendments that would typically be reviewed as a ZZR.

CHAPTER ~~DC~~ ADMINISTRATIVE PROCESSES

Section 1 ~~Development Review Officer (DRO) Purpose~~

~~A. Purpose~~

~~The purpose of this Section is to establish a review process for all developments requiring certification or approval by the DRO. Certification, approval, approval with conditions or denial of an application shall be based upon comments and recommendations from appropriate PBC departments, PBC divisions, and other local government agencies to the DRO. This Section also establish standards for review, certification, approval or denial for Public Hearing or administrative processes; set limits on the administrative authority of the DRO to modify BCC or ZC approvals; and the appeal process. The DRO shall perform the following functions: [Ord. 2009-040]~~

~~To establish procedures and standards for:~~

- ~~• Sufficiency determination of applications that are subject to the Administrative processes;~~
- ~~• Submittal, Review, Resubmittal, and Approval of applications that are subject to Table 2.A.2.C.3, Development Review Officer Administrative Processes;~~
- ~~• Finalization of approved BCC or ZC DOs by the DRO;~~
- ~~• Review and final decisions on requests that are subject to the Administrative processes by the DRO; and~~
- ~~• Considerations for other Administrative types of processes that will not result in the issuance of a DO.~~

Reason for amendments: [Zoning]	
1.	The proposed language also clarifies re-submittal requirements when issues or comments are not addressed by the Applicant.
2.	Under Sufficiency Review, add reference to the Annual Zoning Calendar for Submittal, Staff Comments and Resubmittal by the Applicant. Clarify that Staff will notify the Applicant of insufficiencies and allow time for them to be addressed. If the insufficiencies are not addressed by the Applicant the second month, Staff will advise the Applicant that the application may be administratively withdrawn, unless a time extension is requested.

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EXHIBIT B

ARTICLE 2, DEVELOPMENT REVIEW PROCEDURES SUMMARY OF AMENDMENTS

(Updated 10/17/17)

1 **Section 2 Sufficiency Review**

2 **A. Sufficiency**

3 The DRO shall ensure the applications meet all Submittal requirements and the requests are
4 consistent with Art. 2.A, General. If the application is determined to be sufficient by the DRO, it
5 shall be distributed to the applicable County Agencies for review pursuant to the procedures and
6 standards of this Article.

7 **B. Insufficiency**

8 If an application is determined to be insufficient pursuant to the Reasons for Insufficiencies listed
9 in the Zoning Technical Manual, the DRO shall provide written notification to the Applicant
10 specifying the deficiencies. The notification shall be forwarded to the Applicant within ten days of
11 the application's submittal date.

12 1. No further action shall be taken on the application until the deficiencies are remedied.

13 2. The Applicant shall address all insufficiencies and resubmit the application on the submittal
14 date of the next month pursuant to the Annual Zoning Calendar.

15 3. If the application is amended and determined to be sufficient by the DRO, the application shall
16 be processed for review.

17 4. If the deficiencies are not remedied prior to the next Submittal date as indicated on the Annual
18 Zoning Calendar, the DRO shall issue a second written notification to the Applicant indicating
19 the application shall be considered withdrawn unless a time extension request has been
20 submitted.

21 **C. Time Extension**

22 The Applicant may submit a written request to the Zoning Director should additional time be
23 required to address unresolved issues. Such request shall be submitted to the Zoning Director no
24 later than 5 days after the issuance of the second Insufficiency notification.

25 **D. Administrative Withdrawal**

26 If the Applicant fails to address the insufficiencies or request a time extension, it may result in an
27 Administrative withdrawal of the application.

28 **Reason for amendments:** [Zoning]

1. Chapter D currently includes the public hearing processes that is relocated to the new Chapter C. The proposed amendment clarifies the functions of the DRO: to finalize DOs approved by the ZC or BCC; and to render final decisions on applications subject to DRO approval (Approval). The review procedures should be similar for the Public Hearing and Administrative processes.

29 **Section 3 General**

30 The DRO shall coordinate the review of applications with all the applicable Agencies based on the
31 request(s), and in accordance with the Table below. The application(s) shall be assigned by the DRO to be
32 reviewed either through the Full DRO, which consists of all applicable County Agencies, or Zoning Agency
33 Review (ZAR), which consists of one to a maximum of five Agencies. An Applicant may also request
34 Sequential or Concurrent Review by the DRO.

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EXHIBIT B

**ARTICLE 2, DEVELOPMENT REVIEW PROCEDURES
SUMMARY OF AMENDMENTS**

(Updated 10/17/17)

Table 2.C.3, DRO - Administrative Processes

<u>Requests</u>	<u>Processes</u>	
	<u>Full DRO</u>	<u>ZAR</u>
Finalization of BCC or ZC DOs		
Finalize the BCC or ZC DOs and Plans	√	
Administrative Approval		
<u>A Use subject to Art. 4.A.7.C.2, Administrative Approvals. (1)</u>	√	√(2)
<u>Administrative Modifications to Prior DO in accordance with Table 2.C.7</u>	√	√(2)
<u>Subdivision Plan pursuant to Art. 11, Subdivision, Platting and Required Improvements (3)</u>	√	
<u>Type 1 Waiver (4)</u>	√	
<u>Type 1 Variance</u>		√
<u>Temporary Use pursuant to Art. 4.B.11, Temporary Uses</u>		√
<u>Special Permit pursuant to Art. 8.H.2, Billboards</u>		√
<u>Reasonable Accommodation</u>		√
<u>Zoning Confirmation Letter (Formal and Non-Site Specific Formal) (5)</u>		√
<u>Zoning Confirmation Letter (Informal) (5)</u>		√
<u>Release of Unity of Title (5)</u>		√
Notes		
(1)	<u>Includes where it specifies the process is subject to the DRO in Art. 4.B, Use Classifications or in Art. 3.B, Overlays, Table 5.G.1.E, Review Process for WHP, Table 5.G.2.D, Review Process for AHP, and Art. 5.G.3.K.3, TDR Review Process..</u>	
(2)	<u>Adding a new use or replacement of a use that is subject to Administrative Approval on an approved Zoning Plan (Site or Subdivision)</u>	
(3)	<u>May be reviewed and approved concurrent with a Final Master Plan that was approved by the BCC.</u>	
(4)	<u>Includes Type 1 Waiver for Landscaping</u>	
(5)	<u>This type of request will not issue a DO for the subject property.</u>	

	Reason for amendments: [Zoning]
1.	Clarify that all Preliminary Plans must be finalized by the DRO under the Final Approval process, regardless of whether the approved DOs have modifications to the plan. Example, A request for modification of a Condition of Approval related to hours of operation, shall be subject to Final Plan Approval by the DRO.

A. Finalization of BCC or ZC DOs

After the BCC or ZC hearing and approval of a DO, the Applicant shall submit to the DRO for Final Plan approval. The DRO shall review the application under the Full DRO process, and shall ensure the DO is consistent with the BCC or ZC approved plan and Conditions of Approval. The Final Plan review shall include any DOs that do not involve changes on the plan. All Preliminary Zoning Plans shall be finalized by the DRO prior to the application of a building permit; commencement of any related land development activities; utilization of any use or approval granted by the BCC or ZC. An Applicant may allow to submit for an Expedited Review or for a Concurrent Review under the Full DRO process subject to the following:

1. DRO Expedited Process (DROE)

Applications shall be submitted within two months after the final decision date of the BCC or ZC to be considered as DROE. The Applicant may request a DROE application after the ZC hearings, and prior to the BCC's final decision hearings provided that:

- a. The application must be on the Consent Agenda of the hearings;
- b. There is no opposition from the Public; and
- c. The Applicant agrees to and accept all of the Conditions of Approval.

2. Concurrent Review

Refer to Art. 2.A.4, Concurrent or Separate Applications.

	Reason for amendments: [Zoning]
1.	Eliminate the Zoning Review process (ZZR) which allows plan amendments that require only one Agency. The current Zoning Agency Review (ZAR) process allows plan amendments that require by two to five Agencies. The scope of the ZAR will be expanded to include proposed amendments that would typically be reviewed as a ZZR.

B.2. Administrative Approval Process

The DRO shall make a final decision on a permanent or a temporary use pursuant to Table 2.C.4, DRO - Administrative Processes. Applications may be reviewed under either the Sequential or Concurrent Review process, where applicable. The DROE cannot be utilized for applications that are subject to the Administrative Approval. Final Plan review shall include DOs that do not require graphic changes to the plan. All Zoning Plans shall be approved by the DRO prior to applying for a

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EXHIBIT B

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(Updated 10/17/17)

building permit; commencing related land development activities; or utilizing any use subject to DRO approval, unless stated otherwise herein.

B. Application Types

1. ~~The following types of development shall require approval of a master plan, site plan, subdivision plan, regulating plan and other types of plans listed in Art. 2.A.1.G.3, Plan Requirements by the DRO prior to the issuance of a building permit, commencement of any related land development activity, utilization of any use or approval granted by the BCC or ZC, or utilization of any use requiring approval by the DRO: **[Ord. 2009-040]**~~
 - a. ~~Conditional Use; **[Ord. 2017-007]**~~
 - b. ~~All development in a PDD or TDD;~~
 - c. ~~All development within the IR Zoning district, or projects electing to utilize the provisions of the IRO; **[Ord. 2010-005]**~~
 - d. ~~All proposed Development Orders within the UC or UI districts, excluding any improvements permitted under Art. 1.E, Prior Approvals or Art. 1.F, Non-conformities; **[Ord. 2010-022]** **[Ord. 2011-016]**~~
 - e. ~~“D” uses in the use matrices in to Art. 4, Use Regulations; **[Ord. 2017-007]**~~
 - f. ~~All new construction that creates, meets or exceeds the thresholds in Table 4.A.9, Development Threshold; **[Ord. 2009-040]** **[Ord. 2017-007]**~~
 - g. ~~Amendments or changes to any previously approved special exception, conditional use or other development which required approval of a site plan or subdivision by Ord. No.1957-003, Ord. No.1973-002, or Ord. No.1992-020 as amended;~~
 - h. ~~Any use governed by Art. 1.F.4, Nonconforming Use;~~
 - i. ~~Any amendment to a previously approved site plan; **[Ord. 2011-016]**~~
 - j. ~~All subdivision of land, unless exempt; and, **[Ord. 2011-016]**~~
 - k. ~~All requests for Type I Waivers. **[Ord. 2011-016]**~~
2. ~~If any of these development types do not require construction of additional square feet, complete implementation of the DRO approval prior to utilization of any of the development types shall occur.~~

Section 4 Review, Resubmittal and Final Decision

Review of an application shall be initiated by the DRO on the date it is deemed sufficient, subject to the timeline specified in the Table below. The processing time may vary based upon the types of requests.

Table 2.C.4, Review, Resubmittal and Final Decision

Processes	Full DRO	ZAR	Type I Variance
Application Submittal by Applicant	Refer to Annual Zoning Calendar.	Refer to Annual Zoning Calendar.	Refer to Annual Zoning Calendar.
Sufficiency Review by Staff	10 days from the date of Application Submittal.	10 days from the date of Application Submittal.	10 days from the date of Application Submittal.
Insufficiency to be addressed by Applicant	The Applicant may resubmit on the Submittal date of the following month. Refer to Annual Zoning Calendar.	The Applicant may resubmit on the Submittal date of the following week. Refer to Annual Zoning Calendar.	The Applicant may resubmit on the Submittal date of the following month. Refer to Annual Zoning Calendar.
Initiate Review and Staff Comments	10 days from the date of Sufficiency	10 days from the date of Sufficiency	10 days from the date of Sufficiency
Resubmittal by Applicant	The Applicant shall address all issues and comments by the next Submittal date. Refer to the Annual Zoning Calendar.	The Applicant shall address all issues and comments by the next Submittal date. Refer to the Annual Zoning Calendar.	The Applicant shall address all issues and comments by the next Submittal date. Refer to the Annual Zoning Calendar.
Staff Review and Comments on Resubmittal	Refer to Annual Zoning Calendar	Refer to Annual Zoning Calendar.	Refer to Annual Zoning Calendar.
Certification or Approval	Refer to Annual Zoning Calendar	Refer to Annual Zoning Calendar	Refer to Annual Zoning Calendar

A. Review

The DRO shall prepare a list of issues and comments and make it available to the Applicant. The Applicant shall provide a written response addressing all outstanding issues and comments by the next Submittal date.

3B. Action by the DRO

~~On the review date established by the DRO, the DRO shall inform each applicant of the revisions necessary for the application to receive certification, approval, approval with conditions or denial. Each applicant shall be provided a maximum of three working days to revise minor outstanding issues. Within seven working days after the review date, the The DRO shall either certify, approve, approve with conditions, deny, withdraw or postpone each application on the agenda after reviewing the recommendations and comments provided by the agency officers Agencies. The DRO shall not certify or approve an application until it plan of development until the plan meets all~~

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(Updated 10/17/17)

1 applicable Code requirements, standards, policies, and if applicable, conditions of approval. [Ord.
2 2008-003] [Ord. 2009-040]

3 **1. Approved**

4 If the resubmitted documents satisfy Code requirements and address the DRO's list of
5 outstanding issues and comments, the DRO shall issue a Result Letter indicating the approval
6 of the application.

7 **2. Not Approved**

8 If the resubmitted documents fail to address all listed outstanding issues and comments, the
9 DRO shall issue a Result List indicating that the application is not approved.

10 **1. Staff Review**

11 ~~At least five days prior to the DRO review date, each applicant shall be provided a list of issues, if~~
12 ~~any, which must be addressed prior to approval of the application. [Ord. 2007-001] [Ord. 2008-~~
13 ~~003] [Ord. 2009-040]~~

14 **a. Expedited DRO Applications (EDA – Signature Only)**

15 ~~Expedited applications will not receive written comments from the DRO. A previously~~
16 ~~postponed Type 1 EDA will receive updated comment letters only. [Ord. 2007-001]~~

17 **2. Application Requirements**

18 ~~Refer applications requirements to Art. 2.A.1.G.3, Plan Requirements. [Ord. 2009-040]~~

19 **4a. Re-submittal Requirements**

20 The ~~a~~A applicant shall provide a written response addressing all outstanding ~~certification~~
21 ~~issues and comments~~ for ~~those~~ applications ~~which that~~ were not approved in a manner and
22 form acceptable to the ~~Zoning Division~~ DRO. The revised documents shall be ~~re~~submitted
23 on the ~~s~~Submittal date as established on the Annual Zoning Calendar. ~~The applicant shall~~
24 ~~request to be placed on an agenda a minimum of two days prior to the meeting date. [Ord.~~
25 ~~2008-003]~~

26 **C. Continuance or Postponement**

27 ~~Applications for a development order DO that are continued or postponed for more than six months~~
28 ~~by the DRO must obtain approval from the Zoning Director. All applications that have been~~
29 ~~continued or postponed for more than six months without approval from the Zoning Director, shall~~
30 ~~be administratively withdrawn. [Ord. 2005 – 002] [Relocated from Art. 2.A.1.L.5.b, DROC,~~
31 ~~related to Continuance or Postponement]~~

32 **Reason for amendments:** [Zoning]

- | |
|---|
| 1. Clarify that Administrative Approval is subject to the evaluation of Standards, similar to those required for the Public Hearing evaluation procedures. Add two new standards: Consistency with Code to the existing Standards, as this is a major standard that is currently missing in this Chapter. The second addition is related to Adequate Public Facilities. |
| 2. Reduce redundancy by deleting provisions indicating that a DO runs with the subject property or land. This provision is already specified in Art.2.A, General. |

33 **Section 5E. Standards for Administrative Approval Types of Application**

34 ~~Prior to approval by the DRO, a site plan or subdivision plan shall comply with the following standards:~~

35 **A. Administrative Approval of New Use**

36 **1. Purpose**

37 To establish standards for administrative approval of new uses by the DRO. These uses require
38 individual review by the DRO of the subject property's location, proposed design, site
39 configuration, intensity or density to ensure the appropriateness and compatibility of uses with
40 its surrounding land uses.

41 **2. Standards**

42 When considering a DO application that are subject to the Administrative Approval processes, the
43 DRO shall utilize the Standards a through c indicated below:

44 **1.a. Consistency with the Plan**

45 ~~Shall be~~ The proposed use is consistent with the purposes, goals, objectives, and policies in
46 the Plan, including standards for building and structural intensities and densities, and intensities
47 of use. [Relocated from Art .2.D.1.E.1, Consistency with the Plan related to Standards for
48 Administrative Approval]

49 **2. Consistency with Neighborhood Plans**

50 ~~The plan of development may be consistent with applicable neighborhood plans. [Ord. 2009-~~
51 ~~040]~~

52 **3. Other Relevant Codes**

53 ~~The site plan or final subdivision plan shall comply with the PBC's health, fire and building~~
54 ~~standards and all other relevant and applicable provisions of this Code.~~

55 **b. Consistency with the Code**

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(Updated 10/17/17)

The proposed use or amendment is not in conflict with any portion of this Code, and is consistent with the stated purpose and intent of this Code.

c. Adequate Public Facilities

The extent to which the proposed use complies with Art. 2.F, Concurrency.

~~D3.~~ **Effect of an-issuance of a Administrative Development Order DO Approval by the DRO**

~~A development order DO approved by the DRO shall have the following effect and authority:~~

[Ord. 2009-040] [Relocated from Art. 2.D.1.D, Effect of an Administrative Development Order Approval by the DRO]

~~a.4 Any permitted uses may occur in conjunction with or in place of the approved use;~~ **[Relocated from Art. 2.D.1.D.1, Effect of an Administrative Development Order Approval by the DRO]**

~~2. A development order for a site plan or a subdivision plan shall apply to only the land legally described in the application submitted to, and found sufficient by, the DRO and shall run with the land for the life of the development order;~~ **[Relocated from Art. 2.D.1.D.2, Effect of an Administrative Development Order Approval by the DRO]**

~~3b. A development order for a site plan or subdivision plan~~ **Issuance of a DO approved by the DRO shall be deemed to authorize only the particular site configuration, layout, design, level of impacts, and intensity/or density which were approved by the DRO pursuant to the standards of this Code; and [Relocated from Art. 2.D.1.D.3, Effect of an Administrative Development Order Approval by the DRO]**

~~4c. A DO development order for a site plan or subdivision may only be amended pursuant to the procedures and standards in this Section-Article.~~ **[Relocated from Art. 2.D.1.D.4, Effect of an Administrative Development Order Approval by the DRO]**

Reason for amendments: [Zoning]
1. Consolidate text under Administrative Modifications of a prior development order into a Table format. Provide criteria for the applicant to justify for the modifications and for staff to evaluate the requests.
2. Clarify that if an applicant is requesting multiple modifications, the requests may exceed the threshold of the review process, and may result in a higher level of review.
3. Consolidate the exceptions where modifications cannot be requested or do not apply.

B.G. Administrative Modifications to Prior Development Orders-DOs

1. Purpose

To establish review criteria for the evaluation of Administrative Modifications to DOs that are approved by the BCC, ZC or the DRO. The DRO may approve amendments to Preliminary Plans approved by the BCC/ZC, and approve Final Plans, in accordance with the following procedures. [Ord. 2007-001] [Ord. 2008-003] [Ord. 2009-040] [Ord. 2010-005] [Ord. 2010-022] [Ord. 2011-001] [Ord. 2014-001]

1. Modifications to BCC or ZC Approvals

~~The DRO shall have the authority to approve modifications to a Development Order approved by the BCC or ZC. An application for an amendment shall be submitted in accordance with Article 2.A.1., Applicability, and reviewed in accordance with the standards in Article 2.D.1.C, Review Procedures. Applications must be submitted on deadlines established on the Zoning Calendar. The authority of the DRO to modify a BCC or ZC approved plan prior approval shall be limited to the following: Table 2.C.5.B, Administrative Modifications to Prior DOs. The DRO shall determine which Agencies will review the application, and whether the review shall be subject to the Full DRO or ZAR process. A combination of requests may require review through the Full DRO process. In making a decision on the requested modification(s), the DRO shall evaluate the application based on all of the criteria listed in Table 2.C.7 below, unless otherwise stated herein. The Zoning Director shall maintain PPM Z0-0-29, Administrative Modifications to Approved Site Plans, outlining a list of minor amendments and establishing items that are exempt from the Administrative Modifications process. [Relocated from Art. 2.D.1.G.2.b, Agency Review] [Ord. 2008-003] [Ord. 2010-005] [Ord. 2010-022] [Ord. 2011-001]~~

~~a. The relocation of no more than 25 percent of the total approved square footage or other area indicated as being covered by buildings or structures to portions of the site not previously covered. [Relocated to Table 2.D.7 – Administrative Modifications of a Prior DO]~~

~~1) No modification shall relocate square footage to a building that enlarges the footprint more than 50 percent of the building area indicated in the latest BCC or ZC approved plan; [Ord. 2015-006] [Ord. 2016-016] [Partially relocated to Table 2.D.7 – Administrative Modifications of a Prior DO]~~

~~2) Relocated square footage shall not be used to create additional freestanding buildings or structures. [Relocated to Table 2.D.7 – Administrative Modifications of a Prior DO] This shall not apply to accessory structures which are not subject to Concurrency~~

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EXHIBIT B

ARTICLE 2, DEVELOPMENT REVIEW PROCEDURES SUMMARY OF AMENDMENTS

(Updated 10/17/17)

~~review in accordance with PPM-ZO-O-049, Permits Not Subject to Concurrency Review; and, [Ord. 2009-040] [2015-006] [Relocated to Table 2.C.7, Administrative Modifications to a Prior Development Order, Note 1]~~

A. Exceptions

1. ~~All Class A or Class B Conditional Uses shall remain in the location consistent with the plan(s) approved by the BCC or ZC; unless a condition of approval allows an alternative location on the same site.~~
 2. ~~Modifications shall not be allowed if there is a BCC or ZC Condition of Approval that prohibits the amendment request.~~
- b. ~~An increase in the square footage indicated on the most recently ZC or BCC approved Plan(s) shall be subject to the following: [Ord. 2008-003] [Ord. 2009-040] [Ord. 2014-025]~~
- 1) ~~Maximum of five percent or 5,000 square feet of any building, structure or outdoor area considered as square footage, whichever is less; [Ord. 2014-025] [Ord. 2015-006] [Relocated to Table 2.C.7 – Administrative Modifications of a Prior DO]~~
 - 2) ~~Maximum 5,000 square foot of the total ZC or BCC approved square footage; and, [Ord. 2014-025] [Ord. 2015-006] [Partially relocated to Table 2.C.7 – Administrative Modifications of a Prior DO]~~
 - 3) ~~The allowable five percent or 5,000 square feet shall not be used to create new freestanding buildings or structures. [Partially relocated to Table 2.C.7 – Administrative Modifications of a Prior DO] This provision shall not apply to accessory structures which are not subject to Concurrency review in accordance with PPM-ZO-O-049. [Ord. 2015-006]~~
- c. ~~Additions to or relocations of buildings and structures shall not be constructed closer to perimeter property lines than shown on the plan approved by the BCC or ZC, unless the FLU designation, Zoning district, or existing use of the adjacent parcel is compatible; [Ord. 2009-040] [Ord. 2011-001] [Partially relocated to Table 2.C.7 – Administrative Modifications of a Prior DO]~~
- 1) ~~For a Renewable Energy Wind Facility within the AP Zoning District, this shall apply to the Project Boundary, provided they meet separation or setback requirements from streets, and residential uses and districts. [Ord. 2011-016] [Ord. 2017-007] [Relocated to Table 2.C.7 – Administrative Modifications of a Prior DO, footnote #3]~~
- d. ~~For a Renewable Energy Wind Facility within the AP Zoning District, an increase in no more than ten percent, up to a maximum of ten, of the number of wind turbines approved by the BCC. [Ord. 2011-016] [Ord. 2014-025] [Ord. 2017-007] [Relocated to Table 2.C.7 – Administrative Modifications of a Prior DO]~~
- e. ~~An overall increase of not more than ten percent of the height of any structure; [Relocated to Table 2.C.7 – Administrative Modifications of a Prior DO]~~
- f. ~~Access points; [Ord. 2008-003] [2015-006]~~
- 1) ~~Relocation, addition, or deletion of internal access points; [Ord. 2015-006] [Relocated to Table 2.C.7 – Administrative Modifications of a Prior DO]~~
 - 2) ~~Addition of emergency access ways, as required by PBC Fire Rescue. The DRO shall ensure the District Commissioner is notified of this request in advance of final DRO approval. The access point shall be secured by a gate that has the necessary mechanism to ensure it is closed and secured after each Fire Rescue emergency call. [Ord. 2015-006] [Relocated to Table 2.C.7 – Administrative Modifications of a Prior DO]~~
- g. ~~Relocation of open space or recreation areas, provided that the request does not result in a substantial change in the amount, configuration, or character of open space or recreation approved by the BCC or ZC; [Ord. 2008-003] [Relocated to Table 2.C.7 – Administrative Modifications of a Prior DO]~~
- h. ~~The addition or modification of phase lines shall be consistent with the intent of the Development Order; [Ord. 2008-003] [Ord. 2011-001]~~
- i. ~~The applicant shall demonstrate compliance with Article 2.F, Concurrency (Adequate Public Facilities) for any increase in density or intensity beyond the original Development Order or addition or modification of phase lines; [Ord. 2008-003] [Ord. 2009-040] [Ord. 2011-001] [Partially relocated to Table 2.C.7 – Administrative Modifications of a Prior DO]~~
- j. ~~The applicant shall demonstrate compliance with Article 12, Traffic Performance Standards, without additional conditions of approval to ensure compliance, as determined by the County Engineer for any increase in traffic impact beyond what was reviewed and approved in the original Development Order; [Ord. 2008-003] [Ord. 2009-040] [Ord. 2011-001]~~

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EXHIBIT B

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(Updated 10/17/17)

- 1 k. ~~Requested or Class A or B Conditional Uses shall remain in the location approved by the~~
2 ~~BCC or ZC, unless a condition of approval allows relocation; or, [Ord. 2008-003] [Ord.~~
3 ~~2010-005] [Ord. 2011-001] [Ord. 2012-027]~~
4 l. ~~Add new or amend existing Freestanding ATMs. [Ord. 2013-021]~~
5 m. ~~Modification to IRO or URAO Plans, provided that there are no conflicts with prior~~
6 ~~conditions of approval, any improvement or amenity used to garner support for a project,~~
7 ~~or testimony from Public Hearing(s); or, [Ord. 2010-005] [Ord. 2010-022] [Ord. 2011-016]~~
8 ~~[Ord. 2012-027]~~
9 n. ~~Requests for Type I Waivers; [Ord. 2011-016] [Ord. 2012-027] [Ord. 2015-031]~~
10 o. ~~Requests to modify a Type II Waiver or a Type II Variance when the amendment request~~
11 ~~is more conforming to Code requirements; [Ord. 2012-027] [Ord. 2015-031]~~
12 p. ~~To add Type II electronic message signs; or [Ord. 2015-031] [Ord. 2016-042]~~
13 q. ~~The number of loading spaces may be proportionately reduced, if the space is not needed~~
14 ~~as a result of a reduction in size or change in use. [Ord. 2016-042]~~
15 **2. Administrative Modifications**
16 **a. Purpose**
17 ~~To establish procedures to allow for approvals of specific minor corrections, additions and~~
18 ~~amendments to Final Plans approved by the BCC, ZC or DRO. [Ord. 2007-001] [Ord.~~
19 ~~2014-001] [Ord. 2015-006] [Ord. 2016-016]~~
20 **b. Agency Review**
21 ~~Agency Review is for applications that require amendment(s) to existing approved plan(s).~~
22 ~~This type of application requires review, comments, and conditions by a maximum of five~~
23 ~~DRO Agencies. The DRO shall determine which Agencies are required to review the~~
24 ~~amendment based upon the request and compliance with County Ordinances. The Zoning~~
25 ~~Director shall maintain PPM Z0-0-29, Administrative Modifications to Approved Site Plans,~~
26 ~~outlining a list of minor amendments and establishing items that are exempt from the~~
27 ~~Administrative Modifications process. Amendments include the following, provided Art.~~
28 ~~2.D.1.G.1, Modifications to BCC or ZC Approvals, requirements are not exceeded: [Ord.~~
29 ~~2008-003] [Ord. 2011-001] [Ord. 2014-001] [Ord. 2015-006] [Ord. 2016-016]~~
30 1) ~~Increases in building square footage indicated on the latest BCC, ZC or DRO approved~~
31 ~~plan shall be limited to the following: [Ord. 2008-003] [Ord. 2014-001] [Ord. 2015-~~
32 ~~006] [Ord. 2016-016]~~
33 a) ~~Maximum of five percent or 2,500 square feet of any building, structure or outdoor~~
34 ~~area considered square footage, whichever is less; [Ord. 2008-003] [Ord. 2014-~~
35 ~~001] [Ord. 2015-006] [Ord. 2016-016]~~
36 b) ~~Maximum 2,500 square feet of the total BCC, ZC or DRO approved square~~
37 ~~footage; and, [Ord. 2016-016]~~
38 c) ~~Increases in square footage shall not be used to create new freestanding buildings~~
39 ~~or structures. [Ord. 2008-003] [Ord. 2014-001] [Ord. 2015-006] [Ord. 2016-016]~~
40 d) ~~Provisions a) to c) above, shall not apply to accessory structures which are not~~
41 ~~subject to Concurrency review in accordance with PPM Z0-0-049, or clubhouses~~
42 ~~located in the Recreation pod of a PDD. [Ord. 2008-003] [Ord. 2014-001] [Ord.~~
43 ~~2015-006] [Ord. 2016-016]~~
44 2) ~~The relocation of building square footage indicated on the latest BCC, ZC or DRO~~
45 ~~approved site plan shall be limited to the following: [Ord. 2016-016]~~
46 a) ~~No more than 25 percent of the total site approved square footage or other area~~
47 ~~indicated as being covered by buildings or structures to portions of the site not~~
48 ~~previously covered. [Ord. 2016-016]~~
49 b) ~~No modification shall relocate square footage to a building that enlarges the~~
50 ~~footprint more than 25 percent of the building area. [Ord. 2016-016]~~
51 c) ~~Clubhouse located in the Recreation pod of a PDD shall be exempt from the~~
52 ~~relocation thresholds. [Ord. 2016-016]~~
53 3) ~~Modifications to approved Alternative Landscape Plan (ALP) [Ord. 2008-003] [Ord.~~
54 ~~2014-001]~~
55 4) ~~Modifications to approved phase lines; [Ord. 2014-001]~~
56 5) ~~New uses that require DRO approval, provided all improvements to the use are interior~~
57 ~~to the structure, with the exception of the following minor exterior improvements: [Ord.~~
58 ~~2014-001]~~
59 a) ~~Modifications to existing parking areas; [Ord. 2014-001]~~
60 b) ~~Outdoor dining areas; [Ord. 2014-001]~~
61 c) ~~Walk-in coolers; or, [Ord. 2014-001]~~
62 d) ~~Above ground tanks. [Ord. 2014-001]~~
63 6) ~~Palm Beach County School Board Projects; [Ord. 2008-003] [Ord. 2014-001]~~
64 7) ~~Modifications to approved Type 1B Excavation; [Ord. 2008-003] [Ord. 2011-001]~~
65 ~~[Ord. 2014-001] [Ord. 2017-007]~~

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EXHIBIT B

ARTICLE 2, DEVELOPMENT REVIEW PROCEDURES SUMMARY OF AMENDMENTS

(Updated 10/17/17)

- 1 ~~8) Minor modifications to approved architectural elevations provided consistent with~~
2 ~~previously approved elevations and conditions of approval; [Ord. 2014-001] [Ord.~~
3 ~~2015-031]~~
4 ~~9) Proposed or relocated guard houses; and, [Ord. 2014-001] [Ord. 2015-031]~~
5 ~~10) PUD informational signs. [Ord. 2015-031]~~
6 ~~11) Stealth Towers equal to or less than 100 feet in height located in the AGR, AR and RE~~
7 ~~Zoning Districts, provided the parcel has an existing DRO approved site plan. [Ord.~~
8 ~~2017-007]~~

9 The applicant shall be responsible for obtaining the recommendation of approval and any
10 comments from the affected DRO agencies, in a form and manner established by the Zoning
11 Director. ~~[Ord. 2007-001] [Ord. 2008-003] [Ord. 2011-001]~~

~~c. Zoning Review~~

12 ~~Zoning review is for applications that require only Zoning Division approval of: minor~~
13 ~~corrections to tabular data, additions and amendments to existing approved plans.~~
14 ~~Amendments include the following: [Ord. 2008-003] [Ord. 2014-001] [Ord. 2015-006]~~

- 15 ~~1) Change in sign location; [Ord. 2008-003]~~
16 ~~2) Minor modifications to approved parking areas (such as relocation of handicapped~~
17 ~~parking spaces or removal of spaces exceeding ULDC requirements); [Ord. 2008-~~
18 ~~003] [Ord. 2014-001]~~
19 ~~3) Relocation of terminal islands to accommodate trees or utility lines; [Ord. 2008-003]~~
20 ~~4) Reduction in building size, provided there are no changes to approved architectural~~
21 ~~elevations; [Ord. 2008-003]~~
22 ~~5) Minor modifications to approved lot lines to be consistent with plat; [Ord. 2008-003]~~
23 ~~[Ord. 2014-001]~~
24 ~~6) Temporary sales trailers pursuant to a Special Permit; [Ord. 2008-003] [Ord. 2014-~~
25 ~~001] [Ord. 2015-031]~~
26 ~~7) Other minor structures subject to approval by the DRO and, [Ord. 2008-003] [Ord.~~
27 ~~2014-001] [Ord. 2015-031]~~
28 ~~8) Type II time and temperature or fuel price electronic message signs to approved~~
29 ~~freestanding signs. [Ord. 2015-031]~~

2. Standards

30 When considering a DO request for Administrative Modifications, the DRO shall utilize the
31 same Standards a through c pursuant to the Administrative Approval of a new use, the DRO
32 shall also consider the limitations and criteria stated in the following Table:
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EXHIBIT B

ARTICLE 2, DEVELOPMENT REVIEW PROCEDURES SUMMARY OF AMENDMENTS (Updated 10/17/17)

1

Table 2.C.5.B - Administrative Modifications to a Prior DOs

Request	Allowable Modification	Full DRO	Criteria
<u>Relocation of Building square footage (1) (2)</u> [Partially relocated from Art. 2.D.]	Allow relocation of no more than 50 percent of the total approved square footage or other area indicated as being covered by buildings or structures to portions of the site not previously covered. [Relocated from Art. 2.D.1.G.1.a.]	<ul style="list-style-type: none"> Relocation of square footage to a building shall not enlarge the footprint of the building more than 50 percent of the building area as approved by the BCC or ZC; [Ord. 2015-006] [Ord. 2016-016] [Partially relocated from Art. 2.D.1.G.1.a.1), above] Relocated square footage may be requested in conjunction with the increase of square footage provided the relocated sq. ft. does not exceed the maximum of five percent or 5,000 sq ft. of the total sq. ft. approved by the BCC or ZC. Relocated square footage shall not be used to create additional freestanding buildings or structures; [Ord. 2009-040] [2015-006] [Partially relocated from Art. 2.D.1.G.1.a.2), above] Relocation of square footage may be integrated vertically provided the overall height will not exceed ten percent of the approved height and meet setback requirements, and; [Partially relocated from Art. 2.D.2.D.1.G.1.e, above] Shall not be relocated or constructed closer to perimeter property lines than what was originally shown on the BCC or ZC approved plan, unless the FLU designation, zoning district, or existing use of the adjacent parcel is compatible (3). [Ord. 2009-040] [Ord. 2011-001] [Partially relocated from Art. 2.D.2.D.1.G.1.c, above] 	
<u>Increase in square footage for building, structure or outdoor area that is considered as square footage (1) (2)</u> [Partially relocated from Art. 2.D.2.D.1.G.1.b, above]	Allow an increase of a maximum of five percent or 5,000 square feet of any building, structure or outdoor area that is considered as square footage; whichever is less. [Relocated from Art. 2.D.2.D.1.G.1.b.1), above]	<ul style="list-style-type: none"> The increase shall not exceed a maximum of five percent or 5,000 square feet of the total square feet approved by the BCC or ZC; [Relocated from Art. 2.D.2.D.1.G.1.b.2), above] The increase shall not be used to create new freestanding building(s) or structure(s) (4) [Ord. 2015-006]; and [Relocated from Art. 2.D.2.D.1.G.1.b.3), above] Subject to Adequate Public Facilities Review. [Ord. 2008-003] [Ord. 2009-040] [Ord. 2011-001] [Relocated from Art. 2.D.2.D.1.G.1.b.3), above] 	
<u>External Emergency Access Ways</u> relocated from Art. 2.D.2.D.1.G.1.f.2), above]	Addition of emergency access ways [Relocated from Art. 2.D.2.D.1.G.1.f.2), above]	<ul style="list-style-type: none"> Required by the PBC Fire Rescue Department; relocated from Art. 2.D.2.D.1.G.1.f.2), above] Notice to the District Commissioner by the Zoning Division; and relocated from Art. 2.D.2.D.1.G.1.f.2), above] Access point(s) shall be secured by a gate that has the necessary mechanism to ensure it is closed and secured after each Fire Rescue emergency call. [Ord. 2015-006] relocated from Art. 2.D.2.D.1.G.1.f.2), above] 	
<u>Relocation of Open Space or Recreation Area(s)</u>	Allow the relocation of open space or recreation area(s) [Ord. 2008-003], [Partially relocated from Art. 2.D.2.D.1.G.1.g, above]	<ul style="list-style-type: none"> Relocation shall be within the same site; The required open space or recreation area(s) shall remain the same; and By relocating the open space or recreation area, it will not result an incompatibility issue from the adjacent properties or pods that are internal to the site. 	
<u>Phase Lines of the Development</u>	Allow addition and modification of phase line of the development. This may apply to those ZC or BCC approved DO that have no Phase lines. [Ord. 2008-003] [Ord. 2011-001] [Partially relocated from Art. 2.D.2.D.1.G.1.h, above]	<ul style="list-style-type: none"> If the addition or modifications are consistent with the intensity or density of the approved DO; and Addition or modification of the Phase lines shall not exceed the approved Concurrency. 	
<u>Type 2 Waiver or Type 2 Variance</u>	Modification of the approved Waiver or Variance	<ul style="list-style-type: none"> Modification shall increase the degree of conformity with the current Code requirements. 	

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1

Table 2.C.5.B - Administrative Modifications to a Prior DOs - Continued

Request	Allowable Modification	Criteria
<u>Relocation of Building square footage (1) (2)</u>	Allow relocation of no more than 25 percent of the total approved square feet (sq. ft.) or other area indicated as being covered by buildings or structures to portions of the site not previously covered.	ZAR <ul style="list-style-type: none"> Relocation of square footage to a building shall not enlarge the footprint of the building more than 25 percent of the building area as approved by the BCC or ZC; Relocated square footage may be requested in conjunction with the increase of square footage provided the relocated sq. ft. does not exceed the maximum of five percent or 2,500 sq. ft. of the total sq. ft. approved by the BCC or ZC; Relocated sq. ft. shall not be used to create additional freestanding buildings or structures; Relocation of sq. ft. may be integrated vertically provided the overall height will not exceed ten percent of the approved height and meet setback requirement; and Shall not be relocated or constructed closer to perimeter property lines than what was originally shown on the BCC or ZC approved plan, unless the FLU designation, Zoning District, or existing use of the adjacent parcel is compatible (3).
<u>Increase in square footage for building, structure or outdoor area that is considered as square footage (1) (2)</u>	Allow an increase of a maximum of five percent or 2,500 square feet of any building, structure or outdoor area that is considered as square footage; whichever is less.	<ul style="list-style-type: none"> The increase shall not exceed a maximum of 2,500 sq. ft. of the total sq. ft. approved by the BCC or ZC; The increase in square feet shall not be used to create new freestanding building(s) or structure(s) (4); and Subject to Adequate Public Facilities Review.
<u>Overall Height Increase</u>	Allow a maximum of ten percent	<ul style="list-style-type: none"> Shall meet setback requirements.
<u>Internal Access Points [Relocated from Art. 2.D.2.D.1.G.1.f.1), above]</u>	Allow relocation, addition or deletion [Ord. 2015-006] [Relocated from Art. 2.D.2.D.1.G.1.f.1), above]	<ul style="list-style-type: none"> Determine whether the proposed location is in proximity to a street intersection; and Whether the proposed location will not negatively impact the existing sidewalk, and maintain the safety of pedestrians.
<u>Relocation of Site Elements: Signs</u>	Allow change in location of freestanding ground mounted signs	<ul style="list-style-type: none"> Request is based on an approved Master Sign Plan.
<u>Relocation of Site Elements:</u>	Allow relocation of parking or loading spaces	<ul style="list-style-type: none"> Shall be consistent with Art. 6, Parking.
<u>Architectural Elevations</u>	Allow modifications to approved Architectural elevations	<ul style="list-style-type: none"> If the proposed modifications are consistent with the BCC, ZC or DRO approved Architectural elevations or any applicable Conditions of Approval
<u>Reduction in building size</u>	Allow reduction in or elimination of building square feet	<ul style="list-style-type: none"> The reduction or elimination of building square feet shall not negatively impact the layout and design of the approved plan; and Amendment to the approved Adequate Public Facilities to indicate the reduction in or elimination of square feet.
<u>Modification of Type 1B Excavation</u>	Allow reconfiguration	<ul style="list-style-type: none"> Reconfiguration shall not bring the excavation closer to the property line.
<u>Phase Lines of the Development</u>	Allow relocation of phase line of the development. This shall apply to those ZC or BCC approved DO that have approved Phase lines.	<ul style="list-style-type: none"> Relocation is allowed if the Phase lines are consistent with the intensity or density of the approved DO; and Relocation of the Phase lines shall not exceed the approved Concurrency.
<u>Freestanding Unmanned Structure</u>	Addition or modification of ATM or Unmanned Retail Structure [Ord. 2013-021] [Partially relocated from Art. 2.D.2.D.1.G.1.i, above]	<ul style="list-style-type: none"> Proposed location shall not impede vehicular or pedestrian traffic circulation.
<u>Renewable Energy Wind Facility (3) [Relocated from Art. 2.D.2.D.1.G.1.d, above]</u>	Allow an increase of ten percent of wind turbines approved by the BCC. [Ord. 2011-016] [Ord. 2014-025] [Ord. 2017-007] [Relocated from Art. 2.D.2.D.1.G.1.d, above]	<ul style="list-style-type: none"> Location of these turbines shall meet separation or setback requirements from streets, and residential uses and districts.
Notes: (1) This shall not apply to accessory structures which are not subject to Concurrency review in accordance with PPM-ZO-0-049, Permits Not Subject to Concurrency Review. [Relocated from Art. 2.D.1.G.1.a.2), related to Modifications to BCC, ZC or DRO Approvals] (2) Clubhouse located in the Recreation pod of a PDD shall be exempt from the relocation thresholds. [Ord. 2016-016] [Relocated from Art. 2.D.1.G.2.b.2).c), related to Agency Review Administrative Modifications] (3) For a Renewable Energy Wind Facility within the AP Zoning District, this shall apply to the Project Boundary, provided they meet separation or setback requirements from streets, and residential uses and districts. [Ord. 2011-016] [Ord. 2017-007] [Relocated from Art. 2.D.1.G.1.c.1), above] (4) Except for Freestanding ATMs or Unmanned Retail Structures.		

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3. Other Modifications

The addition or relocation of guard houses or other minor structures shall be allowed pursuant to PPM ZO-0-049, as amended.

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EXHIBIT B

ARTICLE 2, DEVELOPMENT REVIEW PROCEDURES SUMMARY OF AMENDMENTS

(Updated 10/17/17)

1

Reason for amendments: [Zoning]
1. Replace the Special Permit process with the Zoning Agency Review process. The process for Special Permit shall be utilized only for those emergency situations or activities (Art. 5.B.1.B, Temporary Structures), and for Billboards (Art. 8, Signage).
2. Clarify that temporary use also includes temporary structures affiliated with the temporary use; or temporary structures that are for emergency; infrastructure improvements; construction activities. Temporary use can also be accommodated in a permanent structure.
3. Update the Standards for evaluation of a Temporary Use request. Remove Consistency with the Comprehensive Plan as the Plan does not provide details of temporary uses, but add Consistency with the Code, which includes all the requirements utilized (parking, landscaping, sign, etc.) to evaluate the request

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Section 2C. Special Permit Temporary Use

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A.1. Purpose

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To create standards and an approval process for certain uses ~~and structures~~, which are generally temporary in nature, but require monitoring for compliance with Code requirements to ensure compatibility with surrounding land uses. A Temporary Use may be accommodated in a temporary structure or a permanent structure that is legally approved. A Temporary Use shall include, but not limited to those items listed in Art. 4.B.11, Temporary Use. [Ord. 2007-013] [Ord. 2015-006] [Relocated from Art. 2.D.2.A, Purpose as it related to Special Permit]

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~~B.2. Prior Approved and Authorized Special Permits~~

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Any prior approved Special Permits that have expired shall be considered invalid, and the Applicant shall be required to submit a new application for a Temporary Use. Special Permits shall be issued only for Art. 8.H.2, Billboards, subject to the applicable standards and code requirements. Only the uses identified in the use matrices in Art. 4, Use Regulations, by an "S" shall require a special permit. This designation does not constitute an authorization of such use or an assurance that such use will be approved under this Code. Each proposed special permit application shall be evaluated by the Zoning Director for compliance with the standards and conditions set forth in this Section, and the applicable district. [Ord. 2015-006] [Ord. 2017-007] [Relocated from Art. 2.D.2.B, Authorized Special Permits as it related to Special Permit]

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3. PAA

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The Applicant shall request a PAA to meet with staff prior to the submittal of a Temporary Use application to ensure the proposed use complies with Code requirements, and to determine whether the application is subject to the review and permit process by other County Agencies.

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~~C4. Sufficiency Determination~~

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All Special Permit Temporary Use requests are subject to the requirements of Art. 2.A.1.G.4, 2.C.2, Sufficiency Review. [Ord. 2015-006] Relocated from Art. 2.D.2.C, Sufficiency Determination as it related to Special Permit]

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~~D5. Review Process and Final Decision~~

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The application shall be submitted to the DRO subject to the ZAR review process. ~~in a form established by the Zoning Director and shall be consistent with this Code.~~ If the request complies with Code requirements and the Standards listed below, and is not subject to Building Permit Review, the Applicant shall receive a Temporary Use DO 15 days prior to the date of the event.

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A. Building Permit Process

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The Applicant shall submit any required Permit application to the Building Division a minimum of 30 days prior to the date of the event. ~~Any Special Permit application requiring building permits shall be submitted a minimum of 30 days prior to the effective date of the Special Permit. Prior to issuance of the Special Permit the DO approval of the Temporary Use, any associated building permits shall be secured and all required inspections scheduled with the Building and Code Enforcement Divisions and Fire Department. [Ord. 2007-013] [Ord. 2009-040] [Ord. 2015-006] Relocated from Art. 2.D.2.D, Review Process as it related to Special Permit]~~

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~~E6. Standards~~

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When considering a DO request for a Temporary Use, the DRO shall utilize the Standards a through b, the DRO shall also consider the limitations and criteria stated in the following Table: ~~The following standards shall apply to all special permits:~~ [Relocated from Art. 2.D.2.E Standards as related to, Special Permit]

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1a. Consistency with the Plan

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Notes:

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EXHIBIT B

ARTICLE 2, DEVELOPMENT REVIEW PROCEDURES SUMMARY OF AMENDMENTS

(Updated 10/17/17)

1 ~~The proposed use is consistent with the purposes, goals, objectives, and policies in the~~
2 ~~Plan, including standards for building and structural intensities and densities, and~~
3 ~~intensities of use. Compliance with the goals policies and objectives in the Plan;~~
4 **[Relocated from Art. 2.D.2.E.1, Standards as it related to Special Permit]**

2b. Consistency with the Code

5 ~~The request meets all applicable standards and provisions of this Code, including but not~~
6 ~~limited to all applicable portions of Art. 4.B, Use Classification, and Compliance with the~~
7 ~~applicable property development regulations of the zoning district in which the use is~~
8 ~~located;~~ **[Relocated from Art. 2.D.2.E.2, Standards as it related to Special Permit]**

9 ~~3. Compliance with all applicable portions of this Code, including, but not limited, concurrency,~~
10 ~~parking, and landscaping; and~~

11 ~~4. Utilization of the proposed location, design, layout, access, and duration of the use to~~
12 ~~minimize will not create potential adverse impacts on surrounding land uses.~~ **[Relocated from**
13 **Art. 2.D.2.E.4, Standards as it related to Special Permit]**

F7. Conditions

14 ~~The Zoning Division DRO shall have the authority to apply conditions to the special permit~~
15 ~~Temporary Use which ensure compliance with Code requirements, time limitations, and the~~
16 ~~Standards listed above. If a special permit Temporary Use is found in violation of any condition~~
17 ~~or Code requirement, the Zoning Division DRO may withhold future special permits from the~~
18 ~~Applicant from requesting the same temporary use for a period of 24 months.~~ **Relocated from**
19 **Art. 2.D.2.F, Conditions as related to Special Permit]**

a. Withholding Application

20 ~~In making a determination to withhold an application, the DRO shall consider the magnitude of~~
21 ~~the violation of the Conditions of Approval; which includes but not limited to, whether:~~

22 ~~a. it is a reoccurring violation;~~

23 ~~b. the violation has created an impact on the surrounding properties or uses; and~~

24 ~~c. the Applicant has demonstrated an effort to correct the violation.~~

G8. Renewal Limited Timeframe

25 ~~Certain special permits are required to be renewed annually.~~

26 ~~1. Special permits requiring annual renewal shall be subject to the following:~~

27 ~~a. Renewal shall occur on or prior to the date the original permit was issued, or a new permit~~
28 ~~shall be applied for;~~

29 ~~b. Renewal permit shall be subject to the regulations in effect at the time of renewals; and.~~

30 ~~c. Renewal fee as provided in the fee schedule.~~

31 ~~2. Failure to renew a special permit shall result in the permit becoming null and void. The use or~~
32 ~~activity permitted by the special permit shall cease immediately and the affected area returned to~~
33 ~~its pre-permit state.~~

34 ~~A Temporary Use shall be limited to the dates of approval shown on the DO. Each Temporary Use~~
35 ~~shall be reviewed as a new application and subject to the most current code requirements, unless~~
36 ~~otherwise stated herein.~~ **[Relocated from Art. 2.D.2.G, Renewal as it related to Special Permit]**

H9. Expiration

37 ~~Failure to utilize a special permit the Temporary Use DO within one year of issuance the date of~~
38 ~~approval, or by the date specified in the DO or in a Condition of Approval, shall result in the permit~~
39 ~~approval becoming null and void.~~ **[Relocated from Art. 2.D.2.H, Expiration as it related to**
40 **Special Permit]**

I10. Discontinuance

41 ~~A special permit A Temporary Use DO shall expire if the use or activity is discontinued for more~~
42 ~~than 90 days.~~ **[Relocated from Art. 2.D.2.I, Discontinuance as it related to Special Permit]**

J11. Revocation

43 ~~An special permit A Temporary Use DO may be revoked at any time by the Zoning Director if it is~~
44 ~~determined that the recipient is in violation of the Code, a related standard, or a condition of~~
45 ~~approval. Revocation of a special permit Temporary Use DO shall result in the permit Approval~~
46 ~~becoming null and void. The use or activity permitted by the special permit DO shall cease~~
47 ~~immediately and the affected area shall be returned to its pre-permit original state before the~~
48 ~~Temporary Use DO was issued.~~ **[Relocated from Art. 2.D.2.J, Revocation as it related to**
49 **Special Permit]**

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EXHIBIT B

ARTICLE 2, DEVELOPMENT REVIEW PROCEDURES SUMMARY OF AMENDMENTS

(Updated 10/17/17)

Part 5. ULDC Art. 2.D.3, Type 1A and Type 1B Administrative Variances (pages 43-4 of 88), are hereby amended as follows:

Reason for amendments: [Zoning]	
1.	Delete the Type 1A Variance process and consolidate under the Type 1 Waiver process. Type 1B Administrative Variance will be renamed to Type 1 Variance.

~~Section 3D. Type 1 Administrative Variances~~

~~A.1. Purpose~~

~~To allow minor deviation-variation from certain standards of this Code when special circumstances or conditions peculiar to the property exist, and the literal enforcement of this Code would result in undue and unnecessary hardship; and to provide the Zoning Director DRO the authority to review, approve, deny, and render conditions to an administrative variance as necessary to accomplish the goals, objectives and policies of the Plan and this Code, including, but not limited to, limitations on size, bulk, location, requirements for landscaping, buffering, lighting, and provisions of adequate ingress and egress. This Section may not be combined with any other Section that allows variations from the same PDRs.~~
[Relocated from Art. 2.D.3.A, Purpose as it related to Type 1A and Typ1B Administrative Variances]

~~B.2. Application Procedures~~

~~This Section may not be combined with any other Section that allows variations from the same PDRs. [Ord. 2015-006]~~ [Relocated from Art. 2.D.3.A, Purpose as it related to Type 1A and Type 1B Administrative Variances]

~~C. Type 1A Administrative Variances~~

~~Type 1A variances may be considered for the following: [Ord. 2006-036] [Ord. 2015-006]~~

~~1. Structural Encroachments into Setbacks~~

~~A variance may be requested for a setback reduction up to five percent of the minimum requirement. [Ord. 2006-036]~~

~~2. Preservation of Vegetation~~

~~Variance requests that will accommodate the preservation of existing native tree(s) pursuant to Article 14.C, Vegetation Preservation and Protection, as follows: [Ord. 2006-036]~~

~~a. Up to five percent of a required setback; and~~

~~b. Up to five percent of the required number of parking spaces.~~

~~3. Native Ecosystem Overlay District (NEO)~~

~~A variance may be issued from off-street parking, off-street loading, density-intensity, heights and setbacks provided the following criteria are met pursuant to the extent permitted Article 3.B.7, NEO, Native Ecosystem Overlay.~~

~~a. Procedure~~

~~1) A NEO variance application shall be submitted in a form and established by the Zoning Director and made available to the public.~~

~~2) The application shall be reviewed by ERM to ensure the property is located in an established NEO district. ERM may conduct a site visit to verify the NEO and impact of the proposed development. A written determination by ERM shall be sent to the Zoning Division regarding the proposed preservation.~~

~~b. Restrictive Covenant~~

~~A restrictive covenant shall be recorded in order to preserve the native vegetation identified in the application prior to issuance of an administrative variance. A restrictive covenant shall be recorded in the PBC Public Records on a form established by the County Attorney, to ensure the preservation of native vegetation in perpetuity. The NEO administrative variance shall not be issued until a copy of the recorded restrictive covenant is submitted to the Zoning Division.~~

~~4. Vacant Lots~~

~~The owner of a lot that is subject to the requirement in Art. 7.E.5.B, Vacant Lots, may apply to the Zoning Director for a variance from the time frames, landscaping, and amount of coverage required based on consideration of the following criteria: [Ord. 2005-002] [Ord. 2006-036]~~

~~a. The length of time the lot has been maintained as a vacant lot;~~

~~b. Whether the applicant intends to redevelop the lot within one year of the demolition of the home;~~

~~c. Whether literal interpretation of the terms of the requirements would create an unnecessary and undue hardship, and the applicant can demonstrate that the demolition does not significantly diminish the residential character of the neighborhood;~~

~~d. The existence of special conditions that mitigate the detrimental effect of the vacant lot on the character of the residential neighborhood; and~~

~~e. Whether granting the variance will be consistent with the purposes, goals, objectives, and policies of the Plan and this Code.~~

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EXHIBIT B

ARTICLE 2, DEVELOPMENT REVIEW PROCEDURES SUMMARY OF AMENDMENTS

(Updated 10/17/17)

D3. Type 1B Administrative Variances Variance Request Limitations

~~A pre-application meeting with staff shall be required prior to application submittal. Variance requests for density or intensity beyond the stated limits of the Plan shall be prohibited. Type 1B Variances may be considered for the following: [Ord. 2006-036] [Ord. 2008-003] [Ord. 2012-003] [Relocated from Art. 2.D.3.D, Type 1B Administrative Variances]~~

1.a. Residential Lots of Three Units or Less

~~A variance may be requested for the following: [Ord. 2006-036] [Ord. 2008-003]~~

~~a.1) Reductions or increases of Property Development Regulations PDRs greater than five percent of the minimum or maximum requirement. [Ord. 2006-036] [Ord. 2008-003] [Ord. 2012-003]~~

~~b.2) Relief from Article 5.B.1.A, Accessory Uses and Structures as follows: General; Fences, Walls and Hedges; Docks; Entry Features; Fuel, Gas, or Chemical Storage Tanks; Dumpsters; Neighborhood Recreation Facility; Outdoor Recreation Amenities; Screen Enclosures; and Permanent Generators. [Ord. 2008-003] [Ord. 2013-001]~~

~~c.3) Relief from Art. 7.D.4.A.3-B.2, Residential Hedge Height. [Ord. 2015-006]~~

~~d.4) Relief from Excavation Standards in Art. 4.B.10.C.2, Type 1A Excavation and Art. 4.B.10.C.3, Type 1B Excavation. [Ord. 2008-003] [Ord. 2017-007] [Relocated from Art. 2.D.3.D.1, Residential Lots of Three Units or Less as it related to Type 1B Administrative Variance]~~

2.b. Non Residential Projects

~~A variance may be requested for the following: [Ord. 2008-003]~~

~~a.1) Setback reduction greater than five percent but not exceeding 15 percent of the minimum requirement, [Ord. 2008-003]~~

~~b.2) Reduction in the number of parking spaces not exceeding 15 percent of the minimum requirement; [Ord. 2006-036] [Ord. 2008-003]~~

~~c.3) Relief from Article 5.B.1.A., Accessory Uses and Structures as follows: General; Fences, Walls and Hedges; Outdoor Storage; Outdoor Display; Entry Features; Fuel, Gas, or Chemical Storage Tanks; Dumpsters; Neighborhood Recreation Facility; Outdoor Recreation Amenities; Screen Enclosures; and Permanent Generators. [Ord. 2008-003] [Ord. 2013-001] [Relocated from Art. 2.D.3.D.2, Non-Residential Projects as it related to Type 1B Administrative Variance]~~

3.c. Permanent Generators on SFD and ZLL Lots

~~A variance may be requested to reduce the minimum front and/or side setback requirements for permanent generators proposed on single family SFD or ZLL lots, provided that the generator complies with all other applicable ULDC requirements. [Ord. 2007-001] [Relocated from Art. 2.D.3.D.3, Permanent Generators on SFD and ZLL Lots as it related to Type 1B Administrative Variances]~~

H.4. Standards

~~The Zoning Director shall consider and find that all criteria listed below have been satisfied by the applicant prior to making a final decision regarding an application for an administrative variance. When considering a Type 1 Variance request, the DRO shall consider Standards a through g, indicated below. A Type 1 Variance which fails to meet any of these Standards shall be deemed adverse to the public interest, and shall not be approved.~~

1. Type 1A

~~a. Special conditions and circumstances exist that are peculiar to the parcel of land, building or structure, that are not applicable to other parcels of land, structures, or buildings in the same district; [Ord. 2006-036]~~

~~b. Granting the variance shall not confer upon the applicant any special privilege denied by the Plan and this Code to other parcels of land, structures or buildings in the same district; [Ord. 2006-036]~~

~~c. Literal interpretation and enforcement of the terms and provisions of this Code would deprive the applicant of rights commonly enjoyed by other parcels of land in the same district, and would work an unnecessary and undue hardship; [Ord. 2006-036]~~

~~d. All viable options to address the situation have been exhausted; [Ord. 2006-036]~~

~~e. The request is the minimum variance necessary to make possible a reasonable use of the parcel of land. [Ord. 2006-036]~~

2. Type 1B

~~This Section may not be combined with any other Section that allows variations from the same PDRs.~~

~~a. Special conditions and circumstances exist that are peculiar to the parcel of land, building or structure, that are not applicable to other parcels of land, structures, or buildings in the same district; [Ord. 2006-036]~~

~~b. Special conditions and circumstances do not result from the actions of the applicant; [Ord. 2006-036]~~

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EXHIBIT B

ARTICLE 2, DEVELOPMENT REVIEW PROCEDURES SUMMARY OF AMENDMENTS

(Updated 10/17/17)

- 1 c. Granting the variance shall not confer upon the applicant any special privilege denied by
2 the Plan and this Code to other parcels of land, structures or buildings in the same district;
3 **[Ord. 2006-036]**
4 d. Literal interpretation and enforcement of the terms and provisions of this Code would
5 deprive the applicant of rights commonly enjoyed by other parcels of land in the same
6 district, and would work an unnecessary and undue hardship; **[Ord. 2006-036]**
7 e. Granting the variance is the minimum variance that will make possible a reasonable use of
8 the parcel of land, building, or structure; **[Ord. 2006-036]**
9 f. Granting the variance will be consistent with the purposes, goals, objectives, and policies
10 of the Plan and this Code; and **[Ord. 2006-036]**
11 g. Granting the variance will not be injurious to the area involved or otherwise detrimental to
12 the public welfare. **[Ord. 2006-036]** **[Relocated from Art. 2.D.3.H, Standards as it related**
13 **to Type 1B Administrative Variances]**

F.5. Conditions

14 ~~The Zoning Director DRO may recommend impose conditions of approval in a development order~~
15 ~~for an administrative variance Type 1 Variance DO, as necessary to accomplish the goals,~~
16 ~~objectives and policies of the Plan and this Code, including, but not limited to, limitations on size,~~
17 ~~bulk, location, requirements for landscaping, buffering, lighting, and provisions of adequate ingress~~
18 ~~and egress. Any violation of the variance or condition shall be a violation of this Code. **[Relocated**~~
19 ~~from Art. 2.D.3.F, Conditions]~~

G.6. Time Limitation

20 ~~Unless otherwise specified in the development order DO or a Condition of Approval, failure to utilize~~
21 ~~an administrative variance Type 1 Variance within one year of issuance, or by date specified in a~~
22 ~~condition of approval, shall result in the variance becoming null and void. If more than one variance~~
23 ~~was granted in the application, the use of one variance shall vest all other variances. Permitted~~
24 ~~time frames do not change with successive owners. Applications for extensions shall be submitted~~
25 ~~a minimum of 30 days prior to expiration. **[Ord. 2008-003]** **[Relocated from Art. 2.D.3.G, Time**~~
26 ~~Limitation]~~

I.7. Effect of Development Order a Type 1 Variance DO

27 ~~Approval of a variance Type 1 Variance shall render a parcel of land, building or structure to be~~
28 ~~conforming. Use of the variance shall be limited to the exact dimensions and configuration of the~~
29 ~~parcel of land, building or structure as indicated on the site plan as submitted in the application.~~
30 ~~The parcel of land, building or structure may not be further expanded, except in accordance with~~
31 ~~the standards of the Code. **[Ord. 2006-036]** **[Relocated from Art .2.D.3.I, Effect of Development**~~
32 ~~Order]~~

Section 4 — Administrative Inquiry (AI)

A. Purpose

33 ~~To establish procedures for PBC Officials when submitting inquiries to the BCC asking for direction~~
34 ~~on procedural matters or to resolve an inconsistency in a Development Order. **[Ord. 2011-016]**~~
35 ~~**[Relocated from Art. 2.D.13.A, Purpose]**~~

B. Applicability

36 ~~An inquiry is not a public hearing and is not subject to the advertising and notice requirements of~~
37 ~~Article 2, Development Review Process. The decision of the BCC shall be final. **[Ord. 2011-016]**~~
38 ~~**[Partially relocated from Art. 2.D.13.B, Applicability]**~~

C. Procedures

39 ~~An AI may be made by a public agency through the Zoning Director using forms and procedures~~
40 ~~established by the Zoning Division. The AI shall be placed on the BCC agenda by the Zoning~~
41 ~~Division for the date the inquiry is intended to be presented. Courtesy Notice pursuant to Art.~~
42 ~~2.A.1.J, Notifications, is required for an AI applicable to a parcel for a specific inquiry or to provide~~
43 ~~development status not monitored by the provisions in Art. 2.E, Monitoring. **[Ord. 2011-016]** **[Ord.**~~
44 ~~**2017-002]** **[Relocated from Art. 2.D.13.C, Procedures]**~~

Section 5 — Interpretations

A. Purpose

45 ~~To establish a process for Interpretations of this Code as defined in Article 1.B, Interpretation of the~~
46 ~~Code. **[Ord. 2011-016]** **[Relocated to Art. 2.C.14.A, Purpose]**~~

B. Applicability

47 ~~Any owner of a parcel of land, and person with a contractual interest in a parcel of land, or any~~
48 ~~person submitting a Development Order application for a parcel of land may request an~~
49 ~~interpretation on how one or more provisions in the Code or the Official Zoning Map apply to that~~
50 ~~parcel of land. **[Ord. 2011-016]** **[Relocated to Art. 2.C.14.B, Applicability]**~~

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EXHIBIT B

ARTICLE 2, DEVELOPMENT REVIEW PROCEDURES SUMMARY OF AMENDMENTS

(Updated 10/17/17)

1 ~~C. Procedures~~

2 ~~1. Submission of Request for Interpretation~~

3 ~~A request for interpretation shall be submitted to the appropriate PBC official in a form~~
4 ~~established by that official and made available to the public. The request shall be accompanied~~
5 ~~by fee established by the BCC. [Ord. 2011-016] [Relocated to Art. 2.C.14.C.1, Submission~~
6 ~~of Request for Interpretation]~~

7 ~~2. Sufficiency Determination~~

8 ~~All interpretation requests are subject to requirements pursuant to Art. 2.A.1.G.4, Sufficiency~~
9 ~~Review. [Ord. 2011-016] [Relocated to Art. 2.C.14.C.2, Determination]~~

10 ~~3. Rendering of Interpretation~~

11 ~~Within 30 days after the request for interpretation has been determined sufficient, the PBC~~
12 ~~official responsible for rendering the interpretation shall review and evaluate the request in light~~
13 ~~of the Plan, this Code, the Official Zoning Map, and consultation with the County Attorney, and~~
14 ~~render an interpretation. The interpretation result shall be in writing and shall be mailed to the~~
15 ~~applicant. [Ord. 2011-016] [Relocated to Art. 2.C.14.C.3, Rendering of Interpretation]~~

16 ~~D. Appeal~~

17 ~~A person applying for an interpretation pursuant to this section may seek an appeal according to~~
18 ~~Art. 2.A.1.S, Appeal. [Ord. 2011-016] [Relocated to Art. 2.C.14.D, Appeals]~~

19 ~~E. Official Record~~

20 ~~Each PBC official responsible for rendering an interpretation shall maintain a record of the~~
21 ~~interpretation and forward a copy to the Zoning Director. This record shall be available for public~~
22 ~~inspection, upon reasonable request, during normal business hours. [Ord. 2011-016] [Relocated~~
23 ~~to Art. 2.C.14.E, Official Records]~~

24 Reason for amendments: [Zoning]

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|---|
| 1. Update the existing Summary of Type 1 Waivers table to include new requests that are subject to the Type 1 Waiver process. |
|---|

25 ~~Section 6E. Type 1 Waiver~~

26 ~~A.1. Purpose~~

27 ~~The purpose of To establish procedures and evaluation standards for a Type 1 Waivers. A~~
28 ~~Type 1 Waiver is to allow flexibility for and minor adjustments to the property development~~
29 ~~regulations mixed use; infill redevelopment projects; site design or layout; preservation or~~
30 ~~incorporation of existing native, non-prohibited or specimen vegetation; or for the innovative~~
31 ~~use of plant material and for an improved site design where alternative solutions can be~~
32 ~~permitted, subject to the criteria. Waivers are not intended to relieve specific financial hardship~~
33 ~~nor circumvent the intent of this Code. A Waiver may not be granted if it conflicts with other~~
34 ~~sections of this Code, or the Florida Building Code. [Ord. 2011-016] [Ord. 2016-042]~~

35 ~~B.2. Applicability~~

36 Requests for Type 1 Waivers shall only be permitted where expressly stated within the ULDC:
37 [Ord. 2011-016] [Ord. 2012-027]

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EXHIBIT B

**ARTICLE 2, DEVELOPMENT REVIEW PROCEDURES
SUMMARY OF AMENDMENTS**

(Updated 10/17/17)

Table 2.C.5.E, Summary of Type 1 Waivers

Requests	ULDC Reference
<i>Glades Area Overlay (GAO)</i>	<u>Table 3.B.4.F, Type 1 Waivers for Industrial Pods</u>
<i>NEO, Native Ecosystem Overlay</i>	<u>Art. 3.B.7.D, Property Development Regulations (PDR)</u>
<i>Northlake Boulevard Overlay Zone (NBOZ) Design Guidelines</i>	<u>Table 3.B.8.E, Type 1 Waivers for NBOZ Design Guidelines</u>
<i>Infill Redevelopment Overlay (IRO)</i>	<u>Table 3.B.15.G, Type 1 Waivers</u>
<i>Urban Redevelopment Overlay (URAO)</i>	<u>Table 3.B.16.G, Type 1 and 2 URAO Waivers</u>
<i>Structural Setback – Reduction not to exceed five percent less than the minimum requirement (1)</i>	<u>Table. 3.D.1.A – Property Development Regulations</u>
<i>Required Parking for Location Criteria Exception in Type I Restaurant with Drive Through</i>	<u>Art. 4.B.2.C.32.f.3)a)(2), Location Criteria – Exceptions, Design Criteria</u>
<i>Commercial Greenhouse Loading Zones</i>	<u>Art. 4.B.6.C.17.c.4)b), Loading</u>
<i>Solid Waste Transfer Station Landscape Buffer Planting</i>	<u>Art. 4.B.7.C.10.d, Buffer</u>
<i>Screening for Roof Mounted Mechanical Equipment</i>	<u>Art. 5.B.1.A.19.a.2), Screening Requirements for Roof Mounted Mechanical Equipment</u>
<i>Green Architecture</i>	<u>Art. 5.C.1.E.3, Type 1 Waiver – Green Architecture</u>
<i>Required Parking for Community Vegetable Garden</i>	<u>Table 6.A.1.B – Minimum Off-Street Parking and Loading Requirements, Note 10.</u>
<i>Reduction in Number of Minimum Required Loading Spaces [uses < 10,000 square feet]</i>	<u>Art. 6.B.1.D.2, Type 1 Waiver – Reduction of Minimum Number of Required Loading Spaces</u>
<i>Reduction of Loading Space Width or Length [for uses that require limited loading]</i>	<u>Art. 6.B.1.H.7, Type 1 Waiver – Reduction of Loading Space Width or Length</u>
<i>Landscaping</i>	<u>Table 7.B.3, Type 1 Waiver for Landscaping</u>
<i>Billboard Replacement – Billboard Location Criteria</i>	<u>Art. 8.H.2.D.4., Replacement</u>
<i>PUD Informational Signs</i>	<u>Art. 8.G.3.B.6.b, Standards for Type 3 Electronic Message Signs</u>
[Ord. 2012-027] [Ord. 2014-025] [Ord. 2015-031] [Ord. 2016-016] [Ord. 2016-042]	
Notes:	
(1)	This Waiver shall only be utilized for detached housing types on individual lots, and shall not be utilized for multiple lots under one application, i.e. “blanket” application.

[Relocated from Table 2.D.6.B – Summary of Type I Waivers]

Table 2.D.6.B – Summary of Type I Waivers

Type I Waiver Summary List
<i>Glades Area Overlay (GAO)</i>
<i>Northlake Boulevard Overlay Zone (NBOZ) Design Guidelines</i>
<i>Infill Redevelopment Overlay (IRO)</i>
<i>Urban Redevelopment Overlay (URAO)</i>
<i>Lifestyle Commercial Center (LCC)</i>
<i>Required Parking for Location Criteria Exception in Type I Restaurant with Drive Through</i>
<i>Commercial Greenhouse Loading Zones</i>
<i>Solid Waste Transfer Station Landscape Buffer Planting</i>
<i>Screening for Roof Mounted Mechanical Equipment</i>
<i>Green Architecture</i>
<i>Reduction in Number of Minimum Required Loading Spaces [uses < 10,000 square feet]</i>
<i>Reduction of Loading Space Width or Length [for uses that require limited loading]</i>
<i>Requirements for Walls or Fences Where Adjacent to Existing Walls</i>
<i>Billboard Replacement – Billboard Location Criteria</i>
<i>Required Parking for Community Vegetable Garden</i>
<i>Incompatibility Buffers for Recreation or Civic Pods, Areas or Tracts</i>
<i>PUD Informational Signs</i>
<i>Landscaping</i>
[Ord. 2012-027] [Ord. 2014-025] [Ord. 2015-031] [Ord. 2016-016] [Ord. 2016-042]

C.3. Standards

When considering ~~whether to approve, approve with conditions, or deny a DO application for a~~ Type ~~1~~ Waiver ~~request~~, the DRO shall consider the following ~~s~~Standards in addition to any other ~~s~~Standards applicable to the specific Waiver as contained in this Code. For a Waiver application that requires the submittal of an ALP, the Applicant shall comply with additional standards pursuant to Art. 7.B.~~3.A.2-A~~, Type ~~1~~ Waivers for Landscaping. **[Ord. 2010-022] [Ord. 2011-016] [Ord. 2012-027] [Ord. 2016-042]**

1. The Waiver does not create additional conflicts with other requirements of the ULDC, and is consistent with the stated purpose and intent for the Zoning district or Overlay; **[Ord. 2010-022] [Ord. 2011-016] [Ord. 2012-027]**
2. The Waiver will not cause a detrimental effect on the overall design and development standards of the project, and will be in harmony with the general site layout and design details of the development; and, **[Ord. 2010-022] [Ord. 2012-027]**
3. The alternative design option recommended as part of the Waiver approval, if granted, will not adversely impact adjacent properties. **[Ord. 2010-022] [Ord. 2012-027]**

4. Conditions

~~The DRO may impose Conditions of Approval in a Type 1 Waiver DO, as necessary, to accomplish the goals, objectives and policies of the Plan and this Code, including, but not~~

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(Updated 10/17/17)

1 limited to, limitations on size, bulk, location, requirements for landscaping, buffering, lighting,
2 and provisions of adequate ingress and egress. Any violation of the Waiver or Condition shall
3 be a violation of this Code.

4 **F. Reasonable Accommodation**

5 **1. Purpose**

6 *The purpose of this section is to establish procedures for processing requests for Reasonable*
7 *Accommodation from the County's Unified Land Development Code and related rules, policies,*
8 *practices and procedures, for persons with disabilities as provided by the Federal Fair Housing*
9 *Amendments Act (42 U.S.C. 3601, et. seq.) (FHA), or Title II of the Americans with Disabilities*
10 *Act (42 U.S.C. Section 12131, et. seq.) (ADA). Any person who is disabled, or qualifying*
11 *entities, may request a Reasonable Accommodation, pursuant to the procedures set out in this*
12 *section. [Ord. 2011-016] [Relocated from Art. 2.D.7.A, Purpose and Intent]*

13 **2. Applicability**

14 *An applicant shall be required to apply for all applicable Development Review processes*
15 *available in the ULDC prior to filing a request for Reasonable Accommodation, unless*
16 *compliance with available Development Review processes would deprive the Applicant, or*
17 *persons with disabilities served by the Applicant, of an equal opportunity to use and enjoy*
18 *housing. [Ord. 2015-006] [Relocated from Art. 2.D.7.B, Applicability]*

19 **3. Notice to the Public of Availability of Accommodation**

20 *The County shall endeavor to provide notice to the public, advising that disabled individuals or*
21 *qualifying entities may request a Reasonable Accommodation. [Ord. 2011-016] [Relocated*
22 *from Art. 2.D.7.C, Notice to the Public of Availability of Accommodation]*

23 **4. Application Procedures**

24 *The application forms and requirements for submitting a request for Reasonable*
25 *Accommodation shall be on forms specified by the County Administrator or designee. [Ord.*
26 *2011-016] [Relocated from Art. 2.D.7.D, Application Procedures]*

27 **a. Application Contents**

28 *The following considerations shall be applicable for any application information or*
29 *documentation required: [Ord. 2011-016] [Relocated from Art. 2.D.7.D.1, Application*
30 *Contents]*

31 **1) Confidential Information**

32 *Upon submittal of any medical information or records, including but not limited to*
33 *condition, diagnosis, or history related to a disabled individual, an applicant may*
34 *request that the County, to the extent allowed by law, treat the information or records*
35 *as confidential. The County shall thereafter endeavor to provide notice to the disabled*
36 *individual, or their representative, of any request received by the County for disclosure*
37 *of the medical information or documentation previously requested to be treated as*
38 *confidential. The County will cooperate with the disabled individual, to the extent*
39 *allowed by law, in actions-initiated by such individual to oppose the disclosure of such*
40 *medical information or documentation, but the County shall have no obligation to*
41 *initiate, prosecute or pursue any-such action, or to incur any legal or other expenses,*
42 *whether by retention of outside counselor, or allocation of internal resources in*
43 *connection therewith, and may comply with any judicial order without prior notice to the*
44 *disabled individual. [Ord. 2011-016] [Relocated from Art. 2.D.7.D.1.a, Confidential*
45 *Information]*

46 **2) Address of Applicant**

47 *Address of the applicant is requested, unless governed by 42 U.S.C. §290d.d., in which*
48 *case the address shall not be required, but the applicant may be requested to provide*
49 *documentation to substantiate a claim verifying applicability. [Ord. 2011-016] [Ord.*
50 *2015-006] [Relocated from Art. 2.D.7.D.1.b, Address of Applicant]*

51 **3) Address of Housing**

52 *Address of housing or other location at which accommodation is requested unless*
53 *governed by 42 U.S.C. 290d.d., in which case address shall not be required, but the*
54 *applicant may be requested to provide documentation to substantiate a claim verifying*
55 *applicability. [Ord. 2011-016] [Relocated from Art. 2.D.7.D.1.c, Address of*
56 *Housing]*

57 **b. Sufficiency Determination**

58 *The County Administrator or designee shall determine whether the application is sufficient*
59 *or insufficient within ten days of submittal by reviewing the information required in the*
60 *application. If staff determines the application is not sufficient, a written notice shall be sent*
61 *to the applicant specifying the deficiencies within the ten day determination timeframe set*
62 *forth herein. [Ord. 2015-006] [Relocated from Art. 2.D.7.D.2, Sufficiency*
63 *Determination]*

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EXHIBIT B

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(Updated 10/17/17)

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- c. Fee**
There shall be no fee imposed by the County for a request for Reasonable Accommodation under this section or an appeal of a determination on such request, and the County shall have no obligation to pay a applicant's, or an appealing party as applicable, attorneys' fees or costs in connection with the request, or an appeal. [Ord. 2011-016] [Ord. 2015-006] [Relocated from Art. 2.D.7.D.3, Fee]
- d. County Assistance**
The County shall provide such assistance and accommodation as is required pursuant to FHA and ADA in connection with a disabled person's request for Reasonable Accommodation, including assistance with reading application questions, and responding to questions related to completing application or appeal forms, among others, to ensure the process is accessible. [Ord. 2011-016] [Relocated from Art. 2.D.7.D.4, County Assistance]
- e. Findings for Reasonable Accommodation**
In determining whether the Reasonable Accommodation request shall be granted or denied, the applicant shall be required to establish that they are protected under the FHA or ADA by demonstrating that they are handicapped or disabled, as defined in the FHA or ADA. Although the definition of disability is subject to judicial interpretation, for purposes of this ordinance the disabled individual must show: [Ord. 2011-016] [Ord. 2015-006]
- 1) a physical or mental impairment which substantially limits one or more major life activities; [Ord. 2011-016]*
- 2) a record of having such impairment; or [Ord. 2011-016]*
- 3) that they are regarded as having such impairment. [Ord. 2011-016]*
- The applicant shall demonstrate that the proposed accommodations being sought are reasonable and necessary to afford disabled persons equal opportunity to use and enjoy housing. The foregoing, as interpreted by the Courts, shall be the basis for a decision upon a Reasonable Accommodation request made by the appropriate PBC official. [Ord. 2011-016] [Ord. 2015-006] [Relocated from Art. 2.D.7.D.5, Findings for Reasonable Accommodation]*
- f. Authority**
The determination of which appropriate PBC official has the authority to consider and act on requests, or appeals of a decision for Reasonable Accommodation, shall be consistent with Art. 1.B.1.A, Authority. [Ord. 2011-016] [Relocated from Art. 2.D.7.D.6, Authority]
- g. Action by Appropriate PBC Official**
A written response shall be issued within 45 days of the date of sufficiency advising the applicant of the PBC official's action. [Ord. 2011-016] [Ord. 2015-006] [Relocated from Art. 2.D.7.D.7, Action by Appropriate PBC Official]
- 1) Request for Additional Information Timeframes**
If additional information is required to make a final decision, the following shall apply: [Ord. 2011-016] [Ord. 2015-006] [Relocated from Art. 2.D.7.D.7.a, Request for Additional Information Timeframes]
- a) Within 45 days of sufficiency determination, a written notice requesting additional information may be requested, specifying what information is required. [Ord. 2011-016] [Ord. 2015-006]*
- b) The applicant shall have 15 days from the date of the written notice to respond to the request for additional information not to exceed 60 days from the date of the sufficiency determination. [Ord. 2011-016] [Ord. 2015-006]*
- i) If the additional information provided by the applicant satisfies staffs' request, a written determination shall be issued within 30 days. [Ord. 2011-016] [Ord. 2015-006]*
- ii) If the applicant fails to provide the requested additional information within the 15 day period, a letter shall be issued to the applicant advising the applicant that the application is considered withdrawn. [Ord. 2011-016] [Ord. 2015-006]*
- 2) Determination**
In accordance with Federal law, the appropriate PBC official, shall: [Ord. 2011-016]
- a) grant the accommodation request; [Ord. 2011-016]*
- b) grant a portion of the request and deny a portion of the request; [Ord. 2011-016]*
- c) impose conditions upon the grant of the request; or [Ord. 2011-016] 4) deny the request. Any such denial shall be in writing and shall state the grounds therefore. [Ord. 2011-016] [Relocated from Art. 2.D.7.D.7.b, Determination]*
- 3) Notice of Proposed Decision**
All written determinations shall give notice of the right to appeal. The notice of determination shall be sent to the requesting party (i.e. the disabled individual or his/her

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representative) by certified mail, return receipt requested. [Ord. 2011-016]
[Relocated from Art. 2.D.7.D.7.c, Notice of proposed Decision]

h. Appeal

Within 30 days after the appropriate PBC official has rendered a decision on a Reasonable Accommodation, the applicant may appeal the decision. This timeframe shall be based upon the date of the letter mailed to the requesting party. All appeals shall contain a statement containing sufficient detail of the grounds for the appeal. Appeals shall be to a Hearing Officer as set forth in this Code. The Hearing Officer shall, after duly noticing the applicant of the public hearing for appeal, render a determination as soon as reasonably practicable, but in no event later than 60 days after an appeal has been filed. Such hearing shall be de novo. A Hearing Officer's decision may be appealed to the 15th Judicial Circuit Court by petition for writ of certiorari. [Ord. 2011-016] [Relocated from Art. 2.D.7.D.8, Appeal]

i. Stay of Enforcement

While an application for Reasonable Accommodation, or appeal of a determination of same, is pending before the County, the County will not enforce the subject ULDC requirement, or related rules, policies, practices or procedures, against the applicant. [Ord. 2011-016] [Relocated from Art. 2.D.7.D.9, Stay of Enforcement]

j. Time Limitation

A Determination granting, partially granting, or granting with conditions, a Reasonable Accommodation, may remain valid either for one-year from the date of issuance, or by the date specified in a Development Order or associated Condition of Approval, otherwise it shall become null and void. This provision shall retroactively apply to all prior Determinations for a Reasonable Accommodation prior to the effective date of this Ordinance. [Ord. 2017-002] [Relocated from Art. 2.D.7.D.10, Time Limitation]

Reason for amendments: [Zoning]

1. Split Development Order Abandonment (ABN) to Public Hearing and Administrative processes. The Public Hearing ABN is located in Chapter B, Public Hearing Processes. The procedures for abandoning a development order should be similar between these 2 processes. The Administrative ABN is subject to the approval of the DRO.

G. Development Order Abandonment (ABN)

1. General

An Administrative DO granted under a prior Ordinance, may be abandoned according to the procedures in this Chapter.

2. DOs Not Implemented

All DOs which were never implemented shall be either: [Ord. 2005 – 002] [Relocated from Art. 2.A.1.Q.2, Development Orders not Implemented]

a. Administrative Abandonment

Administratively abandoned upon demonstration to the ~~Zoning Director~~ DRO that the DO was not implemented; or [Relocated from Art. 2.A.1.Q.2.b, Administrative Abandoned]

b. Revocation

Reviewed for revocation pursuant to Art. 2.E, Monitoring.

3. Implemented DOs

Certain implemented DOs, pursuant to Art. 2.DC, Administrative Processes, qualify for administrative abandonment. [Ord. 2009-040] [Ord. 2010-022] [Ord. 2011-001] [Relocated from Art. 2.A.1.Q.3, Implemented Development Orders]

a. Administrative Abandonment

A DO, which was used, implemented or benefited from, may be administratively abandoned by filing an application with the ~~Zoning Director~~ DRO demonstrating that the following criteria are met; [Relocated from Art. 2.A.1.Q.3.a, Administrative Abandonment]

- 1) All ~~Conditions of Approval~~ have been met; [Relocated from Art. 2.A.1.Q.3.a.1), related to Administrative Abandonment]
- 2) There is no reliance by other parties on additional performance; and, [Relocated from Art. 2.A.1.Q.3.a.2), related to Administrative Abandonment]
- 3) Consent of all property owners has been received. [Relocated from Art. 2.A.1.Q.3.a.3), related to Administrative Abandonment]

b. Unpaid Status Fees

A DO shall not be abandoned, either administratively or by approval of a subsequent DO, until all unpaid status report fees imposed by action pursuant to Article 2.E, Monitoring, have been paid.

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4. Additional Criteria

In determining whether a DO was used, implemented or benefited from, consideration shall be given to either one or both of the criteria:

- a. Whether any construction or additional construction authorized in the DO has commenced;
- or
- b. Whether a physical or economic use of the DO has occurred, including physical or economic expansion.

Reason for amendments: [Zoning]
1. Relocate the public hearing portion of the Code to Chapter C.
2. Modify the DRO's authority to impose conditions to be similar to that of the Zoning Commission.
3. Reduce redundancy of what is being included under Chapter A, General, e.g. all DO run with the land.

F.H. Conditions of Approval

1. **DRO Authority**

The DRO shall have the authority to ~~recommend conditions of approval for Public Hearing development orders requiring BCC or ZC approval and~~ impose conditions of approval for administrative ~~development orders~~ DOs. Conditions of approval may be ~~recommended or~~ imposed to: **[Ord. 2009-040]**

- a. Ensure compliance with Code requirements; **[Ord. 2009-040]**
- b. Ensure compatibility of the proposed development or use with surrounding land uses, address the location of uses on the site to minimize potential adverse off-site impacts, and ensure on-site safety; **[Ord. 2009-040]**
- c. Require the execution of a unity of title, unity of control, shared parking and other legal documentation necessary to satisfy requirements of this Code; **[Ord. 2009-040]**
- d. Require road construction necessary to mitigate project impacts including but not limited to drainage, turn lanes, sidewalks, and signalization; **[Ord. 2009-040]**
- e. Reduce negative impacts from agricultural uses in the urban services area on surrounding properties including but not limited to: controlling objectionable odors, fencing, sound limitations; inspections, reporting or monitoring preservation areas, mitigation, and/or limits of operation; and **[Ord. 2009-040]**
- f. Allow specific requirements of the Code to be waived, provided the proposed development meets the specific requirements for a Type I Waiver. **[Ord. 2009-040] [Ord. 2012-027]**

2. **Condition Limitations**

- a. Conditions imposed by the DRO shall be reasonable, not be contrary to law, limited to on-site improvements, except for off-site road improvements or conveyances specifically attributable to the project's impact.
- b. Conditions shall not amend BCC ~~or~~ ZC ~~or variance~~ imposed conditions or affect previously approved conditions.
- c. For modifications or additions to previously approved ~~DOs development orders~~, conditions shall only be imposed to address the specific impacts of the new use or development.
- d. Conditions shall not restrict land uses otherwise permitted by the Code, unless necessary for parking or concurrency purposes, or require payment of any fees not otherwise required.

Reason for amendments: [Zoning]
1. Add Zoning Confirmation Letter (ZCL) processes to Chapter C. ZCL is a current service provided to the public.
Clarify the three types of ZCL: Informal, Non-Site Specific Formal and Formal (which is Site Specific and limited this type of Formal ZCL to be applied by only the property owner, contract purchaser or an applicant for a development order.

H. Zoning Confirmation Letter (ZCL)

1. Purpose

Confirmation of information regarding a particular parcel of land, or interpretation of how the Code applies to a given parcel, may be obtained through a Formal ZCL, site specific, or non-site specific, or through an Informal ZCL from the DRO pursuant to the procedures in this Section. The scope of the Formal or Informal ZCL shall be limited to those matters under the authority of the Executive Director of PZB pursuant to Article 1.B.1.A., Interpretation of the Code, Authority.

2. Types of ZCL

The request for a ZCL by an applicant may be in form of an Informal ZCL, a Non-Site Specific Formal ZCL or a Formal ZCL.

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a. Informal ZCL

Any individual may request standard land use and zoning information that exists as a matter of record pertinent to a parcel of land. The response from the Zoning Division shall provide a summary of the requested information, including but not limited to FLU designation, zoning district, any prior approvals, and whether the property conforms to applicable Code requirements. The informal ZCL request may include plans or other relevant documents pertinent to the parcel of land. The Informal ZCL is not considered a final action of the Zoning Division and therefore, is not subject to appeal.

b. Non-Site Specific ZCL

Any individual may request a Non Site-Specific ZCL to determine how the Code may apply in a particular zoning district, overlay, or other zoning designation. The Non Site-specific ZCL may contain the same information contained in the Informal ZCL, but may also include a request for clarification or interpretation of Code requirements, prior approvals, or other similar matters. The Non Site-Specific ZCL is not considered a final action of the Zoning Division and therefore, is not subject to appeal.

c. Formal ZCL

An owner of a parcel of land, any person with a contractual interest in a parcel of land, or any person submitting a DO application for a parcel of land, may request a Formal ZCL to determine how the Code applies to that parcel of land based on an existing DO or a specific plan to seek a DO for a particular use. The Formal ZCL may contain the same information contained in the Informal ZCL, but may also include a request for clarification or interpretation of Code requirements, existing conditions of approval, prior approvals or other matters pertinent to the parcel of land. A request for a Formal ZCL is subject to a mandatory PAA. A Formal ZCL is subject to appeal pursuant to Art. 2.A.1.S., Appeals.

2. Processing

Applicants requesting an Informal or a Formal ZCL shall submit same to the DRO subject to the ZAR process. All applications are subject to sufficiency review pursuant to Art. 2.C.3., Sufficiency Review. The BCC may establish an administrative fee by Resolution for processing both Informal and Formal ZCLs.

3. ZCL Response

a. Informal ZCL Response

Within 30 days after the date of which the request is deemed sufficient for review, the DRO shall provide a response to the applicant.

b. Formal ZCL and Non-Site Specific ZCL Response

Within 60 days after the date of which the request is deemed sufficient for review, the DRO shall provide a response or render an interpretation to the applicant. A response by the DRO may be extended, based on the complexity of the request(s). During the review, the applicant may be required to submit additional information to assist the DRO in preparing the response. Re-submittal of information to the DRO will restart the response period.

Reason for amendments: [Zoning]

- 1. Clarify that an Administrative Inquiry (AI) is not subject local newspaper posting requirements, but that staff is required to mail Courtesy Notices related to the AI to the Adjacent property owners.

I. Administrative Inquiry (AI)

A.1. Purpose

To establish procedures for PBC Officials when submitting inquiries to the BCC asking for direction on procedural matters or to resolve an inconsistency in a Development Order. [Ord. 2011-016] [Relocated from Art. 2.D.4.A, Purpose]

B.2. Applicability

An inquiry is not a public hearing, but is subject to the notice requirements of Table 2.A.1.J, Notification Applicability. The decision of the BCC shall be final. [Ord. 2011-016] [Partially relocated from Art. 2.D.4.B, Applicability]

C.3. Procedures

An AI may be made by a public agency through the Zoning Director using forms and procedures established by the Zoning Division. The AI shall be placed on the BCC agenda by the Zoning Division for the date the inquiry is intended to be presented. Courtesy Notice pursuant to Art. 2.A.1.J, Notifications, is required for an AI applicable to a parcel for a specific inquiry or to provide development status not monitored by the provisions in Art. 2.E, Monitoring. [Ord. 2011-016] [Ord. 2017-002] [Relocated from Art. 2.D.4.C, Procedures]

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Reason for amendments: [Zoning]

1. Consolidate Interpretations under Formal Zoning Confirmation Letter. Clarify that any interpretations of the Zoning Code must be requested through a Formal ZCL. Interpretations of other Codes are already addressed under other Chapters of the ULDC.

~~Section 5~~ — ~~Interpretations~~

~~A. Purpose~~

~~To establish a process for Interpretations of this Code as defined in Article 1.B, Interpretation of the Code. [Ord. 2011-016] [Relocated to Art. 2.D.5.A, Purpose]~~

~~B. Applicability~~

~~Any owner of a parcel of land, and person with a contractual interest in a parcel of land, or any person submitting a Development Order application for a parcel of land may request an interpretation on how one or more provisions in the Code or the Official Zoning Map apply to that parcel of land. [Ord. 2011-016] [Relocated to Art. 2.D.5.B, Applicability]~~

~~C. Procedures~~

~~1. Submission of Request for Interpretation~~

~~A request for interpretation shall be submitted to the appropriate PBC official in a form established by that official and made available to the public. The request shall be accompanied by fee established by the BCC. [Ord. 2011-016] [Relocated to Art. 2.D.5.C.1, Submission of Request for Interpretation]~~

~~2. Sufficiency~~

~~All interpretation requests are subject to requirements pursuant to Art. 2.D.3, Review. [Ord. 2011-016] [Relocated to Art. 2.D.5.C.2, Sufficiency]~~

~~3. Rendering of Interpretation~~

~~Within 30 days after the request for interpretation has been determined sufficient, the PBC official responsible for rendering the interpretation shall review and evaluate the request in light of the Plan, this Code, the Official Zoning Map, and consultation with the County Attorney, and render an interpretation. The interpretation result shall be in writing and shall be mailed to the applicant. [Ord. 2011-016] [Relocated to Art. 2.D.5.C.3, Rendering of Interpretation]~~

~~D. Appeal~~

~~A person applying for an interpretation pursuant to this section may seek an appeal according to Art. 2.A.1.S, Appeal. [Ord. 2011-016] [Relocated to Art. 2.D.5.D, Appeal]~~

~~E. Official Record~~

~~Each PBC official responsible for rendering an interpretation shall maintain a record of the interpretation and forward a copy to the Zoning Director. This record shall be available for public inspection, upon reasonable request, during normal business hours. [Ord. 2011-016] [Relocated to Art. 2.D.5.E, Official Record]~~

Part 6. ULDC Art. 2, Development Review Procedures, is hereby amended to add new Art. 2.D, ULDC Privately Initiated Amendment (PIA), as follows:

Background and Summary:

On January 26, 2012, the Zoning Director advised the Board of County Commissioners (BCC) of staff recommendations to expand opportunities for public or private sector applications to initiate amendments to the County's Unified Land Development Code (ULDC), through creation of a Privately Initiated Amendment (PIA) application process.

Prior to 2012, ULDC amendments were initiated by staff, other County agencies, or by BCC direction, primarily in response to Comprehensive Plan amendments, changes in Federal or State laws, or changes in industry trends, land development practices, identification of new use types, or other similar. The latter oftentimes resulted from staff collaboration with a broad array of customers, including development professionals, environmentalists, neighborhood associations, and interested citizens, among others. However, while this collaboration oftentimes produced satisfactory results, in many instances staff could not support requested amendments due to inconsistencies with the Comprehensive Plan, prior BCC direction, or insufficient staffing or resources to perform research necessary to development amendments. While the Zoning Director typically sought BCC input on these types of inquiries at BCC Zoning Hearings, occasionally industry or persons unfamiliar with the process lobbied Commissioners directly, or sought initiation during Regular BCC Hearings under comments by the public. This approach did not ensure all parties were afforded an opportunity to convey objections or support for an amendment, appropriate staff were not present to advise the Board on the sufficiency of a request, and staff efforts to clarify Board

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1 direction or ascertain the viability of a request, created a number of inefficiencies, adversely impacting staff
2 performance.

3
4 Implementation of the PIA process has generally been successful with minimal refinements or further ULDC
5 amendments since 2012. The PIA process has accomplished the intended goals: of enhancing
6 transparency, allowing for prioritization of staff resources, and improving predictability for applicants by
7 establishing timeframes, among other benefits. While staff will continue to collaborate with interested
8 persons to identify amendments that should be staff initiated, an added benefit of the PIA process is
9 improved dialogue and sharing of information, oftentimes allowing for staff to collaborate on refining an
10 amendment proposal that was not originally deemed acceptable to being initiated by staff.

11
12 The PIA process is comprised of two-phases, the first (Phase 1) establishes a simplified and streamlined
13 approach, resulting in presentation of Land Development Regulation Advisory Board (LDRAB), and
14 recommendations to the BCC at a monthly Zoning Hearing, allowing for public input and confirmation of
15 BCC direction, which may include but is not limited to:

- 16
- 17 ▪ Take no action;
- 18 ▪ Initiate more detailed research and evaluation for future presentation at a BCC Workshop; or
- 19 ▪ Proceed to Phase 2, with any additional specific direction, including whether or not to process the
20 amendment within one of the two annually scheduled ULDC Amendment Rounds, or as a
21 standalone Ordinance.
- 22

23 Incorporating these PIA requirements and procedures into the ULDC will serve to further enhance
24 transparency in the process, while allowing for ongoing refinements to in consideration of different types of
25 amendment requests, including those that are inter-related with privately initiated amendments to the
26 Comprehensive Plan.

Amendments:

Reasons for Amendments: [Zoning]

1. Establish new Chapter D, whereas amendments to the ULDC are subject to Legislative Public Hearing proceedings, necessitating a distinction from other Public Hearing procedures, including Notification requirements, established elsewhere within Art. 2. In several instances, standards for PIA's mirror those established elsewhere in Art. 2 for similar Public Hearing procedures, but are reiterated herein for ease of use, to allow calibration to reflect minor differences in Hearing requirements or recognize that there are multiple "responsible PBC Officials" with authority over parts of the ULDC.

CHAPTER D ULDC PRIVATELY INITIATED AMENDMENT (PIA)

Section 1 Purpose and Intent

32 The PIA is a discretionary process based on BCC authority to initiate, hear, consider, approve or deny
33 amendments to the ULDC. The BCC or responsible PBC Official, as specified in Art. 1.B.1.A, Authority,
34 initiate ULDC amendments, which typically includes input or requests from other governmental entities,
35 industry or the public.

36
37 The PIA is established to provide for a transparent application process to allow for non government entities
38 to make formal request to the BCC to initiate amendments to the ULDC, in scenarios where the responsible
39 PBC Official does not support initiating the amendment, or recommends staff address the request in a
40 future scheduled ULDC Amendment Round.

41
42 The PIA process is comprised of two phases, the first of which serves to minimize both applicant and staff
43 resources, by allowing for an abbreviated application for initial staff and LDRAB review, and presentation
44 to the BCC to confirm or deny a request to simply initiate the amendment process. If initiated, the second
45 phase typically requires additional specificity and supporting information from the applicant, coordination
46 with staff and any interested parties to refine and calibrate the amendment, but otherwise follows the
47 standard procedure for the processing of ULDC amendments.

48
49 Under no circumstance will a PIA be processed that is in violation of State, Federal or other applicable local
50 government laws, or where inconsistent with the Comprehensive Plan, except where submitted with a
51 concurrent amendment to the Plan.

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1

Reasons for Amendments: [Zoning]	
2.	As previously noted, there are multiple responsible PBC Officials with authority over different provisions within the ULDC, necessitating a Section to clarify Authority of who initiates and processes the amendment.
3.	Establish requirement for other "responsible PBC Official" to consult the Zoning Director, which ensures that such Officials are aware of the procedures for processing a PIA, in addition to confirming potential timeframes available for presentation to the LDRAB or BCC. The Zoning Director is responsible for administering the LDRAB and BCC Zoning Hearings, will advise other Officials of available LDRAB or BCC Zoning Hearing dates, and the submittal deadlines and other requirements necessary for placement on an agenda.
4.	Oftentimes, an application to amend the Comprehensive Plan may require a concurrent or subsequent PIA to amend the ULDC. While the PIA process outlined within this Chapter only applies to applications to amend the ULDC, it's critical that the specified types of Plan amendments include consultation with the respective PBC Official responsible subject ULDC provisions.

2 **Section 2 Authority**

3 Acceptance of a PIA application to amend the ULDC shall be at the discretion of the responsible PBC
4 Official as specified in Art. 1.B.1.A, Authority, in consultation with the Zoning Director. Any private
5 application to amend the Comprehensive Plan that will require a concurrent or subsequent amendment to
6 the ULDC, shall comply with the following:

- 7 A. The applicant shall include documentation confirming that the responsible PBC Official and PZB E
8 has been consulted prior to submittal of an amendment to the Comprehensive Plan; and,
9 B. Submittal of a concurrent PIA application to amend the ULDC, unless the responsible PBC Official
10 specifies an alternative submittal deadline. The responsible PBC Official, in consultation with the
11 Zoning Director, shall have the discretion to waive the Phase 1 PIA requirement, provided that this
12 is specified in the initiation requests to the Planning Commission and BCC.

13 **Section 3 Standards**

14 Evaluation of a PIA shall include consideration of the following standards:

- 15 A. Extent to which any other alternatives to a code amendment have been evaluated, a summary of
16 any recommendations or direction provided by the BCC, County staff in prior meetings, and where
17 applicable, why the amendment is being requested in lieu of such alternatives.
18 B. Does not violate State, Federal or other local government laws;
19 C. Will be consistent with the Comprehensive Plan, or will otherwise be submitted pursuant to or
20 concurrent with an application to amend the Plan;
21 D. Will not be in conflict with any other ULDC provisions or amendment will also address the other
22 inconsistencies;
23 E. The request has been demonstrated to be a new industry trend not anticipated by the
24 Comprehensive Plan or ULDC; and,
25 F. Identification of examples of similar land development regulations adopted in other jurisdictions
26 under the same circumstances, such as similar FLU designation or Zoning districts, compatibility,
27 buffering, roadway frontage and other similar site considerations.
28

Reasons for Amendments: [Zoning]	
5.	Establishes reasonably straightforward requirement for a pre-application appointment for consistency with the Purpose and Intent cited above for the PIA process, to ensure that applications are not premature, which includes confirmation that all other reasonable options have been considered, consistency with the Plan and any other applicable laws, potential for staff initiation, among others.

29 **Section 4 Mandatory Pre-Application Appointment (PAA)**

- 30 A. Applicability
31 A PAA is mandatory for any request for a PIA, or for any proposed Plan amendment that will require
32 an amendment to the ULDC.
33 B. Purpose
34 The purpose of the PAA is to confirm that a potential applicant has coordinated with staff to evaluate
35 or exhaust all other potential options and has performed sufficient due diligence to ascertain the
36 viability of the request.
37

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1 **C. PAA Requirements**

2 The applicant shall provide a Justification Statement and any necessary supporting documentation
3 outlining the rationale for the proposed amendment, to include a preliminary evaluation of the
4 Standards cited above.

5 **D. Decision**

6 The applicable responsible PBC Official shall provide a written response within seven working days
7 affirming if a PIA will be accepted, denied, or if additional follow up is required by the applicant.
8 Other options may be applicable, including where the applicant and responsible PBC Official may
9 agree to a staff initiated amendment based on currently two Round of amendments each year or a
10 standalone ordinance based on BCC direction when the amendments is requested to be expedited.

11 **Section 5 Application Procedures**

12 As the PIA is a discretionary process, acceptance of an application is typically determined through a higher
13 level of collaboration between the applicant and applicable PBC Official, or designee. Upon completion of
14 the mandatory PAA and favorable decision by the responsible PBC Official, a PIA application may be
15 submitted in accordance with the following Application Procedures.

16 **A. General Overview**

17 The PIA is comprised of two phases as outlined under Purpose and Intent above.

18 **1. Phase 1**

19 The Phase 1 PIA allows an applicant to submit a preliminary request for staff evaluation and
20 recommendation, presentation to the LDRAB for recommendation, and final presentation to the
21 BCC to deny the request, or direct the responsible PBC Official to accept a request for a Phase
22 2 PIA, or other direction including scheduling, limitations or other similar.

23 **2. Phase 2**

24 The Phase 2 PIA requires the applicant to coordinate with staff and any interested parties, and
25 may require a more detailed analysis and supporting documentation to substantiate the
26 request. Once the application is deemed sufficient it shall be scheduled for presentation to
27 the LDRAB. The intent of this hearing is to obtain a final recommendation and determination
28 of consistency with the Comprehensive Plan, prior to being scheduled for presentation to the
29 BCC for Request for Permission to Advertise. Pursuant to approval of the request, one or more
30 duly noticed Public Hearings are required, in accordance with F.S. 125.66.

31 **B. Application Fees**

32 Fees shall be established in accordance with the official PZB Fee Schedule. Additional public
33 notice costs may be assessed to the applicant seeking to process a PIA amendment outside of the
34 two yearly scheduled ULDC Amendment Rounds.

35 **C. Application Requirements**

36 Applications shall be in a form established by the responsible PBC Official, in consultation with the
37 Zoning Director, but at a minimum shall include an updated Justification Statement in accordance
38 with the standards specified for a Phase 1 PIA.

39 **D. Sufficiency Review**

40 Notification of sufficiency or insufficiency shall be forwarded to the applicant within ten days of
41 receipt of a Phase 1 or 2 PIA application.

42 **1. Sufficiency**

43 If the application is determined to be sufficient by the applicable PBC Official, it shall be
44 reviewed and evaluated pursuant to the procedures and standards of this Chapter.

45 **2. Insufficiency**

46 In an application is determined to be insufficient, staff shall provide written notification to the
47 applicant summarizing the deficiencies.

48 **a.** No further action may be taken on the application until the deficiencies are remedied. If the
49 deficiencies are not remedied within 20 days from the date of the insufficiency notification,
50 the application shall be administratively withdrawn.

51 **b.** Revised applications shall be subject to the above timeframe to determine sufficiency or
52 insufficiency.

53 **c.** If amended and determined to be sufficient, the application may be processed.

54 **Reasons for Amendments: [Zoning]**

6. Establish general criteria and timeframes required for a PIA to be placed on an LDRAB agenda, further emphasizing need for ongoing consultation with the Zoning Director, emphasis on scenarios where significant time may have passed since initial consultation required under Authority.
--

55 **E. Review**

56 The applicant shall demonstrate that the application has met the Standards cited above, in addition
57 to responding to input provided by the LDRAB, BCC, LDRAB Subcommittee when applicable, and
58 staff comments, or other issues identified through the amendment process.

59 **Notes:**

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1 **1. LDRAB Scheduling**

2 Applications may be placed on an agenda by the responsible PBC Official, in consultation with
3 the Zoning Director, a minimum of 15 days prior to the next available LDRAB meeting, or a
4 subsequent meeting as mutually agreed upon by the applicant and responsible PBC Official.

5 **2. Staff Report and Recommendation**

6 The responsible PBC Official reviewing the application shall prepare a report for both Phase 1
7 and 2 PIA applications, which incorporates an analysis of the Standards cited above,
8 confirmation of consistency with the Plan, and evaluation of any other issues identified through
9 the amendment process, and make a recommendation of approval, denial, or an alternative
10 amendment. In the case of a Phase 1 PIA, the recommendation for approval may be limited
11 to indicating that the request merits consideration. The report shall be made available to the
12 public at least five days prior to the hearing date.

13 **3. Application Modification After Certification**

14 Applications shall not be modified after certification, unless requested or agreed to by the
15 responsible PBC Official, the latter of which may be subject to postponement of any scheduled
16 meetings or Hearings. Modifications after presentation to the LDRAB/LDRC may not be
17 permitted where substantially different from what the LDRAB reviewed, or where such may
18 alter the original LDRC consistency determination.

19 **F. Scheduling**

20 Applications for a Phase 1 or 2 PIA shall be submitted a minimum of 5 weeks prior to presentation
21 to the LDRAB, or other time as may be determined by the responsible PBC Official, in consultation
22 with the Zoning Director. Additional time may be required by the responsible PBC Official, where
23 an LDRAB Subcommittee has been convened, additional public meetings are scheduled, or where
24 there is a concurrent Plan PIA, among others. Once an application has been certified, the
25 responsible PBC Official shall schedule advisory board meetings and BCC Public Hearings, in
26 consultation with the Zoning Director, as follows:

27 **1. Phase 1**

28 A Phase 1 PIA shall be scheduled for presentation to the LDRAB to obtain a preliminary
29 recommendation, and to the BCC at a Public Hearing for direction on initiating the amendment.

30 **2. Phase 2**

31 A Phase 2 PIA shall be scheduled for presentation to the LDRAB to obtain a recommendation,
32 the LDRC for a consistency determination with the Plan, and the BCC for Request for
33 Permission to Advertise, and one or more Public Hearings, in accordance with F.S. 125.66.

34 **a. Scheduling Options**

35 Applicants are encouraged to process a PIA within the timeframes for Amendment Rounds
36 established annually by the Zoning Division. Applicants may opt to request that a PIA be
37 scheduled for the first available LDRAB, LDRC or BCC Zoning Hearings, but this may result
38 in additional fees to cover required notifications.

39 **Reasons for Amendments: [Zoning]**

7. Clarify notification requirements applicable to Phase 2 PIAs, in accordance with County procedures and State law. State law does not establish notification requirements for the LDRAB or when the LDRAB sits as the Land Development Regulation Commission (LDRC), for purposes of determining that proposed ULDC amendments are consistent with the Comprehensive Plan. However, the County has established that notice shall be provided in a newspaper of general circulation a minimum of 10 days prior to the LDRC meeting. Additionally, while BCC Public Hearings to consider Ordinances amendment the ULDC are required by State law to provide notification in a newspaper of general circulation, depending on the scope of the amendment. While the latter is based on the same F.S. 125.66, applicable to some Development Orders subject to BCC Public Hearing approval, ULDC amendments are not subject to other Notification requirements.

40 **Section 6 Notification**

41 **A. Applicability**

42 Public notification is required for LDRC meetings and BCC Public Hearings, excluding Requests
43 for Permission to Advertise for Public Hearings.

44 **B. Newspaper Publication**

45 Notice shall be posted in a newspaper of general circulation in PBC, as follows:

46 **1. LDRC Meeting**

47 In accordance with PBC PPM CW-L-038.

48 **2. BCC Public Hearings**

49 In accordance with F.S. 125.66.

50 **C. Postponements**

51 All applications postponed for three or more consecutive LDRC meetings or Public Hearings, shall
52 require that the newspaper notification be republished.

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Section 7 Action by LDRAB and LDRC

A. Advisory Board

The LDRAB is the designated advisory board for the majority of the ULDC; however, there may be other entities tasked with reviewing specific ULDC provisions. All ULDC amendments are subject to LDRC review.

1. Meeting

The advisory board shall consider the application, staff report, relevant support materials, and public testimony given at the meeting.

2. Recommendation

In concluding that portion of the meeting designated on the agenda for a PIA, the advisory board shall recommend to the BCC that the application be approved, approved with modifications, or denied, based on the standards for a PIA, unless the applicant and responsible PBC Official agrees to a continuance or postponement.

B. LDRC

A Phase 2 PIA shall be presented to the LDRC, which shall make a determination of consistency with the Plan.

Section 8. Action by the BCC

After review and recommendation by the LDRAB, including LDRC consistency determination for a Phase 2 PIA, the application shall be considered at the next available regularly scheduled Public Hearing by the BCC, or such time as is mutually agreed upon between the applicant and responsible PBC Official.

A. Public Hearing

At the public hearing(s), the BCC shall consider the application, staff report, relevant support materials, the recommendation of the LDRAB, the testimony given and the evidence introduced into the record at the public hearing(s).

B. Postponements, Continuance or Remand

The BCC shall have the discretion to postpone or continue any PIA application at any time, or remand the application back to the LDRAB.

C. Decision

1. Phase 1

At the conclusion of the hearing, the BCC may elect to initiate the amendment, initiate with additional modifications or stipulations, or deny the request.

2. Phase 2

A Phase 2 PIA shall require a Public Hearing to Request for Permission to Advertise required Public Hearings, and one or more Public Hearings in compliance with F.S. 125.66. At the conclusion of the final Public Hearing, the BCC may approve, approved with conditions, modify, or deny the PIA application.

D. Conduct at Hearing

Shall be in accordance with Art. 2.B.6.D, Conduct of Hearing

Section 9 Appeals

The PIA process is discretionary and not subject to appeals.

Part 7. **ULDC Art. 2.F, CONCURRENCY [Related to Public School Concurrency] (page 60-62, 67-69 of 87), is hereby amended as follows:**

Reason for amendments: [Planning] The Florida Statutes requires that counties and cities enter into a coordinated planning agreement with the School District and encourages local governments to have a uniform agreement. The County and School District entered into this agreement in December 2015. The Statute has a set of minimum requirements that is met in the agreement. The School Capacity Availability Determination letter sets forth the findings and recommendations of the School District, specifically for the capacity, or lack thereof, of existing facilities or planned facilities in the current School District to serve additional students. The agreement provides the ability to conduct an analysis on the direct impact of new development on schools. Changes to the ULDC reflect the new agreement.

CHAPTER F **CONCURRENCY (ADEQUATE PUBLIC FACILITY STANDARD)**

Section 1 **General**

A. Purpose and Intent

The purpose and intent of this Section is to ensure that adequate potable water, sanitary sewer, solid waste, drainage, ~~public school~~, park, road and mass transit public facilities and fire-rescue are available to accommodate development concurrent with the impact of development on such public

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1 facilities, consistent with the LOS standards for those public facilities adopted in the Plan. This
2 objective is accomplished by (1) establishing a management and monitoring system to evaluate
3 and coordinate the timing and provision of the necessary public facilities to service development,
4 and (2) by establishing a regulatory program that ensures that each public facility is available to
5 serve development concurrent with the impacts of development on public facilities.
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Reason for amendments: [Planning] See Part 2 above.

Section 3 Review For Adequate Public Facilities

A. General

To ensure that adequate potable water, sanitary sewer, solid waste, drainage, ~~public school,~~ parks and recreation, road, mass transit, and fire-rescue public facilities are available concurrent with the impacts of development on each public facility, PBC shall establish the following development review procedures. ~~To ensure public schools are available concurrent with the impacts of development, PBC has adopted the "Public School Concurrency Ordinance of PBC" which is codified in Article 2.F.6, Public School Concurrency.~~

C. Standards for Review of Application for Adequate Public Facilities Determination and Concurrency Reservation

5. Public School Facilities

~~The public school component for the proposed development shall be subject to the application and review procedures set forth in the Public School Concurrency Ordinance of PBC, which is codified in Article 2.F.6, Public School Concurrency.~~

Part 8. ULDC Art. 2.F, CONCURRENCY [Related to Public School Concurrency] (pages 67 to 69 of 87), is hereby amended as follows:

Reason for amendments: [Planning] See Part 2 above.

Section 6 Public School Concurrency

A. Short Title

~~This Section shall be known as, and may be cited as, "the Public School Concurrency Ordinance of PBC, Florida."~~

B. Authority

~~The BCC of PBC has the authority to adopt this ordinance pursuant to the PBC Charter; F.S. Chapter 125 and F.S. Chapter 163, and the Agreement.~~

C. Definitions

~~See Article 1.I, Definitions and Acronyms, for Public School Concurrency definition specific to Article 2.F.6, Public School Concurrency.~~

D. Applicability

1. Area of Jurisdiction

- ~~This Section shall apply in the unincorporated area of PBC.~~
- ~~This Section shall also apply within those Municipalities that have opted into this Section by not adopting an implementing ordinance within the time frame specified in the agreement. Any such Municipality may opt out of this Section at any time by adopting its own implementing ordinance consistent with the agreement. Once a Municipality has opted out of this Section, this Section shall not apply within that Municipality.~~

2. Time of Application of Ordinance

- ~~This Section shall not apply to Proposed New Residential Development until the commencement of the school concurrency program as specified in Art. V, Section A, of the Agreement.~~
- ~~This Section shall not apply to Proposed New Residential Development whenever and wherever the school concurrency program is suspended pursuant to the terms of the Agreement.~~
- ~~This Section shall terminate, or its effect shall be suspended; in the event termination or suspension of the school concurrency program occurs as set forth in the Agreement.~~

3. Applications Requiring Concurrency Review

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1 Unless otherwise provided herein, this Section shall apply to all Site Specific development
2 orders for Proposed New Residential Development.

3 **4. Exemptions**

4 The following are exempt from the school concurrency requirements contained in this Section:

- 5 a. Single family lots of record, existing as such at the time this Section is adopted.
6 b. Any Residential Development that received final approval of a Site Specific development
7 order prior to the commencement of the school concurrency program, as specified in Art.
8 V, Section A, of the Agreement, is considered vested for that which was previously
9 approved and shall not be considered as Proposed New Residential Development for
10 purposes of school concurrency. Any Residential Development which is exempt from
11 school concurrency under Local Government's concurrency regulations shall not be
12 considered as Proposed New Residential Development for purposes of school
13 concurrency.
14 c. Any Proposed New Residential Development that has filed a complete application prior to
15 the commencement of the school concurrency program, as specified in Art. V, Section A
16 of the Agreement.
17 d. Any amendment to any previously approved Residential Development which does not
18 increase the density of the development.
19 e. Any previously approved Residential Development or any other previously approved
20 Development with a residential component located within any existing "Transportation
21 Concurrency Exception Area," as defined in F.S. §163.3180(5).

22 **E. Standard**

23 **1. LOS**

24 The PBC Public School Facilities Element, the Municipalities' Plans, and the agreement
25 establish the adopted LOS set forth below. The actual LOS (utilization) for all schools of each
26 type of school in each CSA and each individual school shall be established each year by the
27 first student count of the second semester.

- 28 a. Tiered LOS shall be in force pursuant to the Tiered LOS Table in the public school facilities
29 element until August 1, 2004. Individual schools of each type may exceed the tiered LOS
30 during the period in which tiered LOS are in effect, provided that the CSA's tiered LOS is
31 not exceeded. However, each individual school's LOS which exceeds the tiered LOS,
32 during the time that the tiered LOS is in effect, shall not exceed the utilization standards for
33 that school type as shown in the maximum utilization table of the public school facilities
34 element. During the time that the tiered LOS standard is in effect, the School District shall
35 initiate necessary program and/or boundary adjustments so that the tiered LOS is not
36 exceeded in each CSA.
37 b. After August 1, 2004, the following LOS standards shall be established for all schools of
38 each type within each CSA and each individual school:
39 1) Ten percent of capacity (utilization) as determined by the (FISH); or
40 2) A higher LOS up to 120 percent of FISH capacity (utilization/LOS) for individual schools
41 if a school capacity study (SCS) undertaken pursuant to the agreement determines
42 that the school can operate at the higher LOS.

43 **2. Concurrency Service Areas**

44 School concurrency shall be measured and applied on the basis of 21 CSA's as described in
45 the public school facilities element.

46 **3. Three Year Rule**

47 In determining whether capacity is available, the School District shall consider any new capacity
48 which will be in place or under actual construction in the first three years of the School District
49 5-Year Capital Facilities Plan.

50 **4. Adjacent CSA Capacity**

51 In determining whether capacity is available, the School District shall consider adjacent CSA
52 capacity as specified in the agreement.

53 **F. Review of Residential Development**

54 **1. Application**

55 At the time of and in conjunction with the application for an adequate public facilities review in
56 accordance with the Code, or in the case of a Municipality, in accordance with its public facilities
57 review process, the applicant for a Proposed New Residential Development shall submit to the
58 appropriate Local Government a request for a school concurrency determination.

- 59 a. The request for school concurrency determination shall contain the following information:
60 location of the development; the build out time frame of the development; and the number,
61 type and size of all the residential units anticipated to be occupied each calendar year. The
62 applicant shall include with its request for school concurrency determination, a non-
63 refundable fee established by the School District. PBC, or any Municipality that provides
64 initial review, shall review the request for completeness and shall in addition determine
65 whether the project is exempt from school concurrency as set forth in Article 2.F.1.D,

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EXHIBIT B

ARTICLE 2, DEVELOPMENT REVIEW PROCEDURES SUMMARY OF AMENDMENTS

(Updated 10/17/17)

~~Exemptions.—Notwithstanding the foregoing, this fee shall be returned to the applicant if PBC, or any Municipality that provides initial review, determines that the applicant is exempt and that no further review is required by the School District.~~

~~b. If the project is in the unincorporated area and found not exempt PBC, PBC shall review the request for completeness and submit the request to the School District within ten days of finding the request complete. The PBC shall collect the required fees submitted with all requests for school concurrency determination and shall transmit these fees, less two percent for administrative costs, to the School District on a monthly basis. For projects located within a Municipality, the Municipality may follow the same process set forth in the sentence above. In the alternative, the Municipality may, after reviewing the request for completeness and determining that the project is not exempt, instruct the applicant to submit the request and the required fee directly to the School District.~~

~~c. The School District shall review the application in accordance with the provisions of Art. V, Section A of the Agreement.~~

~~d. Within the times set forth in Art. V, Section F, of the Agreement, the School District shall review the application and notify the applicant and the local Government of its determination. For projects located in the unincorporated area, notice by the School District determining the development to be in compliance shall specify that the date of issuance of the letter of determination of school concurrency shall be the same as the date of issuance of PBCs concurrency reservation, adequate public facilities agreement, or equivalency determination, as appropriate. Letter of determination of school concurrency determining the development to be in compliance shall be valid for one year from the date of issuance. Once the local Government site specific development order is issued, the concurrency determination shall run with the development order.~~

G. Development Order Approval

~~1. No development order for a Proposed New Residential Development shall be approved unless there is a valid letter of determination of concurrency from the School District finding the Development in compliance.~~

~~2. If the letter of determination of concurrency requires conditions or mitigation to be placed on the development, the development order issued by PBC or the Municipality shall incorporate those conditions.~~

~~3. If the letter of determination of concurrency requires the development to be phased to mitigation, the conditions of approval of the development order shall implement the phasing requirements by specifying that Building Permits will be withheld if the conditions are not fulfilled.~~

H. Appeals

~~Applicants seeking relief from School District decisions shall appeal such decisions as provided for by law.~~

[ReNUMBER Accordingly]

Part 9. ULDC Art. 2.G.1, Board of County Commissioners (**BCC**) (pages 69-70 of 87), are hereby amended as follows:

Reason for amendments: [Zoning]
1. Update Powers and Duties of BCC reflecting current practice.
2. Reorder the powers and duties in accordance with the proposed Table 2.A.1.C.1, Board of County Commissioners – Legislative and Quasi-Judicial Processes.
3. Clarify that the BCC approves Master Plans for specific PDDs, and proposed to delete approval of master plans for the Infill Redevelopment, Urban Center or Urban Infill of the Priority Redevelopment Area as most of these applications are presented to the BCC with a site plan based on proposed single or multiple uses.

CHAPTER G DECISION MAKING BODIES

Section 1 Board of County Commissioners

A. Powers and Duties

In addition to any authority granted to the Board of County Commissioners (BCC) by general or special law, the BCC shall have the following powers and duties under the provisions of this Code:

1. to initiate, hear, consider and approve, approve with conditions, or deny applications to amend the text of the Plan;
2. to initiate, hear, consider and approve, approve with conditions, or deny applications for Site Specific amendments to the FLUA of the Plan;

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EXHIBIT B

ARTICLE 2, DEVELOPMENT REVIEW PROCEDURES SUMMARY OF AMENDMENTS

(Updated 10/17/17)

- 1 ~~3. to initiate, hear, consider and approve, approve with conditions, or deny applications for~~
- 2 ~~Transfer of Development Rights (TDRs) and Workforce Housing Program (WHP) Programs;~~
- 3 ~~[Ord. 2007-013]~~
- 4 ~~4.3. to initiate, hear, consider and approve, or deny requests to amend the text of this Code; [Ord.~~
- 5 ~~2009-040]~~
- 6 ~~5.4. to initiate, hear, consider and approve, approve with conditions, or deny applications for~~
- 7 ~~development permits DO to amend the Official Zoning Map of this Code;~~
- 8 ~~5. to hear, consider and approve, approve with conditions, or deny applications for DO for Class~~
- 9 ~~A Conditional uses;~~
- 10 ~~6. to initiate, hear, consider and approve, approve with conditions, or deny applications for~~
- 11 ~~Transfer of Development Rights (TDRs) and Workforce Housing Program (WHP) Programs;~~
- 12 ~~7. to hear, consider and approve, approve with conditions, or deny applications for DOA and EAC;~~
- 13 ~~8. to hear, consider and approve, approve with conditions, or deny applications for DO for~~
- 14 ~~Preliminary Plans for those specific PDDs, TDDs, or Class A Conditional Uses pursuant to Art.~~
- 15 ~~2.A.5.C, Plan Requirements;~~
- 16 ~~9. to hear, consider and approve, approve with conditions, or deny applications for ABN;~~
- 17 ~~10. to hear, consider and approve, approve with conditions, or deny applications for Status Report~~
- 18 ~~of a prior approved DO;~~
- 19 ~~11. to review, hear, consider, and approve, approve with conditions, or deny requests for~~
- 20 ~~Deviations from: Article 4.B.4.C.10.d, Homeless Resource Center, Location and Separation~~
- 21 ~~Requirements, and Articles 5, 6, and 7 for development supporting government facilities within~~
- 22 ~~the PO Zoning District;~~
- 23 ~~12. to hear, consider and approve, approve with conditions or deny applications for Type 2~~
- 24 ~~Waivers;~~
- 25 ~~13. to hear, consider and approve, approve with conditions, or deny application for Unique~~
- 26 ~~Structures;~~
- 27 ~~14. to hear and consider release of agreement;~~
- 28 ~~15. to hear and consider AI;~~
- 29 ~~16. to review, hear, consider, and approve, or deny applications for Corrective Resolutions;~~
- 30 ~~17. to establish fees for the review of applications for development orders or permits, and~~
- 31 ~~appropriate funds to defray the costs of administering this Code;~~
- 32 ~~18. to act to ensure compliance with development orders or permits as approved and issued;~~
- 33 ~~19. to hear and consider appeals from, and affirm or reverse decisions of the Zoning Commission~~
- 34 ~~on applications for development permits for Class B conditional uses;~~
- 35 ~~20. to hear, consider and decide appeals from decisions of the DRO on applications for URAO~~
- 36 ~~Type 1 Waivers;~~
- 37 ~~21. to designate and appoint hearing officers to make decisions as the BCC may deem appropriate;~~
- 38 ~~22. to appoint other advisory boards that are determined necessary to assist in the implementation~~
- 39 ~~of this Code or the Plan; and,~~
- 40 ~~23. to take such other action not delegated to the decision-making bodies set forth in this Article or~~
- 41 ~~other officials of PBC Departments, as the BCC may deem desirable and necessary to~~
- 42 ~~implement the provisions of the Plan and this Code; [Ord. 2009-040]~~
- 43 ~~6. to hear, consider and approve, approve with conditions, or deny applications for development~~
- 44 ~~permits orders for Preliminary Development Plans for a Residential Planned Unit Development~~
- 45 ~~District (PUD), Traditional Neighborhood Development District (TND), Mixed Use Planned~~
- 46 ~~Development District (MXPD), Multiple Use Planned Development District (MUPD), Planned~~
- 47 ~~Industrial Park Development District (PIPD), Mobile Home Park Planned Development District~~
- 48 ~~(MHPD), Recreational Vehicle Park Planned Development District (RVPD), Traditional~~
- 49 ~~Marketplace Development (TMD), and Traditional Town Development (TTD);~~
- 50 ~~7. to hear, consider and approve, approve with conditions, or deny applications for development~~
- 51 ~~permits for Class A conditional uses;~~
- 52 ~~8. to hear and consider appeals from, and affirm or reverse decisions of the Zoning Commission~~
- 53 ~~(ZC) on applications for development permits for Class B conditional uses;~~
- 54 ~~9. to designate and appoint hearing officers to make decisions as the BCC may deem appropriate;~~
- 55 ~~10. to establish fees for the review of applications for development permits, and appropriate funds~~
- 56 ~~to defray the costs of administering this Code;~~
- 57 ~~11. to act to ensure compliance with development orders or permits as approved and issued;~~
- 58 ~~12. to hear and consider administrative inquiries;~~
- 59 ~~13. to take such other action not delegated to the decision-making bodies set forth in this Article or~~
- 60 ~~other officials of PBC Departments, as the BCC may deem desirable and necessary to~~
- 61 ~~implement the provisions of the Plan and this Code; [Ord. 2009-040]~~
- 62 ~~14. to appoint other advisory boards that are determined necessary to assist in the implementation~~
- 63 ~~of this Code or the Plan; [Ord. 2007-013]~~
- 64 ~~15. to review, hear, consider, and approve, approve with conditions, or deny requests for deviations~~
- 65 ~~from: Article 4.B.4.C.10.d, Homeless Resource Center, Location and Separation~~

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EXHIBIT B

ARTICLE 2, DEVELOPMENT REVIEW PROCEDURES
SUMMARY OF AMENDMENTS

(Updated 10/17/17)

~~Requirements, and Articles 5, 6, and 7 for development supporting government facilities within the PO Zoning District; [Ord. 2007-013] [Ord. 2009-040] [Ord. 2011-016] [Ord. 2017-007] 16. to hear, consider and approve, approve with conditions, or deny application for Unique Structures; [Ord. 2009-040] [Ord. 2011-016] 17. to hear, consider and approve, approve with conditions or deny applications for Type II Waivers and Waiver of Code Provisions for Historic Resources; and, [Ord. 2011-016] [Ord. 2012-027] 18. to hear, consider and decide appeals from decisions of the DRO on applications for URAO Type I Waivers. [Ord. 2011-016]~~

Part 10. ULDC Art. 2.G.3, Appointment Bodies (page 79, 81 of 87), is hereby amended as follows:

Reason for amendments: [Zoning]
1. Clarify that alternate LDRAB members vote is to be counted at LDRAB meetings only when any of the 16 regular members is absent. This provides an option for alternate members to participate more actively at meeting even when their attendance at meetings is not to complete quorum.

CHAPTER G DECISION MAKING BODIES

Section 3 APPOINTED BODIES

A. Land Development Regulation Advisory Board

5. Meetings

a. General

General meetings of the LDRAB shall be held as needed to dispense of matters properly before the LDRAB. Special meetings may be called by the Chair or in writing by a majority of the members of the LDRAB. Staff shall provide 24-hour written notice to each LDRAB member before a special meeting is convened.

b. Subcommittees

The LDRAB shall consider recommendations from the Zoning Director and determine by majority vote to create subcommittees with the expertise necessary to make recommendations on specific Code amendments. Subcommittee appointments shall be made at a regular LDRAB meeting. [Ord. 2009-040]

c. Alternate Members Vote

The alternate members may vote on a matter only when serving in place of an absent regular member.

Reason for amendments: [Zoning]
2. This proposed amendment will add language to recognize the ability for the Planning Commission and Planning Director to make a recommendation of Approval with Modifications.

J. Planning Commission

1. Establishment

There is hereby established a Planning Commission (PLC). [Ord. 2008-003]

2. Powers and Duties

b. to initiate, review, hear, consider and make recommendations to the BCC to approve, approve with conditions, approve with modifications, or deny applications to amend the Plan, including Site Specific (Future Land Use Map) amendments to the Plan;

Reason for amendments: [Zoning]
3. Update Powers and Duties of Zoning Commission reflecting current practice.
4. Reorder the powers and duties in accordance with the proposed Table 2.A.1.C.2, Zoning Commission Quasi-Judicial Processes.

L. Zoning Commission

1. Establishment

There is hereby established a Zoning Commission (ZC)

2. Powers and Duties

The ZC shall have the following powers and duties under the provisions of this Code.

a. to initiate, review, hear, consider, and make recommendations to the BCC to approve, approve with conditions, or deny applications to amend the Official Zoning Map; [Ord. 2009-040]

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EXHIBIT B

ARTICLE 2, DEVELOPMENT REVIEW PROCEDURES SUMMARY OF AMENDMENTS

(Updated 10/17/17)

- 1 b. to review, hear, consider, and make recommendations to the BCC to approve, approve with conditions, or deny applications for development orders pursuant to Art. 2.A.1.~~D-4.b,~~
2 ~~C.2,~~ Zoning Commission Quasi-Judicial Processes; [Ord. 2009-040]
3
4 c. to review, hear, consider, and approve, approve with conditions, or deny applications for
5 development permits for Class B ~~e~~Conditional uses and Type ~~H~~Variance 2 Variance
6 applications; [Ord. 2006-036]
7 ~~d.~~ to review, hear, consider, and approve, approve with conditions, or deny applications for
8 development orders for DOA for a prior approved DO;
9 ~~e.~~ to hear, consider and approve, approve with conditions, or deny applications for DO for
10 Preliminary Plans for Class B Conditional Uses pursuant to Art. 2.A.5.C, Plan
11 Requirements;
12 ~~f.~~ to review, hear, consider, and approve, approve with conditions, or deny applications for
13 ABN;
14 ~~g.~~ to review, hear, consider, and approve, approve with conditions, or deny applications for
15 Status Reports;
16 ~~h.~~ to review, hear, consider, and approve, approve with conditions, or deny applications for
17 Unique Structures;
18 ~~i.~~ to review, hear, consider, and approve, or deny applications for Corrective Resolutions;
19 ~~d.j.~~ to make its special knowledge and expertise available upon request of the BCC to any
20 official, department, board, commission or agency of PBC, the State of Florida or Federal
21 government;
22 ~~e.k.~~ to make studies of the resources, possibilities and needs of PBC and to report its findings
23 and recommendations, with reference thereto, from time to time, to the BCC;
24 ~~f.l.~~ to recommend to the BCC additional or amended rules of procedure not inconsistent with
25 this Section to govern the ZC's proceedings; [Ord. 2006-036]
26 ~~g.m.~~ to consider and render a final decision on appeals of Green Architecture application; [Ord.
27 2009-040] [Ord. 2011-016] and
28 ~~h.n.~~ to hear, consider and decide appeals from decisions of the DRO on applications for Type
29 1Waivers, except URAO. [Ord. 2011-016] [Ord. 2012-027]
30
31

32 Part 11. ULDC Art. 2.G.4, Staff Officials (pages 83-84, 86-87 of 87), are hereby amended as
33 follows:
34

Reason for amendments: [Zoning]
1. Update Powers and Duties of DRO reflecting current practice.
2. Under the proposed amendment, replace authority of Zoning Director to DRO, as the main functions of DRO is to accept, review, certify and make recommendations or approve applications.

35 CHAPTER G DECISION MAKING BODIES

36 Section 4 STAFF OFFICIALS

37 G. Development Review Officer (DRO)

38 1. Establishment

39 There is hereby established a Development Review Officer (DRO).

40 2. Powers and Duties

41 The DRO shall have the following powers and duties under the provisions of this Code:

42 ~~a.~~ to coordinate all PAC and PAA; [Relocated from Art. 2.G.4.N.2.a, related to Zoning
43 Director Jurisdiction, Authority and Duties]

44 ~~b.~~ to accept, review, approve, and update all applicable application requirements; [Relocated
45 from Art. 2.G.4.N.2.b, related to Zoning Director Jurisdiction, Authority and Duties]

46 ~~c.~~ to accept and determine sufficiency of applications for, review, certify and prepare staff
47 reports recommending approval, approval with conditions, or denial of applications for re-
48 zonings, Class A and Class B Conditional Uses, Type 2 Waivers, and Type 2 Variances;
49 [Ord. 2017-007] [Relocated from Art. 2.G.4.N.2.d, related to Zoning Director
50 Jurisdiction, Authority and Duties]

51 ~~d.~~ to accept applications for review and approve, approve with conditions, or deny
52 applications for applications subject to Administrative processes pursuant to Table 2.C.2.B,
53 DRO – Administrative Processes; [Partially relocated from Art. 2.G.4.N.2.e, related to
54 Zoning Director Jurisdiction, Authority and Duties]

55 ~~e.~~ to request other PBC officials and other agencies to provide factual information on
56 applications for development permits as is deemed appropriate; [Ord. 2011-016]
57 [Relocated from Art. 2.G.4.G.2.f, Development Review Officer (DRO) – Powers and
58 Duties, page 83]

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EXHIBIT B

ARTICLE 2, DEVELOPMENT REVIEW PROCEDURES SUMMARY OF AMENDMENTS

(Updated 10/17/17)

- 1 ~~a. to hear, consider, and determine the sufficiency of applications for and make~~
2 ~~recommendations to approve, approve with conditions, or deny applications for official~~
3 ~~zoning map amendments;~~
4 ~~b. to hear, consider, and determine the sufficiency of applications for and recommendations~~
5 ~~to the /BCC to approve, approve with conditions, or deny applications for development~~
6 ~~permits for Conditional Uses. [Ord. 2017-007]~~
7 ~~c. to hear, review, consider and approve, approve with conditions, or deny applications for~~
8 ~~development orders for site plans;~~
9 ~~f. to review, consider and finalize Zoning Plans that were approved by the BCC or ZC;~~
10 ~~d.g.~~ to hear, review, consider and approve, approve with conditions, or deny applications for
11 development permits orders for Final Subdivision or Site Plans;
12 ~~e.h.~~ to hear, review, consider and approve, approve with conditions, or deny applications for
13 TDR's for subdivisions requesting a two unit per acre or less density increase pursuant to
14 Article 5.G.3 Transfer of Development of Rights (TDRs) Special Density Program;
15 ~~f. to request other PBC officials and other agencies to provide factual information on~~
16 ~~applications for development permits as is deemed appropriate; [Ord. 2011-016]~~
17 ~~g.i.~~ to recommend to the BCC additional or amended rules of procedure not inconsistent with
18 this Section to govern the DRO; ~~and,~~ **[Ord. 2011-016]**
19 ~~h. to hear, consider and approve, approve with conditions or deny applications for Type I 1~~
20 ~~Waivers. [Ord. 2011-016] [Ord. 2012-027]~~
21 **3. Comments and Recommendations**
22 a. The DRO may seek comments and recommendations from the following PBC departments
23 and divisions, as well as other local government and state government agencies, as
24 deemed appropriate by the DRO: **[Ord. 2008-037]**
25 1) Zoning Division;
26 ~~2) Planning Division.~~
27 ~~3) Engineering Department.~~
28 ~~4) PBC HD.~~
29 ~~5) ERM.~~
30 ~~6) Parks and Recreation Department.~~
31 ~~7) Building Division.~~
32 ~~8) Department of Airports.~~
33 ~~9) Water Utilities Department.~~
34 ~~10) Fire-Rescue Department.~~
35 ~~11) PREM.~~
36 ~~12) Housing and Community Development (HCD).~~
37 ~~13) PBC School Board.~~
38 ~~14) Lake Worth Drainage District.~~
39 ~~15) Department of Environmental Protection (DEP) for Type 3 Excavation. [Ord. 2008-~~
40 ~~037] [Ord. 2017-007]~~
41 2) Building Division;
42 3) Department of Airports;
43 4) Department of Environmental Protection (DEP) for Type 3 Excavation;
44 5) Engineering Department;
45 6) Environmental Resources Management Department;
46 7) Fire Rescue Department;
47 8) Housing and Community Development (HCD);
48 9) Lake Worth Drainage District;
49 10) Parks and Recreation Department;
50 11) PBC HD;
51 12) PBC School Board;
52 13) Planning Division;
53 14) PREM; and,
54 15) Water Utilities Department.
55 b. Recommendations and comments shall be forwarded to the DRO no less frequently than
56 two times a month to dispose of matters properly and may be called for by the DRO.
57 **4. Procedures**
58 a. **DRO**
59 The Executive Director of PZB shall designate a DRO for overseeing different types of
60 Zoning applications and processes.
61 b. **Secretary**
62 The DRO shall designate a Secretary. The Secretary shall maintain all records of the DRO.
63 The records shall be stored with the agency serving as Secretary herein, and shall be
64 available for inspection by the public, upon reasonable request, during normal business
65 hours.

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EXHIBIT B

ARTICLE 2, DEVELOPMENT REVIEW PROCEDURES SUMMARY OF AMENDMENTS

(Updated 10/17/17)

1 c. **Staff**

2 The Zoning Division of PZB shall be the professional staff for the DRO.

3 d. **Certification for Public Hearing Processes**

4 All actions shall require approval certification by the DRO. The DRO shall only withhold
5 approval when ~~a proposed project an application~~ fails to meet a Code standard based upon
6 a recommendation from an affected agency.

7 e. **Approval for Administrative Processes**

8 All actions shall require approval by the DRO. The DRO shall only withhold approval when
9 an application fails to meet a Code standard based upon a recommendation from an
10 affected agency.

11 e.f. **Record of DRO**

12 Upon request, the DRO may provide, at cost, copies of recommendations upon which a
13 decision is based.

14 f.g. **Appeal**

15 Appeal of any decision of the DRO shall be made to the DRAB based on the requirements
16 in Art. 2.A. ~~11.C.2.b.1.S.2.b.2~~, DRO Review, unless stated otherwise. **[Ord. 2011-016]**

17 Reason for amendments: [Zoning]

18 3. Add Divisions that are currently under the Planning, Zoning and Building (PZB) Department.

19 **K. Executive Director of Planning, Zoning and Building**

20

21 c. to administer the PZB Department, including the Planning Division, the Zoning Division,
22 the Building Division, ~~and~~ the Code Enforcement Division, the Contractors Certification
23 Division and the Administrative Division; **[Ord. 2012-027]**

24

25 Reason for amendments: [Zoning]

26 4. Add language stating 'Approval with Modifications' to duties and powers of the Planning
27 Commission and Planning Director.

28 **M. Planning Director**

29 1. **Creation and Appointment**

30 The Planning Director of PZB shall be the division head of the Planning Division of PZB, and
31 shall be appointed and serve at the pleasure of the Executive Director of PZB.

32 2. **Jurisdiction, Authority and Duties**

33

34 d. to accept, review, and prepare staff reports recommending approval, approval with
35 conditions, approval with modifications, or denial of applications for Site Specific (FLUA)
36 amendments to the Plan; and

37

38 **N. Zoning Director**

39 1. **Creation and Appointment**

40 The Zoning Director of PZB shall be the division head of the Zoning Division of PZB, and shall
41 be appointed and serve at the pleasure of the Executive Director of PZB.

42 2. **Jurisdiction, Authority and Duties**

43 In addition to the jurisdiction, authority and duties which may be conferred upon the Zoning
44 Director by other provisions of PBC Code, the Zoning Director shall have the following
45 jurisdictions, authority and duties under this Code:

46 ~~a. to coordinate all pre-application conferences;~~ **[Relocated to Art. 2.G.4.G.2.a, related to**
47 **Power and Duties of the DRO]**

48 ~~b. to accept, review, approve, and update all applicable application requirements;~~ **[Relocated**
49 **to Art. 2.G.4.G.2.b, related to Power and Duties of the DRO]**

50 ~~c. to set the Zoning calendar, as required by Article 2.A, General;~~

51 ~~d. to accept applications for, review and prepare staff reports recommending approval,~~
52 ~~approval with conditions, or denial of applications for re-zonings, Class A and Class B~~
53 ~~Conditional Uses, waivers, site plans, subdivisions, special permits, DRIs and variances;~~
54 ~~**[Ord. 2017-007]**~~ **[Relocated to Art. 2.G.4.G.2.c, related to Power and Duties of the**
55 **DRO]**

56 ~~e. to review and approve, approve with conditions, or deny applications for development~~
57 ~~permits for special use permits and administrative variances and time extensions;~~
58 ~~**[Partially relocated to Art. 2.G.4.G.2.d, related to Power and Duties of the DRO]**~~

59 ~~f. to recommend annually any necessary amendments to this Code;~~

~~g. to administer the process of DRI review in unincorporated PBC;~~

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EXHIBIT B

ARTICLE 2, DEVELOPMENT REVIEW PROCEDURES SUMMARY OF AMENDMENTS

(Updated 10/17/17)

- 1 ~~h.c.~~ to submit ~~administrative inquiries~~ AI to the BCC pursuant to Article 2.~~D.4~~, Administrative
2 Inquiry (AI). [Ord. 2011-016]
3 ~~i.~~ to review and approve or deny applications for Adequate Public Facilities (Concurrency);
4 [Ord. 2016-016]
5 ~~j-h.~~ to revoke or suspend, if necessary, any development order or permit, ~~including a special~~
6 ~~permit~~, which was issued in violation of this Code; and, [Ord. 2016-016]
7 ~~k.i.~~ to oversee the preservation and maintenance of vegetation not covered under the
8 provisions of Art. 14, Environmental Standards, through design review, conditions of
9 approval and inspections. [Ord. 2016-016]

10
11 Part 12. NEW ULDC Art. 2.H, FLU PLAN AMENDMENTS (page xx to xx of 88), is hereby
12 established as follows:
13

Reason for amendments: [Planning] Relocate Chapter B to the new Chapter H – FLU Plan Amendments, which includes Land Use Amendments to the Future Land Use Atlas and Text Amendments to the Plan.

14 CHAPTER H FLU PLAN AMENDMENTS

15 Section 1 General

16 A. Purpose

17 *The purpose of this Chapter is to establish a review process for proposed site specific amendments*
18 *to change Future Land Use (FLU) designations on the FLUA of the Palm Beach County*
19 *Comprehensive Plan. [Ord. 2009-040] [Ord. 2012-027] [Relocated from Art. 2.C.1.A, Purpose]*

20 B. Authority

21 *Pursuant to F.S.163.3184, the BCC may adopt site specific FLUA amendments to change the FLU*
22 *subject to the provisions of this Section. [Ord. 2012-027] [Relocated from Art. 2.C.1.B,*
23 **Authority]**

24 C. Initiation

25 *An application for a site specific FLUA amendment shall be initiated only by the property owner of*
26 *the parcel, the authorized agent of the property owner or the BCC. An application for a site specific*
27 *FLUA amendment may also include a request for an associated text amendment to the*
28 *Comprehensive Plan subject to an additional fee set by the BCC. In order for the requested text*
29 *amendment to be processed, it must be initiated by the BCC and the associated FLUA amendment*
30 *application must be submitted and found sufficient. [Ord. 2009-040] [Ord. 2012-027] [Relocated*
31 **from Art. 2.C.1.C, Initiation]**

32 D. Established Dates and Fees

33 1. Timing

34 *The County accepts privately proposed applications for Large and Small Scale Amendments*
35 *up to four times per year as scheduled by the Planning Director. Scheduled intake dates shall*
36 *be announced in advance by the Planning Director. Additional amendment intake dates*
37 *outside the scheduled rounds require approval by a super majority vote of the BCC. [Ord.*
38 **2009-040] [Ord. 2012-027]**[Partially relocated from Art. 2.C.1.D.1, Timing]

39 2. Fees

40 *The application for a FLUA amendment, and any associated text amendment, shall be*
41 *accompanied by a fee established by the BCC. Any request for a refund shall be in writing,*
42 *based upon the current PZB refund policy, and approval by the Planning Director. [Ord. 2012-*
43 **027]**[Relocated from Art. 2.C.1.D.2, Fees]
44

Reason for amendments: [Planning]

- | |
|--|
| 1. To change the FLUA Amendment Pre-Application Conference to a 'Meeting' to eliminate confusion with the Zoning Division Pre-Application conference. |
| 2. To clarify that the term 'concurrently' with Small Scale Amendments indicates that the zoning and plan amendment hearings are held at the Board of County Commissioners hearing. |
| 3. To reduce the deadline for submittal of a Small Scale Amendment concurrent zoning application from 90 days to 45 days to ensure that the concurrent zoning application is submitted in a timely manner and to facilitate the concurrent review of the two applications. |

45 E. Pre-Application Meeting

46 *The purpose of the pre-application meeting is to identify issues relating to the proposed application*
47 *prior to the intake date. A pre-application meeting with the Planning Division prior to the FLUA*
48 *amendment intake is mandatory. [Ord. 2012-027] [Relocated from Art. 2.C.1.E, Pre-Application*
49 **Conference]**
50

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EXHIBIT B

ARTICLE 2, DEVELOPMENT REVIEW PROCEDURES
SUMMARY OF AMENDMENTS

(Updated 10/17/17)

F. Application Procedures

An application for a site specific amendment shall be submitted to the Planning Director along with application fees established by the BCC. [Ord. 2012-027] [Relocated from Art. 2.C.1.F, Application Procedures]

1. Concurrent Small Scale Amendments

If a small scale land use amendment requires a rezoning, conditional use, development order amendment or abandonment application(s), all applications shall be reviewed concurrently and considered by the BCC at the same public hearing. The applicant shall submit a site plan or conceptual site plan as part of the zoning application(s). The complete zoning application must be submitted at a scheduled zoning application intake within 45 calendar days of receipt of the small scale land use amendment application. If a complete zoning application is not timely submitted, the small scale land use amendment shall be administratively withdrawn immediately. [Ord. 2009-040] [Partially relocated from Art. 2.C.1.F.1, Concurrent Small Scale Amendments]

2. Contents of Application

a. General

The application shall be submitted in a form established by the Planning Director. The application must contain applicable data and analysis to substantiate any claims made within the application. Failure of an applicant to disclose relevant information shall serve as grounds for postponement by the board holding the public hearing. [Ord. 2009-040] [Relocated from Art. 2.C.1.F.2.a, General]

Reason for amendments: [Planning] Establish that an applicant's revisions to a FLUA amendment are grounds for postponement to a subsequent amendment round. Applicant revisions to a FLUA amendment during the amendment process result in processing delays since the changes often require a new review. This change will ensure that applicant modifications to an application can serve as grounds for administrative postponement to a subsequent amendment round.

b. Amendments to the Application

After the amendment is determined to be sufficient for processing, applications shall not be significantly modified unless requested by the Planning Division. Significant changes to the application submitted following a finding of sufficiency shall serve as grounds for administrative postponement by the Planning Director to the next amendment round. Significant changes to the application include, but are not limited to, changes to the proposed future land use designation, changes to proposed conditions of approval, changes to associated private text amendments. Information provided by an applicant following the distribution of the staff report to the LPA shall serve as grounds for postponement, as appropriate, of the public hearings by the board holding the public hearing. [Ord. 2009-040] [Partially relocated from Art. 2.C.1.F.2.b, Amendments to the Application]

3. Sufficiency Review

The Planning Director shall determine whether the application is sufficient or insufficient within ten days of submittal by reviewing the information required in the application and any additional data necessary to evaluate the application. The determination of sufficiency shall be based upon whether or not the application responds to all the requested information and meets minimum application criteria, as provided by the Planning Director in the application instructions. [Ord. 2009-040] [Ord. 2012-027] [Relocated from Art. 2.C.1.F.3, Sufficiency Review]

a. Sufficiency

If the application is determined to be sufficient, it shall be reviewed pursuant to the procedures and standards of this Article. [Ord. 2012-027] [Relocated from Art. 2.C.1.F.3.a, Sufficiency]

b. Insufficiency

If an application is determined to be insufficient, the Planning Director shall provide a written notice to the applicant specifying the deficiencies within ten working days of the receipt of the application. The Planning Director shall take no further action on the application until the deficiencies are remedied. If the deficiencies are not remedied within ten working days of the notice of insufficiency, the application shall be administratively withdrawn. [Ord. 2012-027] [Relocated from Art. 2.C.1.F.3.b, Insufficiency]

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EXHIBIT B

ARTICLE 2, DEVELOPMENT REVIEW PROCEDURES SUMMARY OF AMENDMENTS

(Updated 10/17/17)

Reason for amendments: [Planning]
1. To allow the Planning Director to recommend a modified FLUA amendment request. The FLUA amendment with private text amendment applications or concurrent zoning applications, and amendments to mixed and/or multiple use designations are often complex and require the ability for staff to propose modifications to the request.
2. To require 1,000-foot radius for Courtesy Notification for FLUA amendments in the Glades Tier consistent with the Rural and Exurban Tiers and to reflect the larger lot pattern in this Tier.

4. **Review, Report and Recommendation by Planning Director**

When the application is determined sufficient, the Planning Director shall review the application, consult with other agencies, prepare a staff report (which incorporates the comments of the other agencies), and make a recommendation of approval, approval with conditions, approval with modifications, or denial based on applicable data and analysis and consistency with the Palm Beach County Comprehensive Plan. The Planning Director shall publish a copy of the staff report online at least five working days prior to the LPA public hearing. [Ord. 2009-040] [Ord. 2012-027] [Partially relocated from Art. 2.C.1.F.4, Review, Report and Recommendation by Planning Director]

5. **Notification**

Notice of a proposed amendment for any public hearing shall be provided by publication of advertisement, mailed or electronically transmitted notice and posting as pursuant to the terms of this Section. The Planning Director shall notify the Intergovernmental Plan Amendment Review Committee (IPARC) of proposed land use amendments pursuant to the Plan Amendment Coordinated Review Interlocal Agreement. [Ord. 2009-040] [Ord. 2012-027] [Relocated from Art. 2.C.1.F.5, Notification]

a. **Newspaper Publication**

The required advertisements shall meet the requirements of F.S. §163.3184(11)(b) and F.S. §.125.66(4)(b)2, as amended from time to time. [Ord. 2012-027] [Relocated from Art. 2.C.1.F.5.a, Newspaper Publication]

b. **Courtesy Notice**

A copy of such notice shall be kept available for public inspection during regular business hours at the office of PZB. If the property is undergoing a simultaneous land use change and rezoning, the notice for the rezoning may be included in the notice required for the land use change. Courtesy notices shall be mailed a minimum of 15 calendar days prior to the date of the first public hearing by depositing such notice in the mail by first class mail, properly addressed and postage. [Ord. 2012-027] [Relocated from Art. 2.C.1.F.5.b, Courtesy Notice]

1) **Applicability and Mailing Boundary**

a) **Property Owners**

A courtesy "notice" of a proposed plan amendment shall be sent to all owners of real property located within 500 feet of the periphery of the subject site in the Urban/Suburban, Agricultural Reserve, and Glades Tiers, and within 1000 feet of the periphery of the subject site in the Exurban and Rural Tiers, whose names and addresses are known by reference to the latest published ad valorem tax records of PBC Property Appraiser, except that when real property consists of a condominium, the courtesy notice shall be given to the condominium association and all real property owners living within 500 feet. If the area within 500 feet is owned by the applicant or partner in interest, the 500 foot notification boundary shall be extended from these parcels. Notification shall be sent to each owner as the ownership appears on the last approved tax roll. [Ord. 2012-027] [Relocated from Art. 2.C.1.F.5.b.1)a), Property Owners]

b) **POA's and Cooperatives**

All POA's and cooperatives located within 500 feet of the periphery of the subject site in the Urban/Suburban, Agricultural Reserve, and Glades Tiers, and within 1000 feet of the periphery of the subject site in the Exurban and Rural Tiers, shall be notified. [Ord. 2012-027] [Relocated from Art. 2.C.1.F.5.b.1)b), POA's and Cooperatives]

c) **Municipalities and Counties**

All municipalities and counties within one mile of the subject site shall be notified. If a site is located within a future annexation area as identified in a municipality's Comprehensive Plan, the associated municipality shall be notified. [Ord. 2012-027] [Relocated from Art. 2.C.1.F.5.b.1)c), Municipalities and Counties]

d) **Interested Parties**

A courtesy notice of all public hearings may be sent upon request to all organizations, associations, and other interested persons or groups known to the

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EXHIBIT B

ARTICLE 2, DEVELOPMENT REVIEW PROCEDURES SUMMARY OF AMENDMENTS

(Updated 10/17/17)

1 *Planning Director. An annual fee may be assessed to defray the cost. [Ord. 2012-*
2 *027] [Relocated from Art. 2.C.1.F.5.b.1)d), Interested Parties]*

3 **2) Notice Content**

4 *All notices shall include the following information: [Ord. 2012-027] [Relocated from*
5 *Art. 2.C.1.F.5.b.2), Notice Content]*

6 *a) a general summary of the application; [Ord. 2012-027] [Relocated from Art.*
7 *2.C.1.F.5.b.2)a)]*

8 *b) a date, time and place for the public hearings; [Ord. 2012-027] [Relocated from*
9 *Art. 2.C.1.F.5.b.2)b)]*

10 *c) a general location map indicating the subject site including major streets; and [Ord.*
11 *2012-027] [Relocated from Art. 2.C.1.F.5.b.2)c)]*

12 *d) a statement that interested parties may appear at the public hearing and be heard*
13 *regarding the amendment. [Ord. 2012-027] [Relocated from Art.*
14 *2.C.1.F.5.b.2)d)]*

15 **3) Failure to Receive Courtesy Notice**

16 *Failure to receive a courtesy notice shall not be deemed a failure to comply with this*
17 *requirement, and shall not be grounds to challenge the validity of any decision made*
18 *by BCC. [Ord. 2012-027] [Relocated from Art. 2.C.1.F.5.b.3)]*

19 **Reason for amendments:** [Planning]

1. To require the FLUA amendment sites to be posted with public notice shortly after the application is determined to be sufficient for processing to reflect administrative rules in place currently in the Division that provide the greatest amount of time for the public to be notified of the request.

2. To modify posting requirements from no more than 25 feet from the street, to within no more than 25 feet from the property line fronting the street. This change will ensure that the posting is in an appropriate location and also within the land subject to the application and owned by the applicant. On occasion there are canal rights of way or other impediments between the subject site and the street that hinder the applicant from meeting the current wording.

20 **c. Signs**

21 *1) The land subject to the application shall be posted with a notice of the public hearing*
22 *by the applicant on a sign meeting standards and specifications issued by the County*
23 *within 45 calendar days of the determination that the application is sufficient for*
24 *processing. The applicant shall submit photographs and a written affidavit confirming*
25 *the signs have been posted. One sign shall be posted for each 500 feet of frontage*
26 *along a street up to a maximum of ten signs. All signs shall be: [Ord. 2012-027]*
27 *[Partially relocated from Art. 2.C.1.F.c.1), Signs]*

28 *a) Evenly spaced along the street or in a location acceptable to the Planning Director.*
29 *[Ord. 2012-027] [Relocated from Art. 2.C.1.F.5.c.1)a)]*

30 *b) Setback no more than 25 feet from the property line fronting the street. [Ord. 2012-*
31 *027] [Relocated from Art. 2.C.1.F.5.c.1)b)]*

32 *c) Erected in full view of the public. [Ord. 2012-027] [Relocated from Art.*
33 *2.C.1.F.5.c.1)c)]*

34 *Signs shall be posted in a location acceptable to the Planning Director, where the land*
35 *does not have significant frontage on a street. The failure of any such posted notice to*
36 *remain in place after the notice has been posted shall not be deemed a failure to*
37 *comply with this requirement, or be grounds to challenge the validity of any decision*
38 *made by the BCC. The applicant shall ensure the signs have been removed no later*
39 *than five days after the final hearing. [Ord. 2012-027] [Relocated from Art.*
40 *2.C.1.F.5.c.1), Signs]*

41 **Reason for amendments:** [Planning]

1. To modify the requirements for notification to property owners subject to a County Initiated Amendment to ensure that the property owner is notified in a timely fashion prior to the associated public hearing and to reflect the current initiation process.

2. To modify the requirements for Courtesy Notice and sign postings to eliminate the requirement for the County to post property for corrective FLUA amendments.

42 **d. Public Notice of County Initiated Amendments**

43 *The County shall provide written notification to each property owner of property subject to*
44 *a County Initiated future land use change a minimum of 30 calendar days prior to the first*
45 *public hearing.*

46 **e. Exceptions to Mailing and Posting**

47 *The Courtesy mailing notice and posting notice requirements shall not apply to County*
48 *Initiated site specific FLUA amendment for a land use change to a Conservation (CON)*

49 **Notes:**

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EXHIBIT B

ARTICLE 2, DEVELOPMENT REVIEW PROCEDURES SUMMARY OF AMENDMENTS

(Updated 10/17/17)

- 1 designation following acquisition by a public agency or a corrective land use change. **[Ord.**
2 **2012-027]** [Partially relocated from Art. 2.C.1.F.5.e, Exceptions to Mailing and
3 Posting]
- 4 **6. Action by the Planning Commission Sitting as the Local Planning Agency (LPA)**
5 The LPA public hearing shall be advertised in a newspaper of general circulation in accordance
6 with requirements set forth in F.S. §163.3164(39), as amended from time to time. The LPA shall
7 conduct a public hearing on the application pursuant to the procedures in Article 2.H.1.F.8,
8 Conduct of Hearing, and make recommendations regarding the proposed amendments to the
9 BCC. At the public hearing, the LPA shall review the application, the staff report, the relevant
10 support materials, and public testimony given at the hearings. At the close of the public hearing,
11 the LPA shall vote on its recommendations (approval, approval with conditions or denial). **[Ord.**
12 **2009-040]** **[Ord. 2012-027]** [Relocated from Art. 2.C.1.F.6, Action by the Planning
13 Commission Sitting as the Local Planning Agency (LPA)]
- 14 **7. Action by BCC**
15 Action by the BCC shall be governed by F.S. §163.3184, as amended from time to time. **[Ord.**
16 **2012-027]**
- 17 **a. Transmittal Public Hearing**
18 Large scale amendments require a transmittal public hearing. The transmittal public
19 hearing shall be held on a weekday at least seven calendar days after notice is published
20 pursuant to F.S. §163.3184(11)(b)1, as amended from time to time, pursuant to the
21 procedures in Article 2.H.1.F.8, Conduct of Hearing. At the public hearing, the BCC shall
22 consider the application, the staff report, the relevant support materials, the
23 recommendations of the LPA, and the public testimony given at the public hearing, and by
24 an affirmative vote of a majority of the members of the BCC present at the hearing, vote to
25 approve, approve with conditions, or deny the transmittal of the application. Failure of the
26 BCC to approve the transmittal of an application for a site-specific amendment shall be
27 deemed a denial of the proposed site-specific amendment. **[Ord. 2009-040]** **[Ord. 2012-**
28 **027]** [Relocated from Art. 2.C.1.F.7.a, Transmittal Public Hearing]
- 29 **b. Adoption Public Hearing**
30 The adoption public hearing shall be on a weekday at least five calendar days after the day
31 the notice for the public hearing is published pursuant to F.S. §163.3184(11)(b)(2), as
32 amended pursuant to the procedures in Article 2.H.1.F.8, Conduct of Hearing. At the public
33 hearing, the BCC shall consider the application, the staff report, the relevant support
34 materials, the State Land Planning Agency comments, and the public testimony given at
35 the public hearing, and by affirmative vote of a majority of the members of the BCC present
36 at the meeting, vote to adopt, adopt with conditions, or not to adopt an ordinance making
37 a site specific amendment. Small Scale Development Amendments shall require only one
38 public hearing before the BCC, which shall be an adoption public hearing, pursuant to F.S. §
39 163.3187(2), and provisions of F.S. §125.66(4)(a) as amended from time to time. Actions
40 approving Site Specific Plan amendments shall be adopted by Ordinances pursuant to
41 F.S. § 163.3187, as amended from time to time. **[Ord. 2009-040]** **[Ord. 2012-027]**
42 **[Relocated from Art. 2.C.1.F.7.b, Adoption Public Hearing]**
- 43 **8. Conduct of Hearing**
- 44 **a. Rights of All Persons**
45 Any person may appear at a public hearing and submit evidence, either individually or as
46 a representative of an organization. Anyone representing an organization shall present
47 evidence of their authority to speak on behalf of the organization in regard to the matter
48 under consideration. Each person who appears at a public hearing shall be identified, state
49 an address, and if appearing on behalf of an organization, state the name and mailing
50 address of the organization. **[Ord. 2012-027]** [Relocated from Art. 2.C.1.F.8.a, Rights
51 of all Persons]
- 52 **b. Due Order of Proceedings**
53 The order of the proceedings shall be pursuant to 2.B.6.D, Conduct of Hearing. [Partially
54 relocated from Art. 2.C.1.F.8.b, Due Order of Proceedings]
- 55 **c. Postponement of Public Hearing for Small Scale Amendments**
- 56 **1) Administrative Postponements**
- 57 a) An applicant shall have the right to request and be granted one administrative
58 postponement, of no more than 60 days, of the LPA public hearing without an
59 additional fee; provided that the request is made in writing at least 20 days prior to
60 the hearing and is submitted along with an additional set of the required five-
61 hundred foot public notice envelopes. **[Ord. 2012-027]** [Relocated from Art.
62 2.C.1.F.8.c.1)a), Administrative Postponements]
- 63 b) An applicant shall have the right to request and be granted one entitlement
64 continuance, of no more than 60 days, of the BCC Adoption public hearing;
65 provided that the request is made in writing at least 20 days prior to the hearing

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EXHIBIT B

ARTICLE 2, DEVELOPMENT REVIEW PROCEDURES
SUMMARY OF AMENDMENTS

(Updated 10/17/17)

and is submitted along with an additional set of the required five-hundred foot public notice envelopes. [Ord. 2009-040] [Ord. 2012-027] [Relocated from Art. 2.C.1.F.8.c.1)b), Administrative Postponements]

2) LPA or BCC Public Hearing Continuances

The body conducting the public hearing may by its own motion, or at the request of any applicant or the Planning Director, continue the public hearing or meeting to a fixed date, time and place. Such continuances shall be granted at the discretion of the body conducting the hearing only upon good cause shown. The applicant may be required to provide an additional set of the required courtesy notice envelopes and may be subject to a fee as established by the BCC. [Ord. 2009-040] [Ord. 2012-027] [Relocated from Art. 2.C.1.F.8.c.2), LPA or BCC Public Hearing Continuances]

Reason for amendments: [Planning]
1. To relocate redundant language from under subheadings to the main heading.
2. To reference the administrative postponements for large-scale amendments currently in practice, and to clarify that the LPA has the ability to postpone public hearings for large-scale amendments within the large-scale amendment round consistent with Art. 2.G.3.J.5, Rules Applicable to the Local Planning Agency.
3. To delete sentence stating that the applicant is not entitled to the return of the submitted application since this language is not necessary.

d. Postponement of Large Scale Amendments

In order to provide most current data, the applicant of an amendment postponed to the next round shall submit the fee with an updated application including a new traffic analysis on the intake date of the next round, along with a new set of courtesy notices. Failure to submit the fee and an updated application will result in the amendment being administratively withdrawn. [Partially relocated from Art. 2.C.1.F.8.d.1), Administrative Postponements]

1) Administrative Postponements

An applicant shall have the right to request and be granted one administrative postponement, to a subsequent amendment round and will be subject to a fee as established by the BCC; provided that the request is made in writing at least 20 days prior to the LPA public hearing. The Planning Director may approve administrative postponements provided that the request is made in writing at least 5 days prior to the publication of the agenda for the public hearing. [Ord. 2009-040] [Ord. 2012-027] [Partially relocated from Art. 2.C.1.F.8.d.1), Administrative Postponements]

2) Non-Administrative Postponements

Following the publication of the agenda for a public hearing, postponements shall be granted at the discretion of the body conducting the hearing and shall be subject to a fee established by the BCC. The LPA may continue a public hearing within the same amendment round. The LPA may postpone an amendment to a subsequent amendment round at the request of an applicant provided that the BCC public hearing has not been advertised. [Ord. 2012-027] [Partially relocated from Art. 2.C.1.F.8.d.2), Non Entitlement Continuances]

9. Withdrawal of Applications and Refunds

An applicant shall have the right to withdraw an application for a site specific amendment at any time prior to the advertised adoption public hearing by the BCC. Any request for a refund shall be in writing, based upon the current PZB refund policy, and approval by the Planning Director. [Ord. 2009-040] [Ord. 2012-027] [Relocated from Art. 2.C.1.F.9, Withdrawal of Applications]

Part 13. New ULDC Art. 2.I, COORDINATED SCHOOL PLANNING (pages 87 of 87), is hereby established as follows:

Reason for amendments: [Planning] The Florida Statutes requires that counties and cities enter into a coordinated planning agreement with the School District and encourages local governments to have a uniform agreement. The County and School District entered into this agreement in December 2015. The Statute has a set of minimum requirements that is met in the agreement. The School Capacity Availability Determination (SCAD) letter sets forth the findings and recommendations of the School District, specifically for the capacity, or lack thereof, of existing facilities or planned facilities in the current School District to serve additional students. The agreement provides the ability to conduct an analysis on the direct impact of new development on schools. Changes to the ULDC reflect the new agreement.

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EXHIBIT B

ARTICLE 2, DEVELOPMENT REVIEW PROCEDURES SUMMARY OF AMENDMENTS

(Updated 10/17/17)

1 **CHAPTER I COORDINATED SCHOOL PLANNING**

2 **SECTION 1 Purpose**

3 The purpose of this Chapter is to establish a mechanism for collaborative planning and decision making
4 with the Palm Beach County School District and Palm Beach County to measure district school capacity
5 available to accommodate new development pursuant.

6
7 **SECTION 2 Authority**

8
9 The Board of County Commissioners has the authority to adopt this chapter pursuant to the Palm Beach
10 County Charter, and Florida Statutes §163.01, Florida Statutes §163.3177(6)(h), Florida Statutes §1013.33,
11 the Palm Beach County Comprehensive Plan and the Interlocal Agreement for Coordinated Planning (R-
12 2015-1864).

13
14 **SECTION 3 Applicability**

15
16 The requirements of the Interlocal Agreement for Coordinated Planning, as amended, shall apply to all DOs
17 for the safe, convenient, orderly and adequate provision of public school facilities.

18
19 **SECTION 4 School Capacity Availability Determination**

20
21 The County shall notify the School District of any land use or rezoning applications that may increase
22 residential FLUE Designation or density at least 30 days prior to the date of the applicable public hearing.
23 The County will transmit to School District all applicable support material, and the date, time, and place of
24 the applicable public meeting. Within 20 days of receipt of completed application, the School District shall
25 submit to the County a school capacity availability determination providing the District's findings and
26 recommendations.

27
28
29 **Part 14. ULDC Art. 1.I, DEFINITIONS & ACRONYMS (pages 45, 56, 61, 64, 70 , 85, 106 and 108 of**
30 **110), is hereby amended as follows:**

31

<p>Reason for amendments: [Planning] The Florida Statutes requires that counties and cities enter into a coordinated planning agreement with the School District and encourages local governments to have a uniform agreement. The County and School District entered into this agreement in December 2015. The Statute has a set of minimum requirements that is met in the agreement. Changes to the ULDC reflects the changes in the new agreement and the Comprehensive Plan. The deleted or revised definitions are outdated, unused, do not reflect the current Statute requirements or are addressed in the interlocal agreement.</p>

32 **CHAPTER I DEFINITIONS & ACRONYMS**

33
34 **C. Terms defined herein or referenced Article shall have the following meanings:**

35
36 66. **Concurrency, Public Facilities** - capital facilities including, but not limited to, roads, parks and
37 recreation, fire-rescue, library law enforcement, and public buildings, ~~and school sites~~.

38
39 ~~70. **Concurrency Service Area (CSA)** - the specific geographic unit within a school district in which~~
40 ~~school concurrency is applied and measured.~~

41 **[Renumber Accordingly]**

42 **F. Terms defined herein or referenced Article shall have the following meanings:**

43
44 ~~43. **Florida Inventory of School Houses (FISH)** - for the purposes of Art. 2, the report of the~~
45 ~~capacity of existing facilities. The FISH capacity is the number of students that may be housed~~
46 ~~in a facility (school) at any given time based on using a percentage of the number of existing~~
47 ~~satisfactory student stations and a designated size for each program. In PBC, permanent~~
48 ~~capacity does not include the use of relocatables unless they meet the standards for long-term~~
49 ~~use pursuant to F.S. §235.061.~~

50
51 **I. Terms defined herein or referenced Article shall have the following meanings:**

52
53 ~~28. **Interlocal Agreement** - Agreement between the BCC, the municipalities of PBC, and the PBC~~
54 ~~School Board effective January 25, 2001, and recorded in the Official Records Book 12272,~~
55 ~~Page 973, Public Records, PBC, Florida; **[Ord. 2010-022]**~~

Notes:

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EXHIBIT B

ARTICLE 2, DEVELOPMENT REVIEW PROCEDURES
SUMMARY OF AMENDMENTS

(Updated 10/17/17)

....
L. Terms defined herein or referenced Article shall have the following meanings:

....
23. Level of Service (LOS) -

- a. ~~For the purposes of Art. 2, the measure of the utilization, expressed as a percentage, which is the result of comparing the number of students enrolled in any school with the satisfactory student stations (FISH capacity) at a given location or within a designated area (i.e., a CSA), e.g., a facility with 1,000 students and a FISH capacity of 970, has a LOS of 103 percent. Also referred to as the utilization of a facility.~~
- b. For the purposes of Art. 12, the measure of the functional and operational characteristics of a roadway based upon traffic volume in relation to road capacity or the amount of vehicle delay or average speed.

....
M. Terms defined herein or referenced Article shall have the following meanings:

....
~~53. Municipalities - for the purposes of Art. 2, all municipalities in PBC, except those that are exempt from participating in the school concurrency program, pursuant to F.S. §163.3180.~~

....
S. Terms defined herein or referenced Article shall have the following meanings:

....
9. ~~School District Five Year Capital Facilities Plan - for the purposes of Art. 2, the School District of PBC Five Year Work Plan and Capital Budget as authorized by F.S. §235.185.~~

Reason for amendments: [Planning] The interlocal agreement defines the necessary acronyms and definitions. The following acronyms are no longer necessary in the Code.

Section 3 Abbreviations and Acronyms

~~FISH - Florida Inventory of School House~~

~~SCS - School Capacity Study~~

Part 15. ULDC Art. 1.F.2.E.2, Non-Residential Development & or Residential Development Other Than Single Family (page 21 of 110), is hereby amended as follows:

<p>Reason for amendments: [ZONING]</p> <p>1. Proposed to replace Type 1A Variance with Type 1 Waiver. Staff has determined that the Type 1 Waiver is a more appropriate process than the Variance process for those applications requesting minor deviation of code requirements. Since Type 1A Variance is replaced by the Waiver process; therefore, Type 1B can be renamed to Type 1 Variance.</p> <p>2. Format – replace all Roman numeral to Arabic numeral, e.g. II to 2.</p>
--

CHAPTER F NONCONFORMITIES

Section 2 Nonconforming Lot

E. Non-Residential Development & or Residential Development Other Than Single Family

-
- 2. All other ~~property development regulations PDRs~~, supplemental development regulations and setbacks for the use are met, or variances are obtained pursuant to the requirements of Art. 2.B.3.7.E, Type ~~II~~ 2 Variance, or ~~Art. 2.D.3. Type 1A and Art. 2.C.5.D. Type 1B Administrative Variance~~s, and Art. 2.C.5.E, Type 1 Waiver. [Ord. 2008-037] [Ord. 2010-005] [Ord. 2010-022]

Part 16. ULDC Art. 1.I.2.D., Definitions (pages 50, 90-91 of 110), is hereby amended as follows:

Reason for amendments: [Zoning] Replace Special Permit Uses with Temporary Uses. Special Permit is not a type of use and it is no longer an approval process as it was replaced with Zoning Agency Review.

CHAPTER I DEFINITIONS & ACRONYMS

Section 2 Definitions

Notes:

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EXHIBIT B

ARTICLE 2, DEVELOPMENT REVIEW PROCEDURES SUMMARY OF AMENDMENTS

(Updated 10/17/17)

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....

S. Terms defined herein or referenced Article shall have the following meanings:

....
62. **Special Permit Temporary Uses** - are generally compatible with the other uses permitted in a district, but that require individual review of their location, design, configuration and intensity and density of use, buildings and structures, and may require the imposition of conditions in order to ensure the appropriateness of the use at a particular location. These uses are generally ~~temporary~~ provisional for a specified, fixed period of time.
....

Part 17. ULDC Art. 3.B.4.D.2.a, General [Related to Administrative Approvals in the Glades Area Overlay] (page 25 of 210), is hereby amended as follows:

Reason for amendments: [Zoning] Delete Special Permit reference as that process is replaced with DRO approval, more particularly the Zoning Agency Review (ZAR) process.
--

15 CHAPTER B OVERLAYS

16 Section 4 GAO, Glades Area Overlay

17 D. Approval Process

18 2. Administrative Approvals

19 a. General

20 Uses shown in a Use Matrix as Permitted by Right (P), ~~Special Permit (S)~~, or Development
21 Review Officer (DRO) shall remain subject to the same approval process shown in the Use
22 Matrix. [Ord. 2014-025]

23
24
25 Part 18. ULDC Art. 3.B.6.C, Use Regulations [Related to LOSTO, Lake Okeechobee Scenic Trail
26 Overlay] (page 30 of 210), is hereby amended as follows:
27

Reason for amendments: [Zoning] See reason under Part 3.
--

28 CHAPTER B OVERLAYS

29 Section 6 LOSTO, Lake Okeechobee Scenic Trail Overlay

30 C. Use Regulations

31
32 4. Office, Business or Professional; [Ord. 2017-007]

33 Within the LOSTO, an office limited to a maximum of 1,500 square feet of GFA and for the sole
34 purpose of arranging nature or heritage based activities, such as bicycle tours and bus tours
35 to natural, agricultural, or historic points of interest of the area, shall be allowed subject to ZAR
36 process approval of a Special Permit. [Ord. 2017-007]

37
38 6. Retail Sales. [Ord. 2017-007]

39 Additional standards for Retail Sales shall be limited to specialty shops selling merchandise
40 such as hand-crafted items, nature books, prepackaged meals, snacks, and non-alcoholic
41 beverages for consumption off the premises, hiking supplies such as backpacks and walking
42 sticks, and outfitters renting equipment for recreational use including bicycles, skates, canoes,
43 and kayaks and 3,000 square feet of total floor area shall be allowed subject to ZAR process
44 approval of a Special Permit.
45
46

47 Part 19. ULDC Art. 3.B.11.C., Uses Regulations [Related to SCGCFO, Sugar Cane Growers
48 Cooperative of Florida Protection Area Overlay] (pages 38-39 of 210), is hereby amended
49 as follows:
50

Reason for amendments: [Zoning] See reason under Part 3.
--

51 CHAPTER B OVERLAYS

52 Section 11 SCGCFO, Sugar Cane Growers Cooperative of Florida Protection Area Overlay

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EXHIBIT B

ARTICLE 2, DEVELOPMENT REVIEW PROCEDURES
SUMMARY OF AMENDMENTS

(Updated 10/17/17)

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C. Use Regulations

The following uses may be permitted in the SCGCFO, subject to Article 4, Use Regulations, and the following: [Ord. 2004-040] [Ord. 2017-007]

Uses Permitted by Right:	DRO Uses:
....	
Class A Conditional Uses:	Special Permit: ZAR
Electrical Power Plant	Produce stand, Temporary
Livestock raising (more than five animals per acre)	Caretakers Quarters
Sugar mill or refinery	
[Ord. 2013-001] [Ord. 2017-007]	

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EXHIBIT B

ARTICLE 2, DEVELOPMENT REVIEW PROCEDURES
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(Updated 10/17/17)

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Part 20. ULDC Art. 3.B.14, WCRAO, Westgate Community Redevelopment Area Overlay (pages 42, 54 of 216), is hereby amended as follows:

Reason for amendments: [Zoning] 1. Change approval process for the expansion of existing non-conforming parking from Class A Conditional Use to Type 2 Waiver. In both cases, it is subject to BCC's approval but a Type 2 Waiver is subject to different evaluation Standards.

CHAPTER B OVERLAYS

Section 14 WCRAO, Westgate Community Redevelopment Area Overlay

B. General Development Standards

1. Nonconformities

a. Expansion of Existing Non-conforming Parking

The addition of parking to a non-conforming structure, and that does not meet the location requirements of this Section, ~~that is included in the expansion of a non-conforming structure~~ shall be permitted subject to a Type 2 Waiver approval.~~BCC approval of a Class A Conditional Use.~~ [Ord. 2006-004]

....

H. Density Bonus Programs

2. Other Density Bonus Programs

~~Requests for approval of other residential density through Art. 5.G., Density Bonus Programs~~
The Applicant may request to waive modify or reduce the landscape requirements pursuant to Article 7, Landscaping subject to a Type 2 Waiver process. ~~compatibility and additional landscaping required, The request shall be if~~ consistent with the Plan, ~~subject to and~~ a WCRA recommendation for approval ~~and BCC approval of a Class A or Requested Use~~ . [Ord. 2006-004]

....

Part 21. ULDC Art. 3.B.15.F.6.e.4.a, Residential Setbacks,(page 75 of 216), is hereby amended as follows:

Reason for amendments: [Zoning] 1. Change approval for setback provision pertaining to outdoor uses in the Infill Redevelopment Overlay (IRO) from Class A Conditional Use to Type 2 Waiver. In both cases, it is subject to BCC's approval but a Type 2 Waiver is subject to different evaluation Standards.

CHAPTER B OVERLAYS

Section 15 INFILL REDEVELOPMENT OVERLAY (IRO)

F. Design and Development Standards

6. Building Standards

e. Additional Building Standards

4) Outdoor Uses

a) Residential Setbacks

Outdoor uses shall be setback a minimum of 200 feet from any abutting residential use or parcel with a residential future land use designation, unless approved through a Type 2 Waiver process by the BCC as a Class A Conditional Use. This shall include vehicular access and parking for vehicular related uses such as gasoline sales, car washes, or drive through facilities. [Ord. 2010-005]

....

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EXHIBIT B

ARTICLE 2, DEVELOPMENT REVIEW PROCEDURES
SUMMARY OF AMENDMENTS

(Updated 10/17/17)

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Part 22. ULDC Art. 3.B.16.E.3.a., Residential Setbacks [Related to Outdoor Uses] (page 88 of 216), is hereby amended as follows:

Reason for amendments: [Zoning]
1. Format – replace all Roman numeral to Arabic numeral, e.g. II to 2.

CHAPTER B OVERLAYS

Section 16 Urban Redevelopment Area Overlay (URAO)

E. Additional PRA Use Regulations

3. Outdoor Uses

a. Residential Setbacks

Outdoor uses shall be setback a minimum of 200 feet from any abutting non-PRA residential use or parcel with a residential future land use designation, unless approved ~~by the BCC as through~~ a Type ~~# 2 URAO~~-Waiver ~~or in conjunction with a Conditional Use approval~~. This shall include vehicular access and parking for vehicular related uses such as gasoline sales, car washes, or drive through facilities, but shall not include drive through facilities for Financial Institutions or ATM lanes. [Ord. 2010-022] [Ord. 2011-016]

....

Part 23. ULDC Art. 3.C.1.A.2.a.2., Permitted Contiguous Development (page 114 of 216), is hereby amended as follows:

Reason for amendments: [Zoning]
1. Specify the type of approval process by the BCC. In this case, a Class A Conditional Use is required for such requests.

CHAPTER C STANDARD DISTRICTS

Section 1 General

A. Agricultural Districts

2. AGR, Agricultural Reserve District

a. Exempted Residential Uses

2) Permitted Contiguous Development

An exception shall be permitted in accordance with FLUE Policy 1.5-c, whereas Delray Lakes Estates, Willis Glider Port and Snow Ranch Estates (a.k.a Horseshoe Acres) may expand, subject to ~~BCC a Class A Conditional Use~~ approval, to allow development of contiguous residual parcels at a density that is consistent with the existing development, where it would serve to establish uniform boundaries. Expansion shall be subject to Table 3.C., AGR Contiguous Development PDRs. [Ord. 2006-004] [Ord. 2007-001]

....

Part 24. ULDC Art. 4.A.7.C.2, Development Review Officer, (page 10 of 204), is hereby amended as follows:

Reason for amendments: [Zoning]
1. Delete Special Permit reference in Article 4 as the approval has been replaced with the DRO more particular to the Zoning Agency Review (ZAR) process. Special Permit is no longer available as a process, except for Billboards.

CHAPTER A USER GUIDE AND GENERAL PROVISIONS

Section 7 Determining Approval Process

C. Use Matrix

...

~~3. Special Permit~~

~~Uses identified with an "S" are allowed in the zoning district only if approved by the Zoning Director in accordance with Article 2.D.2, Special Permit. Most of the Uses subject to Special Permit are under the Temporary Use Classification.~~

[ReNUMBER Accordingly]

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EXHIBIT B

**ARTICLE 2, DEVELOPMENT REVIEW PROCEDURES
SUMMARY OF AMENDMENTS**

(Updated 10/17/17)

C. Definitions and Supplementary Use Standards for Specific Uses

1. Agriculture, Bona Fide

i. Agriculture Marketplace

4) Use Limitations and Sale of Products

c) Collocated Uses

(3) Retail Sales, Mobile or Temporary and Special Event

Mobile sales shall be permitted subject to approval of a ~~Special Permit~~
~~Temporary Use through the ZAR process.~~

~~(4) Special Event~~

~~Subject to approval of a Special Permit~~

14. Nursery, Wholesale

b. Approval Process

Table 4.B.6.C - Residential Districts in the USA

Residential Districts in the USA	
Special Permit-ZAR (1)	Five acres or less.
DRO	More than five but less than 20 acres.
Class B Conditional Use	20 or more acres.
(1) If no approved Final Site or Subdivision Plan, the application shall be subject to the Full DRO process.	

Table 4.B.6.C. – AR District in RSA

AR District in RSA	
Permitted	Ten acres or less.
Special Permit-ZAR (1)	More than ten but less than 40 acres.
DRO	40 or more acres.
(1) If no approved Final Site or Subdivision Plan, the application shall be subject to the Full DRO process.	

Part 25. ULDC Art. 4.B.11, Temporary Uses (page 13 of 204), is hereby amended as follows:

Reason for amendments: [Zoning]
1. Replace the Special Permit process with the Zoning Agency Review (ZAR) process. The review and decision making person for the ZAR is the DRO.
2. Include temporary structures under temporary uses to clarify that Zoning Division review and make a decision on the temporary use; however, the structures shall be subject to Building Permit review, and applicable requirements such as number of temporary structures, setbacks, etc. may be reviewed at permit application.

CHAPTER B USE CLASSIFICATION

Section 11 Temporary Uses

A. Temporary Use Matrix

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EXHIBIT B

ARTICLE 2, DEVELOPMENT REVIEW PROCEDURES SUMMARY OF AMENDMENTS

(Updated 10/17/17)

Reason for amendments: [Zoning]

3. Update multiple references to delete Special Permit process as it was replaced to DRO and update references to Art. 2 to reflect changes made to that article.

B. General Standards and Application Requirements

1. Design Standards

- a. All Temporary Uses, which includes all related activities, structures, vehicles, and equipment shall not be located in a manner that distracts motor vehicle operators, or causes any vehicles to stop or park in violation of the law or official traffic-control devices.
- b. All Temporary Uses and temporary structures shall not be located in the required setbacks, parking, driveway aisles or loading areas, vehicular maneuvering areas, fire lanes, landscape buffers, sidewalks or ADA accessible routes, unless stated otherwise herein.

....

5. Additional Submittal Requirements

In addition to the requirements pursuant to Art. 2.C.5.C, ~~Development Review Procedures Temporary Use~~, the following documentation shall be provided by the Applicant:

C. Definitions and Supplementary Use Standards for Specific Uses

....

3. Mobile Retail Sales

a. Definition

General retail sales from a mobile vehicle or a portable trailer without a fixed or permanent location.

....

~~c. Renewal~~

~~The Special Permit shall be renewed annually pursuant to Art. 2.D.2, Special Permit.~~

~~dc. Location~~

- 1) Sites must comply with parking space requirements outlined in Table 6.A.1.B - Minimum Off Street Parking and Loading Requirements prior to applying ~~for a Special Permit~~ for Mobile Retail Sales.

....

4. Real Estate Sales Model, Non-PDD

....

b. Duration

The ~~Special Permit~~ DO shall be valid for five years from the date of issuance and may be renewed for an additional five years.

....

5. Recycling Drop-Off Bin

a. Definition

A totally enclosed temporary structure or portable container within which the following pre-sorted, recyclable materials are collected: glass, aluminum, steel, and plastic containers no greater than six gallons in capacity, and paper.

~~b. Approval Process~~

~~If a DRO Site Plan is not on file with the Zoning Division, a Special Permit shall be required, and may be renewed annually pursuant to Art. 2.D.2, Special Permit.~~

....

g. Operation

- 1) The bin and adjacent area shall be maintained and free from litter, debris, and residue on a daily basis. Failure to maintain the bin and adjacent area may result in the revocation of the DO ~~DRO approval or Special Permit~~.

Reason for amendments: [Zoning]

3. Clarify special events occurring in road right of ways and contained in Art. 12, Traffic Performance Standard are not the same as those Special Events regulated in Art. 4.B.11, Temporary Uses.

6. Special Event

a. Definition

A temporary activity which may include rides, amusements, food, games, crafts, and performances.

b. Typical Special Events

Typical Special Events may include but are not limited to carnivals, circuses, temporary auctions, rallies, and revivals.

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EXHIBIT B

ARTICLE 2, DEVELOPMENT REVIEW PROCEDURES SUMMARY OF AMENDMENTS

(Updated 10/17/17)

1 **c. Approval Process**

2 The use shall be subject to ~~Special Permit~~ ZAR if the event is projected to attract less than
3 1,000 patrons on a site less than two acres. Project attendance shall be specified in the
4 application.

5
6 **e. Zoning District - Residential**

7 Special Events that are prohibited in residential zoning districts may be allowed subject to
8 a ~~Special Permit~~ DRO approval ~~if the, and the~~ following standards are met:

- 9 1) Shall be collocated with a Place of Worship;
10 2) Hours of operation shall be from 9:00 a.m. to 5:00 p.m.; and,
11 3) Special Events and religious services operating during the same time are required to
12 provide parking for both activities or comply with the off-site parking provisions in Art.
13 6, Parking.

14
15 **7. Temporary Green Market**

16 **a. Definition**

17 A temporary gathering of vendors, primarily for the purpose of selling fresh unprocessed
18 fruit, vegetables, flowers, and consumable items such as coffee, bread and prepared food.

19
20 ~~**c. Renewal**~~

21 ~~The Special Permit may be renewed annually, pursuant to Art. 2.D.2, Special Permit.~~

22
23 **8. Temporary Retail Sales**

24 **a. Definition**

25 General retail sales without a fixed or permanent location.

26
27 **g. Operation**

28 All debris shall be completely removed from the site, and the property shall be returned to
29 its original condition, within 24 hours of the expiration of the DO ~~Special Permit~~ or the
30 removal of the activities associated with Special Event.

31 **h. Special Provisions for Sparklers**

32 Shall comply with the following additional requirements:

33 **1) Zoning Districts**

34 Shall be limited to CG and IL.

35 **2) Seasonal Limitations**

36 Shall only be allowed June 20 through July 5 and December 10 through January 2 of
37 each year.

38 **3) Additional Application Requirements**

39 The ~~Special Permit~~ application shall include the following information:
40
41
42

43 **Part 26. ULDC Art. 5.B.1.B, Temporary Structures**

Reason for amendments: [Zoning]
1. Consolidate Emergency and Temporary Structures for Government entities and Utility companies under one Section in Article 5. Clarify different types of temporary structures are utilized for different situations: for those State of Emergency situations and for construction activities for government entities (such as FDOT, SFWMD) and utility companies (such as FPL).
2. Emergency structures may not be subject to any review process and can be waved by the Executive Director of PZ&B since it is mainly for disaster recoveries; and other non-disaster structures will be subject to review through a Zoning Agency Review.

45
46 **CHAPTER B ACCESSORY USES AND STRUCTURES**

47 **Section 1 Supplementary Regulations**

48 **B. ~~Temporary Structures~~ Emergency or Temporary Government or Utility Structures**

49 **~~1. Emergency or Temporary Government Structures and Uses~~**

50 ~~This Section is intended to~~ To allow the placement or construction of structures or facilities that are
51 temporary to government uses, facilities, and infrastructure improvements that address an
52 immediate public need and ensure health, safety and welfare concerns for the State of Emergency
53 resulting from natural or pending disasters; or Construction staging activities for infrastructure
54 improvements, which includes but not limited to a R-O-W construction staging area that is utilized

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EXHIBIT B

ARTICLE 2, DEVELOPMENT REVIEW PROCEDURES SUMMARY OF AMENDMENTS

(Updated 10/17/17)

1 *for the temporary overnight storage of materials used during infrastructure improvement.* [Partially
2 relocated from Art. 5.B.1.B.3.e, Construction Staging Areas for Right of Ways (R-O-W)]
3 Typical uses ~~include, but are not limited to, may include:~~ fire stations, hurricane shelters, ~~or~~-utility
4 facilities; or construction staging areas. [Ord. 2011-001]

5 ~~a.1.~~ Review and Approval Process

6 Emergency or temporary structures shall be subject to the approval by the DRO through a ZAR
7 process. The ZAR process may be waived by the Executive Director of PZB as stated below:

8 ~~1)a.~~ Emergency ~~Uses or~~ Structures

9 The Executive Director of PZB may wave the ZAR process, and authorize the issuance of
10 a building permit for a temporary structure upon determination that a public emergency,
11 pending natural disaster, or actual natural disaster, exists. [Ord. 2011-001]

12 ~~2)b.~~ Temporary Structures

13 ~~(a) — DRO Pre-Application Conference or BCC Direction~~

14 The Zoning Director may require a ~~pre-application conference~~ PAC with the DRO in order
15 to seek input from the various County Agencies on the temporary structure, or may seek
16 direction from the BCC through an AI. The Zoning Director shall consider documentation
17 from the ~~a~~Applicant and any other input from County Agencies before issuance of a DO
18 Special Permit. [Ord. 2011-001] [Ord. 2011-016] [Ord. 2017-007]

19 ~~b)~~Special Permit

20 ~~A Special Permit approval of the temporary structure pursuant to Article 2.D.2.~~
21 ~~Special Permit, must be obtained prior to the issuance of a building permit. [Ord.~~
22 ~~2011-001] [Ord. 2017-007]~~

23 ~~(e)1)~~Duration

24 The ~~Special Permit~~ DO shall be valid for up to a period of six months from date of
25 issuance, with one three month extension by the Zoning Director. The BCC may
26 extend the timeframe through an ~~Administrative Inquiry~~AI by the Zoning Director. [Ord.
27 2011-001]

28 ~~2)~~ Construction Staging Areas for Right of Ways (R-O-W)

29 In addition to the requirements listed above, the following shall apply to those
30 construction staging areas located on or adjacent to residentially zoned parcels. [Ord.
31 2008-003] [Relocated from Art. 5.B.3.e., Construction Staging Areas for Right of
32 Ways (R-O-W)]

33 ~~a.~~ Hours of Operation

34 *Activity on the site shall not commence prior to 7:00 a.m. and must be completed*
35 *prior to 10:00 p.m. A Type 1 Variance may be applied for to request modification*
36 *from this provision.* [Ord. 2008-003] [Relocated from Art. 5.B.3.e.3),
37 Construction Staging Areas for Right of Ways (R-O-W), Hours of
38 Operation/Use]

39 ~~b.~~ Setbacks or Separations

40 *Stored materials shall not be located within the required minimum district setback.*
41 [Ord. 2008-003] [Relocated from Art. 5.B.3.e.4), Construction Staging Areas
42 for Right of Ways (R-O-W, Setbacks/Separations)]

43 ~~c.~~ Screening

44 *Temporary screening material, a minimum of five feet in height and 85 percent*
45 *opacity, shall be provided around the perimeter of the staging area, adjacent to*
46 *residential uses, to mitigate visual impact.* [Ord. 2008-003] [Relocated from Art.
47 5.B.3.e.5), Construction Staging Areas for Right of Ways (R-O-W), Screening]

48 ~~d.~~ Dust Control

49 *Appropriate measures shall be taken, pursuant to Health Department*
50 *requirements, to control dust or other airborne particulate matter.* [Ord. 2008-003]
51 [Relocated from Art. 5.B.3.e.6), Construction Staging Areas for Right of Ways
52 (R-O-W), Dust Control]

53 ~~e.~~ Exceptions

54 *Projects with a duration of 30 days or less shall be exempt from the requirements*
55 *of this section.* [Ord. 2008-003] [Relocated from Art. 5.B.3.e.7), Construction
56 Staging Areas for Right of Ways (R-O-W), Exceptions]

57 ~~....~~ 58 ~~e.~~ Construction Staging Areas for Right of Ways (R-O-W)

59 ~~This section shall only apply to staging areas located on or adjacent to residentially zoned~~
60 ~~parcels. [Ord. 2008-003]~~

61 ~~1) — Use~~

62 ~~A R-O-W construction staging area shall be utilized for the temporary overnight storage~~
63 ~~of materials used during infrastructure improvement. [Ord. 2008-003]~~

64 ~~2) — Special Permit~~

Notes:

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EXHIBIT B

ARTICLE 2, DEVELOPMENT REVIEW PROCEDURES
SUMMARY OF AMENDMENTS

(Updated 10/17/17)

- 1 ~~A Special Permit shall be obtained from the Zoning Division prior to utilizing a site for~~
- 2 ~~staging. A site plan may be submitted in lieu of the survey. [Ord. 2008-003]~~
- 3 ~~3) Hours of Operation / Use~~
- 4 ~~Activity on the site shall not commence prior to 7:00 a.m. and must be completed prior~~
- 5 ~~to 10:00 p.m. A Type 1B Administrative Variance may be applied for to request~~
- 6 ~~deviation from this provision. [Ord. 2008-003]~~
- 7 ~~4) Setbacks / Separations~~
- 8 ~~Stored materials shall not be located within the required minimum district setback.~~
- 9 ~~[Ord. 2008-003]~~
- 10 ~~5) Screening~~
- 11 ~~Temporary screening material, a minimum of five feet in height and 85 percent opacity,~~
- 12 ~~shall be provided around the perimeter of the staging area, adjacent to residential uses,~~
- 13 ~~to mitigate visual impact. [Ord. 2008-003]~~
- 14 ~~6) Dust Control~~
- 15 ~~Appropriate measures shall be taken, pursuant to Health Department requirements, to~~
- 16 ~~control dust or other airborne particulate matter. [Ord. 2008-003]~~
- 17 ~~7) Exceptions~~
- 18 ~~Projects with a duration of 30 days or less shall be exempt from the requirements of~~
- 19 ~~this section. [Ord. 2008-003]~~
- 20 ~~....~~

21
22
23 **Part 27. ULDC Art. 5.C.1, Architectural Guidelines (page 51-52 of 107), is hereby amended as**
24 **follows:**

Reason for amendments: [Zoning]
1. Clarify that Class A Conditional Use approval is the specific BCC approval process that applies to request an increase of square footage of a single tenant in CH FLU designation of a Large Scale Commercial Development.

26 **CHAPTER C DESIGN STANDARDS**

27 **Section 1 Architectural Guidelines**

28 **I. Large Scale Commercial Development**

- 29 **1. Single Tenant Limit**
- 30 Variances from these requirements shall be prohibited. [Ord. 2005 – 002] [Ord. 2011-001]
- 31 **b. CH FLU**
- 32 **1) Exception**
- 33 An additional 10,000 square feet shall be permitted, for a total of 210,000 gross square
- 34 feet, subject to **BCC Class A Conditional Use** approval and the following requirements:
- 35 [Ord. 2005 – 002]
- 36 ~~....~~

37
38
39 **Part 28. ULDC Art. 6.A.1.D., Off-Street Parking (pages 15,19 and 33 of 40), is hereby amended as**
40 **follows:**

Reason for amendments: [Zoning] See reason under Part 3.

41 **CHAPTER A PARKING**

42 **Section 1 General**

43 **D. Off-Street Parking**

- 44 **3. Use of Required Off-Street Parking**
- 45 **a. Temporary Parking**
- 46 1) The Zoning Director may consider a ~~Special Permit~~ ZAR process for temporary off-site
- 47 parking. [Ord. 2017-007]
- 48 ~~....~~
- 49 5) In the event an off-site parking area is not under the same ownership as the site of the
- 50 ~~Special Permit~~ Temporary Use site, a written agreement between the applicant and all
- 51 owners of record of the parking area shall be required prior to permit approval. A copy
- 52 of the agreement shall be subject to review and approval of the Zoning Division, and
- 53 at a minimum shall contain the following: [Ord. 2017-007]
- 54 ~~....~~

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EXHIBIT B

ARTICLE 2, DEVELOPMENT REVIEW PROCEDURES
SUMMARY OF AMENDMENTS

(Updated 10/17/17)

13. Valet Parking

....

d. Approval

Valet parking for commercial uses over 20,000 square feet shall be subject to ~~approval of a Special Permit ZAR process.~~

19. Parking of Equipment, Vehicles, Boats or Vessels and Trailers in Residential Districts

b. Exemptions

5) Outdoor Storage

g) one vehicle which does not meet the requirements above may be approved through ZAR process by ~~Special Permit~~ upon demonstration that:

....

Part 29. ULDC Art. 8.C.1., Banners, Streamers, Pennants, or Balloons (page 12 of 42), is hereby amended as follows:

Reason for amendments: [Zoning] Replace Special Permit with Development Order (DO) as it is the appropriate term to indicate a valid development permit.

CHAPTER C PROHIBITIONS

Section 1 Banners, Streamers, Pennants, or Balloons

Banners, streamers, pennants, balloons and other signs made of lightweight fabric, plastic or similar material, except any sign with a valid ~~special permit DO~~, or where otherwise stated in this Article. [Ord. 2007-001] [Ord. 2007-013] [Ord. 2008-003]

Part 30. ULDC Art. 8.G.1.D, Marquee Signs (page 25 and 32 of 42), is hereby amended as follows:

Reason for amendments: [Zoning]
1. Clarify that Class A Conditional Use approval is the specific approval process that allows uses by the Board of County Commissioners.

CHAPTER G STANDARDS FOR SPECIFIC SIGN TYPES

Section 1 Building Mounted Signs

D. Marquee Signs

Marquee signs are allowed for theaters, stadiums, auditoriums, and similar uses subject to ~~BCC Class A Conditional Use~~ approval. Marquee signs are not subject to wall sign area limits, but the maximum sign area shall not exceed one square foot for each foot of building wall. Marquee signs may be electronic message signs, subject to Article 8.G.3.B, Electronic Message Signs, and have changeable copy. A marquee sign may project a maximum of six feet above the cornice of a building provided that it is architecturally integrated with the building. [Ord. 2012-027] [Ord. 2014-025]

....

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EXHIBIT C

ARTICLE 5.B.1.A – ACCESSORY USES AND STRUCTURES [RELATED TO GOVERNMENT OWNED TOWERS] SUMMARY OF AMENDMENTS

(Updated 10/13/17)

1 Part 1. ULDC Art. 4.B.9.H.2, Government Towers (page 156 of 204), is hereby amended as
2 follows:
3

Reason for amendments: [ZONING]

- | |
|---|
| 1. Relocate and expand provisions pertaining to Government Towers in a new section in Article 5.B.1.A, Accessory Uses and Structures. |
|---|

4 **CHAPTER B USE CLASSIFICATION**

5 **Section 9 Commercial Communication Towers**

6 **H. Exemptions and Waivers**

7 **1. States of Emergency**

8 The PZ&B Executive Director may waive the review timeframes in the event of a declared state
9 of emergency.

10 **2. Government Towers**

11 ~~These facilities shall comply with the regulations contained in Art. 5.B.1.A.14, Government~~
12 ~~Owned Towers, unless stated otherwise. If the regulations in the Commercial Communication~~
13 ~~Towers prohibit a government-owned tower from being located at a specific site and the tower~~
14 ~~is required to protect the public health, safety, or welfare, the applicable criteria may be waived~~
15 ~~or modified by the BCC. In such cases the BCC shall make a finding of fact justifying the~~
16 ~~modification.~~ **[Partially relocated to Art. 5.B.1.A.14, Government Owned Towers]**

17
18 Part 2. ULDC Art. 5.B.1.A, Accessory Uses and Structures (page 29 of 107), is hereby amended
19 as follows:
20

Reason for amendments: [ZONING]

- | |
|---|
| 1. Establish standards for the regulation of government owned towers and clarify what provisions pertaining to commercial communication towers, as contained in Art. 4, Use Regulations, are applicable to any government entity owned towers. |
| 2. Classify the different scenarios for which government owned towers are subject to zoning approval by identifying if they are for emergency purpose or not. For this purpose and as defined in Art. 1, an emergency is considered to be incidents or natural disasters which results in immediate danger to the health, safety welfare or resources of the residents of Palm Beach County (PBC). That concept is used to determine specific provisions applicable to government owned towers. |
| 3. Clarify the approval applicable to new government owned towers or modification of existing ones, less than 100 feet in height. This provision is included to facilitate the approval process of those towers by making them Permitted by Right in all zoning districts and when the separation, setbacks and distance between towers is at least equal to the height of the tower to protect adjacent uses. Specific regulations are being established in a separate table for towers not meeting these standards and/or more than 100 feet in height. |
| 4. This section is designed to regulate government towers that do not support commercial antennas. Therefore, a new standard is included to clarify that in such cases in which the government tower does or is intended to include commercial antennas, the tower is to be subject to the commercial communication tower regulations in Article 4.B.9. |

21 **CHAPTER B ACCESSORY USES AND STRUCTURES**

22 **Section 1 Supplementary Regulations**

23 **A. Accessory Uses and Structures**

24
25 **14. Government Owned Towers**

26 The following regulations shall be applicable to government owned towers providing
27 governmental services, including but not limited to emergency services.

- 28 a. New or modification of towers 100' or less in height, may be permitted by right in any zoning
29 district, provided the setbacks, separation and distance between towers is at least 100
30 percent of the tower height, unless stated otherwise. All government towers in excess of
31 100' in height shall be subject to the standards in Tables 5.B.1.A.
32 b. Government owned towers that do or will support commercial antennas shall be subject to
33 the approval and supplementary use standards pursuant to Art. 4.B.9 Commercial
34 Communication Towers.
35
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Notes:

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EXHIBIT C

ARTICLE 5.B.1.A – ACCESSORY USES AND STRUCTURES [RELATED TO GOVERNMENT OWNED TOWERS] SUMMARY OF AMENDMENTS (Updated 10/13/17)

1

Reason for amendments: [ZONING]
5. Establish approval and supplementary standards for construction of new and modification of existing government owned towers needed to respond to emergencies that are required to protect PBC residents health or safety welfare. This amendment provides mechanisms to process and approve emergency tower requests under two options: 1) Allow public hearing approval for towers of 100 feet or less in height that are not meeting the setbacks, separation or distance between towers when such dimensions are not at least the same as the subject tower height; and, 2) Make new towers of more than 100 feet in height be subject to the approval process indicated in the use matrix of Commercial Communication Towers in Art. 4.B.9. A new government tower proposed to be located in zoning districts where commercial towers are prohibited would be subject to BCC approval as an “emergency conditional approval”, and, in compliance with specific standards that look to indicate the need of the use in that particular zoning district.
6. Provide a mechanism between any non-PBC government agency and the PBC Facilities Department to coordinate and place the application on the next available Board of County Commissioners (BCC) meeting or hearing agenda. Facilities will ensure that the proposed towers are not interfering with the operation of PBC government owned towers, while expediting the application by scheduling it to the next available BCC public meeting or hearing once the notification requirements are met.
7. Clarify that due to the emergency associated with the construction of a government tower, public hearing notification requirements are limited to the publication of the hearing in a newspaper and placement of signs on the affected property.
8. Allow reduction of setbacks, separation and distance between towers through public hearing provided it is demonstrated that the request for the emergency tower is not going to affect any adjacent uses and structure, as the intent of the tower location is to continue providing the necessary service to PBC residents while protecting those adjacent to the tower. For purposes of setbacks, a breakpoint calculation may indicate that in case of the tower failure, the tower falls in the same property where the tower is located. This exemption may be granted by the BCC and it is applicable to emergency construction of new towers or modifications to existing towers more than 100 feet in height.
9. Establish standards to allow modification of existing government towers, including relocation of towers on the same site in the event of an urgent need to restore emergency communication by including provisions that address approval and supplementary standards. This amendment uses existing regulations in Art. 4.B.9, Commercial Communication Towers, that allow certain percentage of tower increase without triggering public hearing. Modified towers meeting its original approval, as well as those meeting the separation, setback and distance between towers to be the same or more as in the previously approved tower height, are to be permitted by right.

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EXHIBIT C

**ARTICLE 5.B.1.A – ACCESSORY USES AND STRUCTURES
[RELATED TO GOVERNMENT OWNED TOWERS]
SUMMARY OF AMENDMENTS
(Updated 10/13/17)**

1

Table 5.B.1.A – New, Modified or Relocated Government Towers Related to an Emergency(1)

Improvement	Tower Height	Approval Process (2)	Regulations
<u>New Tower</u>	<u>Towers 100' or less in height that do not comply with Art. 5.B.1.A.14.a. above.</u>	<u>BCC Hearing (3)</u>	<u>(5)</u>
	<u>Towers greater than 100'</u>	<u>Subject to approval in the Use Matrix of Art. 4.B.9. Commercial Communication Towers (4)</u>	<ul style="list-style-type: none"> • <u>Setbacks, separation and distance between towers are at least 100 percent of the tower height. (5)</u>
<u>Modification</u>	<u>Towers greater than 100'</u>	<u>Permitted by Right</u>	<ul style="list-style-type: none"> • <u>Tower height, base station and location are the same as in the original approval; or</u> • <u>Subject to the limitations in Art. 4.B.9.E, Eligible Facilities Request for Modification; or</u> • <u>Stealth or Monopole towers shall comply with the limitations in Art. 4.B.9.D.1.e.1), Stealth; or</u> • <u>Modifications of the tower requires relocation of the tower on the same parcel and the setbacks, separation and distance between towers are at least 100 percent of the tower height.</u>
		<u>BCC Hearing (3)</u>	<u>Modification of towers, not subject to Eligible Facilities Request for Modification, resulting in setbacks, separation and distance between towers less than 100 percent of the tower height. (5)</u>
Notes:			
<u>(1) As defined in Art. 1.I.2.E, Emergency</u>			
<u>(2) Applications subject to public hearing shall comply with and be limited to only the notification requirements in Art. 2.B.5.B, Newspaper Publication and Art. 2.B.5.D, Signs.</u>			
<u>(3) For government entities other than Palm Beach County, coordination shall be undertaken with the County's Facilities Development and Operation Department (FDO) for placement on the next available BCC meeting or hearing following receipt of a sufficient written request and fulfillment of required public notification.</u>			
<u>(4) A government agency looking to locate a tower in a prohibited zoning district per Table 4.B.9.A, Commercial Communication Towers, may request BCC approval of the tower as an emergency conditional approval provided that:</u>			
<ul style="list-style-type: none"> • <u>There are no properties owned by that government agency that are available within the defined service area in the zoning districts where towers are allowed;</u> • <u>The tower is the minimum necessary to protect the public health, safety, or welfare of PBC residents; and,</u> • <u>The applicant makes a presentation to the BCC at a scheduled meeting or hearing on the merits of the request.</u> 			
<u>(5) Setbacks, separation or distance between towers may be reduced or exempted by the BCC based on findings of fact, including but not limited to:</u>			
<ul style="list-style-type: none"> • <u>Demonstrate that the tower is the minimum necessary to maintain the level of service to protect the public health, safety, or welfare of PBC residents [Partially relocated from Art. 4.B.9.H.2, Government Towers]</u> • <u>Setbacks, separation and distance between towers are the minimum necessary to protect adjacent uses and structures.</u> • <u>All setbacks less than 100 percent of the tower height shall be substantiated by a registered engineer in the State of Florida certifying breakpoint calculations. The breakpoint calculations shall confirm that should tower failure occur, the failed portion of the tower shall fall within the property where the tower is located on.</u> 			

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EXHIBIT C

**ARTICLE 5.B.1.A – ACCESSORY USES AND STRUCTURES
[RELATED TO GOVERNMENT OWNED TOWERS]
SUMMARY OF AMENDMENTS
(Updated 10/13/17)**

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Reason for amendments: [ZONING]	
10.	This amendment clarifies that new government owned towers that are not subject to an imminent emergency and are more than 100 feet in height, shall be subject to the supplementary standards applicable to commercial communication towers in Art. 4, Use Regulations. This amendment also allows location of such towers in zoning districts where commercial communication towers are typically prohibited, through Class A Conditional Use approval.
11.	Clarify that modification of towers, including replacement of existing towers, consistent with the original approval including maximum tower height, base station area and location, are permitted by right.
12.	Clarify that towers relocated within the same site are subject to minimum setbacks, separation and distance between towers equal to or greater than the tower height unless an application requesting Type 2 waiver is submitted to waive dimensional criteria. This amendment also identifies the applicable provisions in Art. 4.B.9, Commercial Communication Towers that allow the expansion of towers without triggering public hearing approval.

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Table 5.B.1.A – New, Modified or Relocated Government Towers Not Subject to an Emergency

Improvement	Height or Base Station Area	Approval Process	Regulations
New Tower	<u>101' or more of any tower type</u>	<u>Subject to the provisions in Art. 4.B.9, Commercial Communication Towers(1)</u>	
Modification	<u>Tower height, base station area and location are the same as in the original approval</u>	<u>Permitted by Right</u>	<u>Consistent with the original approval</u>
	<u>Modification to tower location</u>	<u>Permitted by Right</u>	<u>Replacement of towers, subject to Art. 4.B.9.G.2, Replacement</u> <u>Setbacks, separation and distance between towers are at least 100 percent of the tower height.</u>
	<u>Modifications to the tower height, base station area and/or location other than above</u>	<u>Subject to the limitations in Art. 4.B.9.E, Eligible Facilities Request for Modification</u>	
		<u>Stealth or Monopole Tower comply with the limitations in Art. 4.B.9.D.1.e.1), Stealth</u>	
		<u>All other towers subject to Art. 4.B.9.G.3, Tower Height Increases BCC Hearing</u>	<u>All other dimensions not noted above shall comply with Art. 4.B.9.H.5, Type 2 Waiver from Required Dimensional Criteria.</u>
(1)	<u>A government agency proposing to locate a tower in a prohibited zoning district per Table 4.B.9.A, Commercial Communication Towers, may request approval of the tower as a Class A Conditional Use.</u>		

6 [ReNUMBER Accordingly]

7
8

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EXHIBIT D

ART. 8.G.3.B, ELECTRONIC MESSAGE SIGNS SUMMARY OF AMENDMENTS (Updated 10/17/17)

1

Reason for amendments:

Type 1 Electronic Message Signs are only permitted at regional facilities, that by their operating characteristics, have unique sign requirements. There are only a few facilities within the unincorporated Palm Beach County that meet the above description with the South Florida Fair & Exposition being one of these facilities. Other facilities that would meet the intent and proposed definition Burt Aaronson South County Park and Coral Cove Amphitheatre.

As recognized in the description of Type 1 Electronic Message Signs, these facilities often have unique sign requirements based on: location, mission, use, types of events and activities offered or hosted, and the messaging needs for all of the above.

The ULDC sets forth very specific criteria for Type 1 Signs; however, it does not allow consideration for variances or waivers for size, location and content for Type 1 signs, except for a reduction in setbacks. Type 1 Signs must be approved by the Board of County Commission (BCC) as a Class A Conditional Use. These proposed amendments would allow for the BCC to consider Type 2 Waivers in conjunction with their consideration of approving the Type 1 Sign. Due to the unique nature and location of regional facilities, this approach would allow the Board to consider deviations from code in conjunction with their consideration of the Type 1 Sign.

The Code is also being amended to reflect current technology and standards in the electronic sign industry. Digital technology has significantly improved, and some of the changes proposed reflect the type of electronic message board hardware and software capabilities that are the current standard. National and State agencies have implemented revised regulations and standards for Dynamic Message Signs (DMS), comparable to Electronic Message Signs in the ULDC. These regulations promote full color signage and the use of graphics to improve the legibility of the message and provide better recognition within a multi-cultural population, seasonal drivers and out of area visitors. For example, FDOT District 6 -South Florida (Miami) recently converted several amber colored DMS signs to full color with graphics.

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Part 1. ULDC Art. 1.1.2 Definitions, (Page 89 of 110) are hereby amended as follows:

Reason for amendments: [Zoning]

1. Create a definition for Regional Facility for the purposes of determining facilities that would be eligible for Type 1 Electronic Message Sign. The definition identifies uses indicated in Art. 4, Use Regulations to facilitate the applicability of the term. It also clarifies that live performance venue with at least 2,000 patrons or seats are also considered Regional Facility. In Palm Beach County for example, the Raymond F. Kravis Center for the Performing Arts has a capacity of 2,795 seats.

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CHAPTER I DEFINITIONS AND ACRONYMS

Section 2 Definitions

A. Terms defined herein or referenced in this Article shall have the following meanings:

....

R. Terms defined herein or referenced Article shall have the following meanings:

....

12. Regional Facility – For the purpose of Art. 8.G.3.B, Electronic Message Signs, a site or facility that because of its character, magnitude, events, programming and location is a destination or attraction to users who reside in an extended geographic region. Regional facility uses include, but are not limited to: Arenas, Stadiums, Amphitheatres, Regional Public Parks, state-chartered fairgrounds, and, live performance venues with a capacity of 2,000 or more.

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EXHIBIT D

ART. 8.G.3.B, ELECTRONIC MESSAGE SIGNS SUMMARY OF AMENDMENTS (Updated 10/17/17)

1 Part 2. ULDC Art. 8.G.3.B, Electronic Message Signs (pages 29-34 of 42 [Supplement 21]),
2 is hereby amended as follows:
3

Reason for amendments: [Zoning]
1. Current technology utilizes the full color spectrum. Industry standards such as National Transportation for Communications for ITS Protocol (NTCIP), National Electrical Manufacturers Association (NEMA) and Manual on Uniform Traffic Control Devices (MUTCD) have updated their specifications to support full-color dynamic message signage (DMS). The Florida Department of Transportation (FDOT) recently changed their specifications for DMS to include full color messaging boards with graphics.
2. Indicate the permitted content standard for Type 1 Electronic Message Signs to specify the site programmed events and activities. Current text does not refer to the expected information related to permitted content.

4 **CHAPTER G STANDARDS FOR SPECIFIC SIGN TYPES**

5 **Section 3 Other Sign Types**

6 **B. Electronic Message Signs**

7 **1. Applicability and Approval Process**

8 Electronic message signs shall only be allowed as follows: [Ord. 2015-031]
9

Table 8.G.3.B, Electronic Message Sign Types and Approval Process

Sign Type	Permitted Content	Approval Process
Type 1	At regional facilities, facilities with serial performances, and, specialized attractions that, by their operating characteristics, have unique sign requirements as defined in Art. 1, to include events or activities scheduled.	Class A Conditional Use approval (1)
Type 2 (2)	Reserved for Future Use	N/A
Type 3	Time and temperature	Building Permit
Type 3	Fuel prices	Building Permit
Type 3	Informational signs within residential Planned Unit Development (PUD)	DRO
[Ord. 2010-022] [Ord. 2014-025] [Ord. 2015-031] [Ord. 2016-020] [Ord. 2017-002] [Ord. 2017-007] [Ord. 2017-025]		
Notes:		
1.	Unless exempt under Article 8.B, EXEMPTIONS	
2.	Signs approved pursuant to the provisions of the Type 2 Electronic Changeable Copy Message Sign (PRA Pilot Program) shall be considered conforming, where in compliance with all of the standards established for the Pilot Program in Ord. 2016-020.	

10 **2. Prohibited Elements**

- 11 a. Electronic message signs in windows and externally visible; [Ord. 2014-025]
12 b. Message units that change copy, light, ~~color~~, intensity, words or graphics more than once
13 per eight seconds for Type 1 or Type 3 Electronic Message Signs. Any change in message
14 shall be completed instantaneously. There shall be no special effects in-between
15 messages; [Ord. 2014-025] [Ord. 2016-020] [Ord. 2017-025]
16 c. Reflectorized lamps; [Ord. 2015-031]
17 d. Lamps, light-emitting diodes or bulbs in excess of the amount and intensity of light
18 generated by a 30-watt incandescent lamp or 300 lumens, whichever is less; and, [Ord.
19 2014-025] [Ord. 2015-031]
20 e. The message shall be static. There shall be no animation, flashing, scintillating lighting,
21 movement, or varying of light intensity during the message. Messages shall not scroll,
22 undulate, pulse, blink, expand, contract, bounce, rotate, spin, twist, or otherwise give the
23 appearance of optical illusion or movement as it comes onto, is displayed on, or leaves the
24 sign board. [Ord. 2014-025] [Ord. 2015-031] [Ord. 2016-020]

25 **3. General Standards**

- 26 Electronic message signs are subject to the following: [Ord. 2014-025] [Ord. 2015-031]
27 a. Each sign shall have a light sensing device that automatically adjusts brightness as
28 ambient light conditions change in order to ensure that the message meets the standard
29 for maximum brightness; [Ord. 2014-025]
30 b. The maximum brightness shall be 0.2 foot candles above ambient light measured 150 feet
31 perpendicular from the sign face area from a height of six feet. No sign shall display light
32 of such intensity to cause glare or otherwise impair the vision of a driver, or interferes with
33 the effectiveness of an official traffic sign, signal or device; [Ord. 2014-025]

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EXHIBIT D

ART. 8.G.3.B, ELECTRONIC MESSAGE SIGNS SUMMARY OF AMENDMENTS

(Updated 10/17/17)

c. The sign shall be equipped with a default mechanism or setting that will cause the sign to turn off or show a full black or similar image if a visible malfunction or failure occurs; and, [Ord. 2014-025] [Ord. 2015-031]

~~d. Each message shall be monochromatic. Separate messages may have different colors; [Ord. 2014-025]~~

4. Standards for Type 1 Electronic Message Signs

a. Height, Sign Face Area and Setbacks

Type 1 electronic message signs are subject to the height standards for freestanding signs in Table 8.G.2.A, Freestanding Signs: Maximum Height, and the following: [Ord. 2015-031]

Reason for amendments: [Zoning]

2. The Board of County Commission may consider the unique characteristics, location and signage needs of each regional facility when they apply for Class A Conditional Use pursuant to the standards and findings. The changes proposed to the Standards for Type 1 Signs are subject to Board consideration and discretion on a case-by-case basis as each application is reviewed.

Art. 8.G. 3.B.4.b.3) is amended to separate the criteria so that it may be considered independently for Type 1 signs.

Table 8.G.3.B – Type 1 Electronic Message Sign Face Area and Setbacks

Maximum Sign Area	<u>50 percent of The total sign face area, including electronic and static signage, shall not exceed the</u> allowable freestanding sign area (Table 8.G.2.A, Freestanding Sign Standards)
Minimum Setback: Front	15 feet
Minimum Setback: Side and Rear	30 feet
Minimum Setback: Side Street	50 feet
[Ord. 2014-025] [Ord. 2015-031]	

b. Location

A Type 1 electronic message sign may be located in the following areas and subject to the following provisions: [Ord. 2014-025] [Ord. 2015-031]

- 1) In a CG, CRE, PO, or IL zoning district or in a non-residential planned development.
- 2) Shall not be located within 100 feet of a residential zoning district, undeveloped property with a residential FLU designation, or residential use. [Ord. 2014-025]
- 3) Adjacent to roadways classified as arterials or expressways, ~~and a;~~
- 4) A minimum of 1,000 feet from any signalized intersection or existing electronic message signs;
- ~~4)5)~~ No more than one electronic message sign shall be permitted per project frontage; and,
- ~~5)6)~~ Type 1 electronic message signs are prohibited in the WCRAO.

c. Additional Standards for Approval

In addition to the Standards of Art. 2.B.2.B, Standards for Conditional Uses and Development Order Amendments, when considering a Class A Conditional Use for a Type 1 Electronic Message Sign, the BCC shall consider whether or not the following standards have been met: [Ord. 2014-025] [Ord. 2015-031] [Ord. 2017-025]

- 1) The sign will not create confusion or a significant distraction to passing motorists;
- 2) The sign (including its supporting structure, if any) is consistent with Art. 8.A.1.B, General Design Principles; [Ord. 2017-025]
- 3) The sign will not be a nuisance to occupants of adjacent and surrounding properties; and
- 4) The sign is accessory to a use regional in scale and attraction that, by its nature, demonstrates a unique need to communicate more information than is ordinarily needed for an attraction. [Ord. 2017-025]

d. Conditions of Approval

In reviewing an application for a Type 1 electronic message sign, the BCC may impose conditions to assure the sign is compatible with and minimizes adverse impacts on the area surrounding the proposed sign. [Ord. 2014-025] [Ord. 2015-031]

....

Reason for amendments: [Zoning]

3. There are Standards in Art. 2.B.2.B that the Board must consider when evaluating a Class A Conditional Use. There are also standards in Art. 2.B.2.G for Type 2 Waivers that the Board must consider. And there are required findings in Art. 8.G.3.B.4.c that the Board must make. The BCC can consider the unique characteristics, location and signage needs of each regional facility, facility

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EXHIBIT D

ART. 8.G.3.B, ELECTRONIC MESSAGE SIGNS SUMMARY OF AMENDMENTS (Updated 10/17/17)

with serial performances or specialized attraction, when they apply for Class A Conditional Use pursuant to the standards and findings, and these proposed amendments will allow them to consider deviations if deemed appropriate. The changes proposed to the Standards for Type 1 Signs are subject to Board consideration and discretion on a case-by-case basis as each application is reviewed.

An overview of the proposed Type 2 Waivers that would be subject to BCC consideration is:

- Waiver in Type 1 sign height, allowing up to 35 feet in height.
- Waiver in Type 1 sign setbacks (already allowed in the code – changes proposed only to clarify application)
- Waiver to allow for up to 50% increase in the total sign face area for Type 1 signs only.
- Waiver in Type 1 signs setback to residentially zoned property from 100 feet to 50 feet.
- Waiver to allow a Type 1 sign on an Urban Collector Road or greater classification.
- Waiver to reduce separation from intersection for Type 1 signs.

7. Type ~~H-2~~ Waivers for Electronic Message Signs

An ~~a~~ applicant may apply for waivers for Electronic Message Sign standards in accordance with Art. 2.B.2.G, Type ~~H-2~~ Waivers, in accordance with Table 8.G.3.B, Type ~~H-2~~ Waivers for Electronic Message Signs, below: The Applicant shall demonstrate in the Justification Statement and provide supporting documents that all applicable criteria in the following Table have been met.

Table 8.G.3.B, Type ~~H-2~~ Waivers for Electronic Message Signs

Article/Table Reference and Title	Maximum Waiver	Criteria
<u>Art. 8.G.3.B.4.a, Standards for Type 1 Electronic Message Signs (Related to Maximum Height)</u>	<u>Additional 15 feet in height.</u>	<ul style="list-style-type: none"> ▪ <u>Sign is adjacent to a R-O-W with a minimum of 6 existing lanes of vehicle travel.</u> ▪ <u>Line of sight analysis is provided to demonstrate that the sign height is necessary to address visibility of the sign.</u>
<u>Art. 8.G.3.B.4.a, Table 8.G.3.B, Standards for Type 1 Electronic Message Signs (Related to Setbacks)</u>	50 percent reduction.	<ul style="list-style-type: none"> ▪ Demonstrate reduced setback won't <u>will not</u> adversely impact traffic or pedestrian safety, or residential property, to include: <ul style="list-style-type: none"> • Distractions to vehicular traffic caused by frequent message change and proximity to roadways or intersections; and, • Impacts of urban sky glow caused by sign lighting, inclusive of message changes, on residential properties. <u>(1)</u>
<u>Art. 8.G.3.B.4.a, Table 8.G.3.B Standards for Type 1 Electronic Message Signs (Related to Maximum Sign Area)</u>	<u>50 percent increase</u>	<ul style="list-style-type: none"> ▪ <u>The regional facility annually supports a variety of events and attractions on a frequent basis.</u> ▪ <u>Sign is adjacent to a R-O-W with a minimum of 6 existing lanes of vehicle travel.</u> ▪ <u>Demonstrate that the sign program related to the use of the site requires more sign area to address the text needed to inform the public of events and programs.</u>
<u>Art. 8.G.3.B.4.b.2) Standards for Type 1 Electronic Message Signs [Related to Location and separation from residential]</u>	<u>Minimum 50-foot setback.</u>	<ul style="list-style-type: none"> ▪ <u>Demonstrate that combination of sign orientation, location of buildings, walls, or other permanent natural or man-made barriers, additional separations, limits on hours of operation, or other similar measures, will mitigate any glare or light pollution, including urban sky glow, that may adversely impact residential uses. (1)</u> ▪ <u>Sign is adjacent to a R-O-W with a minimum of 6 existing lanes of vehicle travel.</u>
<u>Art. 8.G.3.B.4.b.3) Standards for Type 1 Electronic Message Signs (Related to roadway classification)</u>	<u>Allow a Type 1 Sign on an Urban Collector road as classified on Map TE 3.1 Functional Classification of Roads</u>	<ul style="list-style-type: none"> ▪ <u>The sign shall not be located within 100 feet of a residential use, zoning district or FLU designation.</u> ▪ <u>The regional facility annually supports a variety of events and attractions on a frequent basis.</u>
<u>Art. 8.G.3.B.4.b.4) Standards for Type 1 Electronic Message Signs (Related to distance from signalized intersection)</u>	<u>No minimum distance from signalized intersection.</u>	<u>Demonstrate that the reduced separation will not adversely impact vehicular or pedestrian safety, or be a distraction to vehicular traffic.(1)</u>
Notes:		
<u>(1) Report must be prepared, signed and sealed by a licensed design professional as defined in Art. 1, with related experience.</u>		

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EXHIBIT E

ARTICLE 8 – SIGNAGE [RELATED TO TEMPORARY SIGNS] SUMMARY OF AMENDMENTS (Updated 10/13/17)

Part 1. Table 8.A.1.C, Organization of Sign Regulations (page 7 of 42), is hereby amended as follows:

Reason for amendments: [Zoning]
1. Delete Table 8.A.1.C, Organization of Signs Regulations as it represents a duplicated version of the different chapters in Article 8, Signage which may eventually conflict with specific provisions in those chapters.

CHAPTER A GENERAL

Section 1 General

C. Applicability

....

3. Conflict with Graphics and Other Provisions

....

Table 8.A.1.C – Organization of Sign Regulations

CHAPTER B, EXEMPTIONS	Lists types of signs that are exempt from these regulations. Exemptions are made for change of business signs; construction signs; equipment signs; interior signs; mobile vendor signs; official flags; official government signs; parking and directional signs; political campaign signs; public warning signs; real estate for sale, or for rent signs; small signs; transportation-related signs; and window signs.
CHAPTER C, PROHIBITIONS	Lists types of prohibitions for sign types, materials, designs, messages, and locations for banners, streamers, or pennants; emissions; mechanical movement; mobile signs; obscenities; obstruction of fire fighting equipment; obstructions to driver visibility; roof signs; signs creating traffic hazards; signs on public bus shelters; signs on water vessels; signs using live animals or humans; snipe signs; and vehicle displays.
CHAPTER D, TEMPORARY SIGNS REQUIRING SPECIAL PERMIT	Lists provisions for temporary signs that require a special permit including balloon type signs; signs for campaign drive or civic events, grand openings, temporary sales, temporary displays, and temporary residential developments.
CHAPTER E, PROCEDURES FOR SIGNAGE	Lists the permit and identification requirements for non-exempt signs and sign structures. Includes the MSP required for developments subject to DRO, ZC, or BCC. Also lists provisions for use of an ASP.
CHAPTER F, GENERAL PROVISIONS FOR ALL SIGN TYPES	Lists standards for computation of sign area; building wall measurement; materials, illumination, changeable copy, signs that do not reduce allowable sign area; construction and maintenance, abandoned signs; substitution of sign message; encroachment into public street or sidewalk, and for resolving conflict between text and graphics in this Section or with other provisions.
CHAPTER G, STANDARDS FOR SPECIFIC SIGN TYPES	Lists specific provisions and standards for building-mounted signs (wall signs, awning and canopy signs, projecting signs, and marquee signs); ground-mounted signs (freestanding and monument signs) entrance wall signs; electronic message signs; directional signs; flags and freestanding flagpoles; and project identification signs.
CHAPTER H, OFF-SITE SIGNS	Lists specific provisions and standards for off-site directional signs and outdoor advertising (billboards).
CHAPTER I, ADMINISTRATION AND ENFORCEMENT	Lists the authority and provisions for the administration and enforcement of this Section. Includes provisions for the amortization of non-conforming signs.
[Ord. 2012-027] [Ord. 2014-025]	

Part 2. ULDC Art. 8.B, Exemptions (page 7-10 of 42), is hereby amended as follows:

Reason for amendments: [Zoning]
1. Consolidate small signs height, area and lot size in one table to facilitate identification of such regulations.
2. Delete on-site directional sign from the list of small signs as specific provisions are contained in the Code in Art. 8.G.3.D that dictate applicable regulations for this sign type.
3. Delete figures related to small signs. Some of them are no longer used or may contain conflictive information that conflict with the applicable dimensions.
4. Delete redundant text in the “Change of Ownership Signs” standard as there is no need to mention in the standard the same text that is already introduced in the title.

Notes:

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EXHIBIT E

ARTICLE 8 – SIGNAGE [RELATED TO TEMPORARY SIGNS] SUMMARY OF AMENDMENTS (Updated 10/13/17)

CHAPTER B EXEMPTIONS

The following signs shall be exempt from the permitting requirements of this Article and may be constructed or attached without a permit, except as prohibited in ART. 8.C, Prohibitions. An electrical permit shall still be required for signs using electrical service. **[Ord. 2005 – 002] [[Ord. 2006-036]**

Section 1 Change of Ownership Signs

A temporary attachment or covering of wood, plastic, or canvas over a permanent sign ~~indicating a change of ownership or activity may~~ be displayed no longer than 30 days following the change of ownership or activity for which the sign is intended, or up to 90 days following issuance of a building permit. The sign shall be no larger than the previously permitted permanent sign. **[Ord. 2006-036]**

Section 2 Small Signs

Small signs shall include but not be limited to the following types of signage and corresponding limitation on sign face area: **[Ord. 2008-003]**

~~A. Equipment, mobile vendor, and on-site directional signs shall be limited to a maximum of eight square feet in sign face area and five feet in height. **[Ord. 2008-003]**~~

BA. Other sSmall signs shall include but not be limited to ~~equipment or mobile vendor, temporary provisional~~ signs such as real estate for sale and for rent signs; construction signs which typically include names of the project, contractors, architects and other entities associated with the project; freedom of speech signs; campaign signs, provided such signs are removed within ten days after the election date; permanent signs such as public warning signs; official government signs and commemorative plaques. ~~These small signs shall be limited to a maximum of eight square feet of sign face area and five feet in height on residential properties less than five acres in size, and a maximum of 32 square feet of sign face area and ten feet in height for all non-residential properties and residential properties greater than five acres in size. **[Ord. 2006-036] [Ord. 2008-003]**~~
[Partially relocated to the table below]

Table 8.B.2.A - Small Signs

<u>Sign Type</u>	<u>Minimum Site Size</u>	<u>Maximum Area</u>	<u>Maximum Height</u>	<u>Minimum Setback</u>
<i>Equipment or Mobile Vendor</i> [Partially relocated from Art. 8.B.2.A, above]	<i>N/A</i>	<i>8 square feet</i>	<i>5 feet</i>	<i>5 feet</i>
<u>Real estate for sale and for rent</u> <u>Construction</u> <u>Freedom of Speech</u> <u>Campaign</u> <u>Public Warning</u> <u>Official Government</u> <u>Commemorative Plaques</u>	<i>Residential Properties equal to or Less than 5 Acres</i> [Partially relocated from Art. 8.B.2.B, above]	<i>8 square feet</i>	<i>5 feet</i>	<i>5 feet</i>
	<i>Non-residential and Residential Properties Greater than 5 Acres</i> [Partially relocated from Art. 8.B.2.B, above]	<i>32 square feet</i>	<i>10 feet</i>	<i>5 feet</i>
[Ord. 2008-003]				

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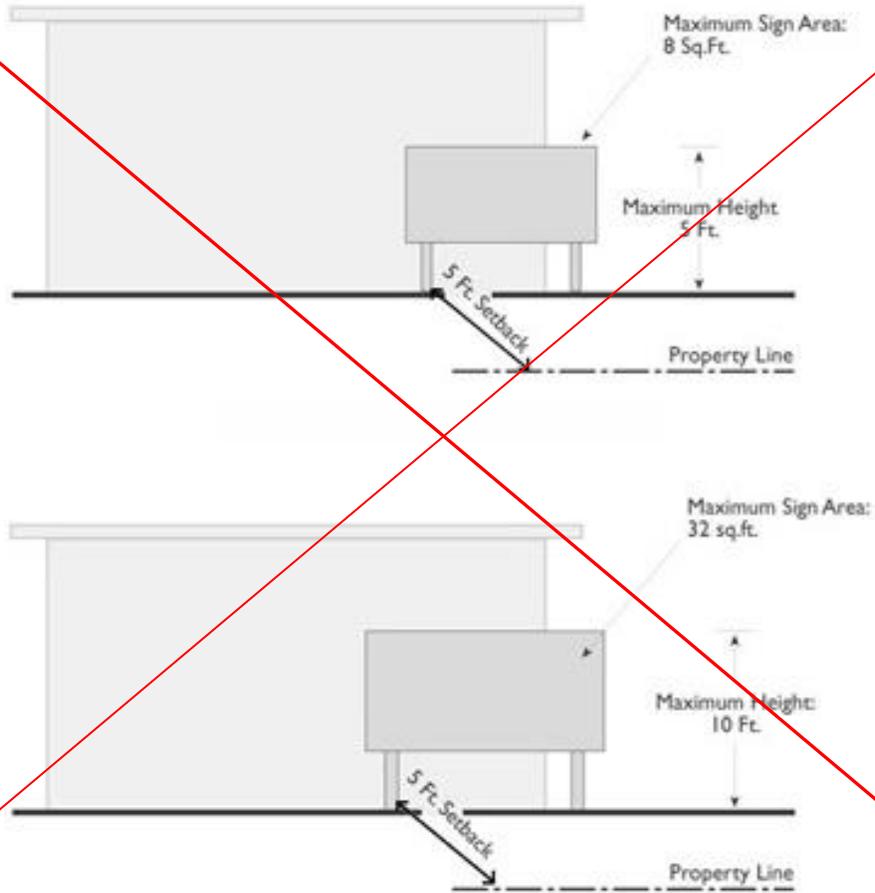
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EXHIBIT E

ARTICLE 8 – SIGNAGE
[RELATED TO TEMPORARY SIGNS]
SUMMARY OF AMENDMENTS
(Updated 10/13/17)

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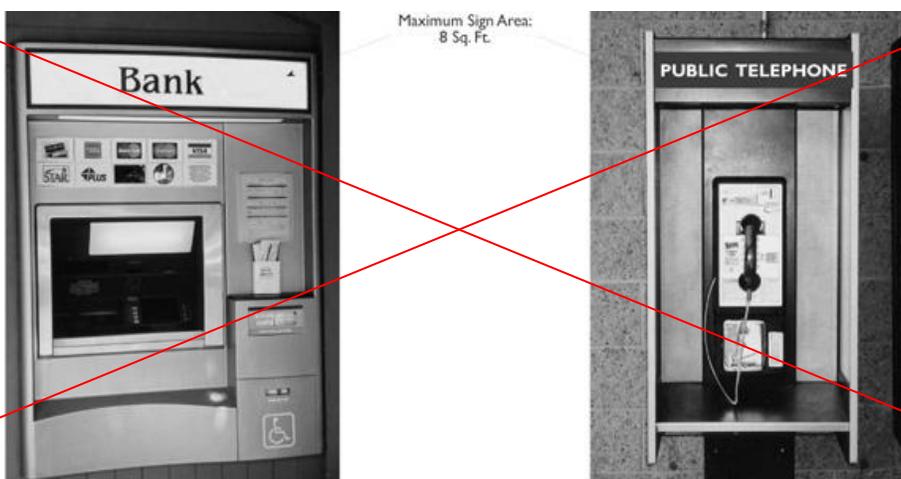
~~Figure 8.B.2 – Typical Example of Small Construction Signs~~



~~[Ord. 2008-003]~~

2
3

~~Figure 8.B.2 – Typical Example of Small Equipment Signs~~



~~[Ord. 2008-003]~~

4
5

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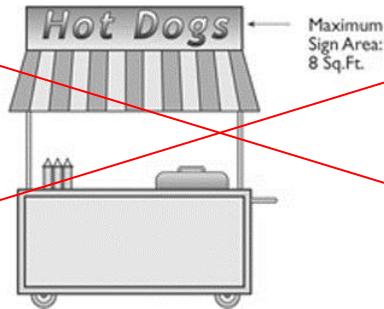
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EXHIBIT E

ARTICLE 8 – SIGNAGE
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SUMMARY OF AMENDMENTS
(Updated 10/13/17)

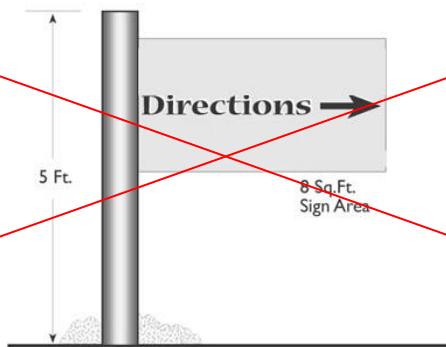
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~~Figure 8.B.2 - Typical Example of Small Mobile Vendor Sign~~



2
3

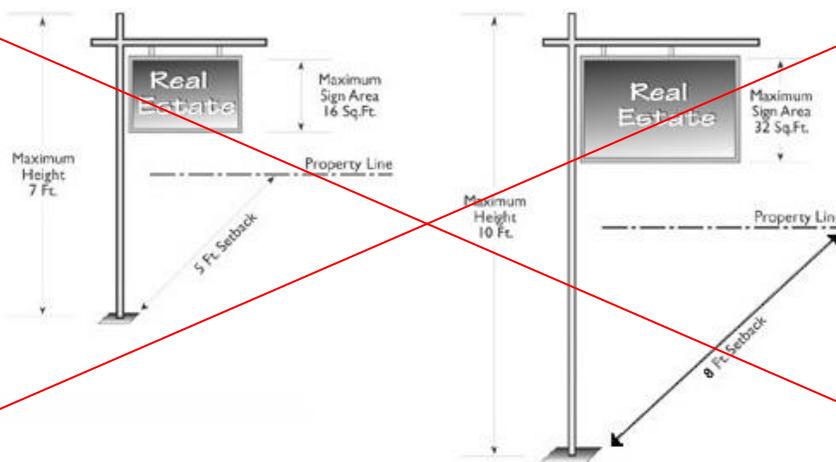
~~Figure 8.B.2 - Typical Example of Small On-Site Directional Sign~~



[Ord.-2008-003]

4

~~Figure 8.B.2 - Typical Example of Small Real Estate Signs~~



[Ord.-2008-003]

5

6

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EXHIBIT E

ARTICLE 8 – SIGNAGE [RELATED TO TEMPORARY SIGNS] SUMMARY OF AMENDMENTS (Updated 10/13/17)

1 Part 3. ULDC Art. 8.C, Prohibitions (page 11 - 13 of 42), is hereby amended as follows:
2

Reason for amendments: [Zoning]
1. Delete reference to balloons and refer to inflatable signs to avoid confusion with a specific provision that addresses balloon signs in Art. 8.G, Standards for Specific Sign Types.
2. Clarify prohibited moving signs by expanding the list of tentative sources of the sign movement.
3. Update reference to relocated definitions in Article 4, Use Regulations for prohibited sign containing obscenities
4. Clarify that signs on public bus shelters are regulated and approved by Palm Beach County Palm Tran.

3 CHAPTER C PROHIBITIONS

4 The following prohibitions apply to all signs and structures, notwithstanding the provisions in Article 8.B,
5 Exemptions:

6 Section 1 Banners, Streamers, Pennants, or ~~Balloons~~ Inflatable Sign

7 Banners, streamers, pennants, inflatable signs other than balloons as contained in Art. 8.G, and other signs
8 made of lightweight fabric, plastic or similar material, ~~except any sign with a valid special permit, or where~~
9 ~~unless otherwise~~ stated otherwise in this Article. [Ord. 2007-001] [Ord. 2007-013] [Ord. 2008-003]

10 Section 2 Emissions

11 Signs that produce noise or sounds capable of being heard, excluding voice units at drive-thrus, and signs
12 that emit visible smoke, vapor, particles, or odor.

13 Section 3 ~~Mechanical~~ Movement

14 Signs with visible moving, revolving, or rotating parts, caused by forced air, mechanical equipment, or by
15 any other means ~~or visible mechanical movement of any kind.~~

16

17 Section 6 Obscenities

18 Signs that depict, describe, or relate to “specified sexual activities” or “specified anatomical areas” as
19 defined in ~~ART. 1.I DEFINITIONS AND ACRONYMS Art. 4.B.2.C.1, Adult Entertainment.~~

20
21

22 Section 11 Signs On Public Bus Shelters

23 Any sign placed upon a bench, bus shelter or any waste receptacle attached to a bench or shelter, except
24 as exempted by Article 8.B.3, Transportation-Related Signs, and authorized by PBC or approved by Palm
25 Tran.

26

27
28
29 Part 4. ULDC Art. 8.D, Temporary Signs Requiring Special Permit (page 14 of 42), is hereby
30 amended as follows:
31

Reason for amendments: [Zoning]
1. Clarify the nature of temporary signs by indicating its provisional and limited character.
2. Clarify that any prior approved temporary sign subject to Special Permits that have expired is invalid, and shall be subject to a new application for approval through the Zoning Agency Review (ZAR) process.
3. Identify grand opening signs as one of the sign types that are recognized as temporary as well as those temporary signs associated with temporary uses such as Special Events, Temporary Green Market, Temporary Retail Sales or Temporary Vehicle Sales.
4. Consolidate and simplify existing provisions pertaining to temporary signs area, height, setbacks, number, duration, and removal to minimize confusion between the different duplicated regulations.

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EXHIBIT E

**ARTICLE 8 – SIGNAGE
[RELATED TO TEMPORARY SIGNS]
SUMMARY OF AMENDMENTS
(Updated 10/13/17)**

CHAPTER D TEMPORARY SIGNS ~~REQUIRING SPECIAL PERMIT~~

~~Signs not otherwise prohibited or exempted from this Article, that are intended to be used for a limited time, may be permitted as set forth in this Chapter. The Zoning Director may approve special permits for the following signs pursuant to Art. 2.D.2., Special Permit. All temporary signs not removed within the time limit indicated on the permit or in this Chapter shall be removed subject to the provisions of Article 8.I.4, Removal of Signs in Violation of this Article.~~ **[Partially relocated to Table 8.D.2 – Temporary Sign Standards].**

Section 1 Approval

~~Temporary signs sought as part of a Special Permit application shall be consistent with Art. 2.C.5.C.2, Prior Approved and Authorized Special Permits, and subject to ZAR process pursuant to Art. 2, Application Processes and Procedures.~~

Section 2 Standards

~~Temporary signs such as banners for grand openings or signs affiliated with any Temporary Use shall comply with the following regulations:~~

Table 8.D.2 – Temporary Sign Standards

	<u>Residential Properties Equal to or Less than 5 Acres</u>	<u>Non-Residential and Residential Properties Greater than 5 Acres</u>
<u>Number of Signs per event or occurrence</u>	One(1)	One for every 5 acres or fraction (1)
<u>Duration</u>	Maximum 30 days prior the event or occurrence Maximum 60 days in total	
<u>Removal (2)</u>	No later than ten days after the event or occurrence	
<u>Maximum Area</u>	8 square feet	32 square feet
<u>Maximum Height</u>	5 feet	10 feet
<u>Minimum Setback</u>	5 feet	
Notes:		
1. Temporary signs shall not be illuminated.		
2. All temporary signs not removed within the time limit shall be removed subject to the provisions of Article 8.I.4, Removal of Signs in Violation [Partially relocated from Art. 8.D, Temporary Signs Requiring Special Permit, above]		

Reason for amendments: [Zoning]

5. Relocate Balloon Signs to Art. 8.G, Standards for Specific Sign Types, which is a section containing more consistent regulations to this type of sign.

~~Section 1~~ — ~~Balloon Type Signs~~

~~Balloon type signs are allowed in the CG-General Commercial, PO-Public Ownership, CRE-Commercial Recreation, IL-Light Industrial, IG-General Industrial or PDD-Planned Development zoning districts, subject to the standards in Table 8.D.1, Balloon Type Sign Standards. Only cold air shall be used in the balloon. Balloons shall not be located within any required vehicular use area.~~ **[Relocated to Art. 8.G.3.H, Balloon]**

Table 8.D.1 – Balloon Type Sign Standards

<u>Maximum Width</u>	30 ft. 30 ft.
<u>Maximum Height</u>	60 ft. for balloons on top of buildings (allowed on 1 or 2 story buildings only)
<u>Minimum Separation Between Other Permitted Balloon Type Signs</u>	1 mile
<u>Minimum Setback from Base Building Line</u>	15 ft.

[Relocated to Table 8.G.3.H, Balloon]

~~A. Permit Requirements~~

~~The following information shall be provided to the Zoning Division with the application for a special permit. No project shall be issued more than two balloon permits in any calendar year. The maximum duration of any permit shall be for ten days. There shall be a minimum of 30 days from the day the first balloon is removed before a second permit for a balloon may be issued.~~ **[Partially relocated to Art. 8.G.3.H.1, Permit Requirements]**

~~1. Legal description, property control number (PCN) and address of location;~~ **[Relocated to Art. 8.G.3.H.1.a, Related to Permit Requirements]**

~~2. Written permission of property owner or owner's designated agent;~~ **[Relocated to Art. 8.G.3.H.1.b, Related to Permit Requirements]**

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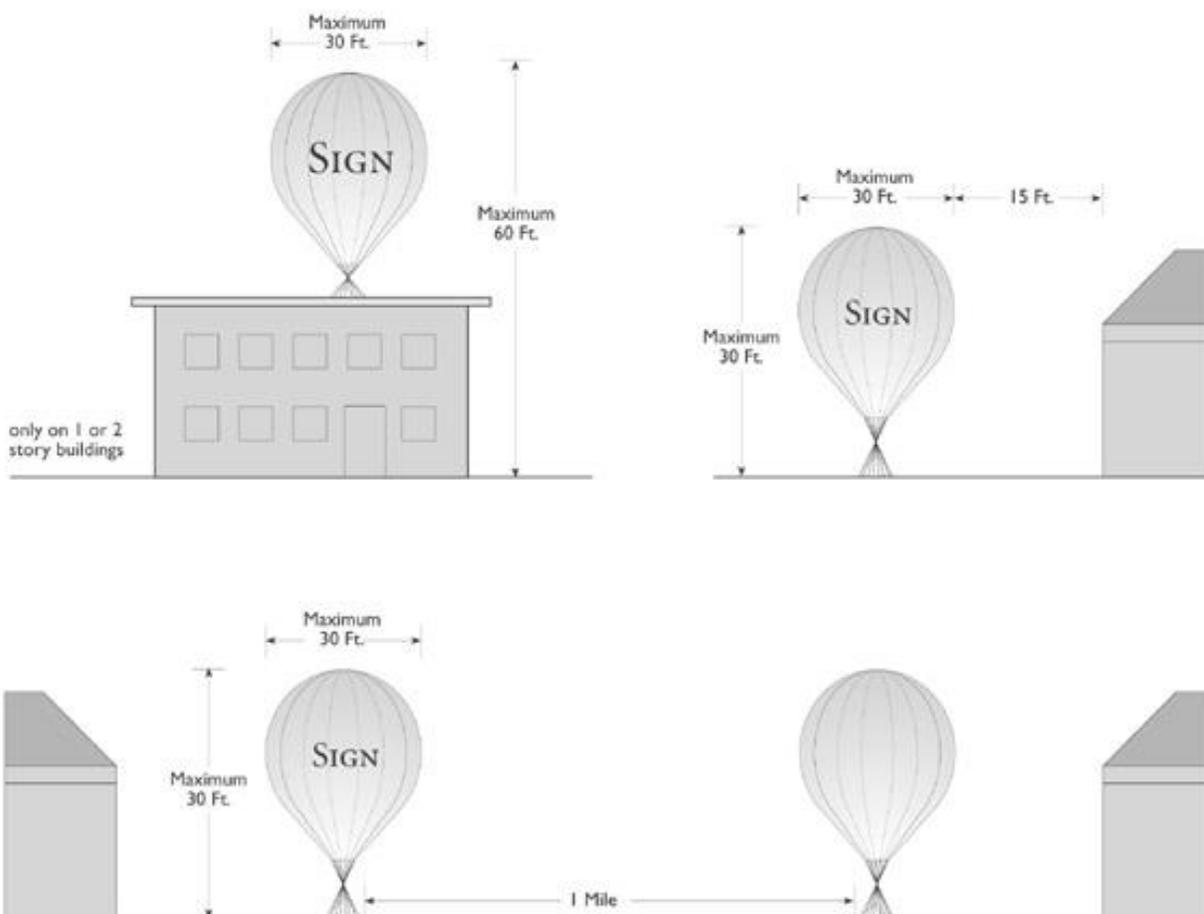
EXHIBIT E

ARTICLE 8 – SIGNAGE
[RELATED TO TEMPORARY SIGNS]
SUMMARY OF AMENDMENTS

(Updated 10/13/17)

- 1 ~~3. Cold air balloon installation business tax receipt; [Ord. 2007-013]~~ [Relocated to Art.
- 2 **8.G.3.H.1.c, Related to Permit Requirements]**
- 3 ~~4. Evidence of installer's liability and property damage insurance;~~ [Relocated to Art. 8.G.3.H.1.d,
- 4 **Related to Permit Requirements]**
- 5 ~~5. Site plan or survey showing location of balloon and centerline of adjacent R-O-W demonstrating~~
- 6 ~~compliance with these regulations; and~~ [Relocated to Art. 8.G.3.H.1.e, Related to Permit
- 7 **Requirements]**
- 8 ~~6. A photograph of the balloon.~~ [Relocated to Art. 8.G.3.H.1.f, Related to Permit
- 9 **Requirements]**
- 10

Figure 8.D.1.A – Temporary Balloon Type Signs



11 [Relocated to Figure 8.G.3.H, Balloon Example]

- 12 **B. Prohibitions in the WCRAO**
- 13 ~~Balloon type signs are prohibited in the WCRAO. [Ord. 2006-004]~~ [Relocated to Art. 8.G.3.H.2,
- 14 **Prohibitions in the WCRAO]**
- 15

Reason for amendments: [Zoning]
6. Delete language for Campaign Drives or Civic Events, Grand Openings, Temporary Sales as all of them are proposed to be consolidated in a section that indicates applicable standards for all temporary signs.

16 ~~Section 2 – Campaign Drives or Civic Events~~

17 ~~These signs are allowed 60 days prior to the campaign drive or event; they shall not exceed 32 square feet~~

18 ~~or ten feet in height. They shall be removed within 30 days following the end of the campaign drive or event.~~

19 ~~Section 3 – Grand Openings~~

20 ~~One temporary sign, per business, per location for a grand opening shall be permitted, and may be~~

21 ~~displayed for up to 14 days.~~

22 ~~A. Projects Less Than Five Acres~~

23 ~~Grand opening signs shall not be more than eight square feet in sign area. Freestanding grand~~

24 ~~opening signs shall be a maximum of five feet in height and have a minimum setback of five feet.~~

Notes:

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EXHIBIT E

ARTICLE 8 – SIGNAGE [RELATED TO TEMPORARY SIGNS] SUMMARY OF AMENDMENTS (Updated 10/13/17)

~~B. Projects Over Five Acres~~

~~Grand opening signs shall not be more than 32 square feet in sign area. Freestanding grand opening signs shall be a maximum of ten feet in height and have a minimum setback of five feet.~~

~~Section 4 – Temporary Sales~~

~~One temporary on-site and non-illuminated freestanding sign announcing a temporary sale, prior or in accordance with the Article 2.D.2, Special Permit shall be permitted for 30 days, subject to the standards in Table 8.D.4, Temporary Sales Sign Standards.~~

Table 8.D.4 – Temporary Sale Sign Standards

Maximum Sign Area	32 sq. ft.
Maximum Height	10 ft.
[Ord. 2008-003]	

Reason for amendments: [Zoning]

7. Relocate Temporary Residential and Non-Residential Development Signs to Art. 8.G, Standards for Specific Sign Types, which is a section containing more consistent regulations to this type of sign.

~~Section 5 – Temporary Residential Development Signs~~

~~A maximum of two temporary residential development signs shall be permitted per frontage for up to three years or until 95 percent of the development has received a CO, whichever occurs later. An additional sign shall be permitted for each 660 feet of frontage in excess of 1,320 feet. [Ord. 2008-037] [Relocated to Art. 8.G.3.F, Residential Development Signs]~~

~~A. Developments Less Than Five Acres~~

~~Temporary residential development signs shall be a maximum of eight square feet in sign area and not more than five feet in height. [Ord. 2008-037] [Relocated to Art. 8.G.3.F.1, Residential Development Signs]~~

~~B. Developments Greater Than Five Acres~~

~~Temporary residential development signs shall not be more than 48 square feet in sign area and not more than ten feet in height. [Ord. 2008-037]~~

~~Section 6 – Temporary Non-Residential Development Signs~~

~~For projects with DRO approval, no more than one temporary development sign shall be permitted, per frontage, for up to two years or until the development has received a CO. [Relocated to Art. 8.G.3.G, Non-Residential Development Signs]~~

~~A. Maximum height: ten feet; [Ord. 2008-003] [Relocated to Art. 8.G.3.G.1, related to Non-Residential Development Signs]~~

~~B. Maximum sign area: 32 square feet. [Ord. 2008-003] [Relocated to Art. 8.G.3.G.2, related to Non-Residential Development Signs]~~

Part 5. ULDC Art. 8.F.5, Illumination (page 22 of 42), is hereby amended as follows:

Reason for amendments: [Zoning]

1. Clarify that illumination is not permitted for temporary sign due to the provisional character of the sign.

CHAPTER F GENERAL PROVISIONS FOR ALL SIGN TYPES

This Section establishes the physical standards and requirements applicable to all signs and the districts in which they are located. More detailed standards applicable to specific types of signs follow this Section.

Section 5 Illumination

Signs, other than temporary signs, may be illuminated subject to the following standards:

A. General Requirements

1. Ground-mounted and building-mounted signs adjacent to a residential zoning district or residential use shall be illuminated only during hours when the establishment is open for business; [Ord. 2017-025]
2. External lighting shall be properly shielded to prevent glare on adjacent streets or properties; [Ord. 2017-025]

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EXHIBIT E

ARTICLE 8 – SIGNAGE [RELATED TO TEMPORARY SIGNS] SUMMARY OF AMENDMENTS (Updated 10/13/17)

- 1 3. Illumination shall be constant and shall not consist of flashing, animated or changing lights,
2 except for permitted change of message for electronic message signs, pursuant to Art. 8.G.3.B,
3 Electronic Message Signs; and. [Ord. 2014-025] [Ord. 2017-025]
4 4. Electronic Message Signs shall be exempt from AGR, Exurban, Rural or Glades Tier
5 prohibitions on internally illuminated signage. [Ord. 2017-025]
6
7

8 **Part 6. ULDC Art. 8.G.3, Other Sign Types, [Related to Standards for Specific Sign Types] (page**
9 **37 of 42), is hereby amended as follows:**
10

Reason for amendments: [Zoning]
1. Reflect relocation of Residential and Non-Residential Development Signs and Balloon Signs in Chapter G, Standard for Specific Sign Types, along with similar provisions.
2. Reflect change to the approval process of Balloons to be now subject to Zoning Agency Review. This amendment reflects deletion of Special Permit from Art. 2 as a one of the approval processes in the Code.

11 CHAPTER G STANDARDS FOR SPECIFIC SIGN TYPES

12 Section 3 Other Sign Types

13

14 **F. Residential Development Signs**

15 *A maximum of two temporary residential development signs shall be permitted per frontage for up*
16 *to three years or until 95 percent of the development has received a CO, whichever occurs later.*
17 *An additional sign shall be permitted for each 660 feet of frontage in excess of 1,320 feet. [Ord.*
18 *2008-037] [Relocated from Art. 8.D.5, Temporary Residential Development Signs]*

19 **1. Developments Less Than Five Acres**

20 *Temporary residential development signs shall be a maximum of eight square feet in sign area*
21 *and not more than five feet in height. [Ord. 2008-037] [Relocated from Art. 8.D.5.A,*
22 *Developments Less Than Five Acres]*

23 **2. Developments Greater Than Five Acres**

24 *Temporary residential development signs shall not be more than 48 square feet in sign area*
25 *and not more than ten feet in height. [Ord. 2008-037] [Relocated from Art. 8.D.5.B,*
26 *Developments Greater Than Five Acres]*

27 **G. Non-Residential Development Signs**

28 *For projects with DRO approval, no more than one temporary development sign shall be permitted,*
29 *per frontage, for up to two years or until the development has received a CO. [Relocated from Art.*
30 *8.D.6, Temporary Non-Residential Development Signs]*

31 **1. Maximum height: ten feet; [Ord. 2008-003] [Relocated from Art. 8.D.6.A, related to**
32 **Temporary Non-Residential Development Signs]**

33 **2. Maximum sign area: 32 square feet. [Ord. 2008-003] [Relocated from Art. 8.D.6.B, related**
34 **to Temporary Non-Residential Development Signs]**

35 **H. Balloon**

36 *Balloon type signs are allowed in the CG-General Commercial, PO-Public Ownership, CRE-*
37 *Commercial Recreation, IL-Light Industrial, IG-General Industrial or PDD-Planned Development*
38 *zoning districts, subject to the standards in Table 8.G.3.H, Balloon. Only cold air shall be used in*
39 *the balloon. Balloons shall not be located within any required vehicular use area. [Relocated from*
40 *Art. 8.D.1, Balloon Type Signs]*
41

Table 8.G.3.H - Balloon

Maximum Width	30 ft.
Maximum Height	30 ft. 60 ft. for balloons on top of buildings (allowed on 1 or 2 story buildings only)
Minimum Separation Between Other Permitted Balloon Type Signs	1 mile
Minimum Setback from Base Building Line	15 ft.

42 [Relocated from Table 8.D.1 – Balloon Type Sign Standards]

43 **1. Permit Requirements**

44 *The following information shall be provided to the Zoning Division with the application for ZAR*
45 *process. No project shall be issued more than two balloon permits in any calendar year. The*
46 *maximum duration of any permit shall be for ten days. There shall be a minimum of 30 days*
47 *from the day the first balloon is removed before a second permit for a balloon may be issued.*
48 **[Partially relocated from Art. 8.D.1.A, Permit Requirements]**

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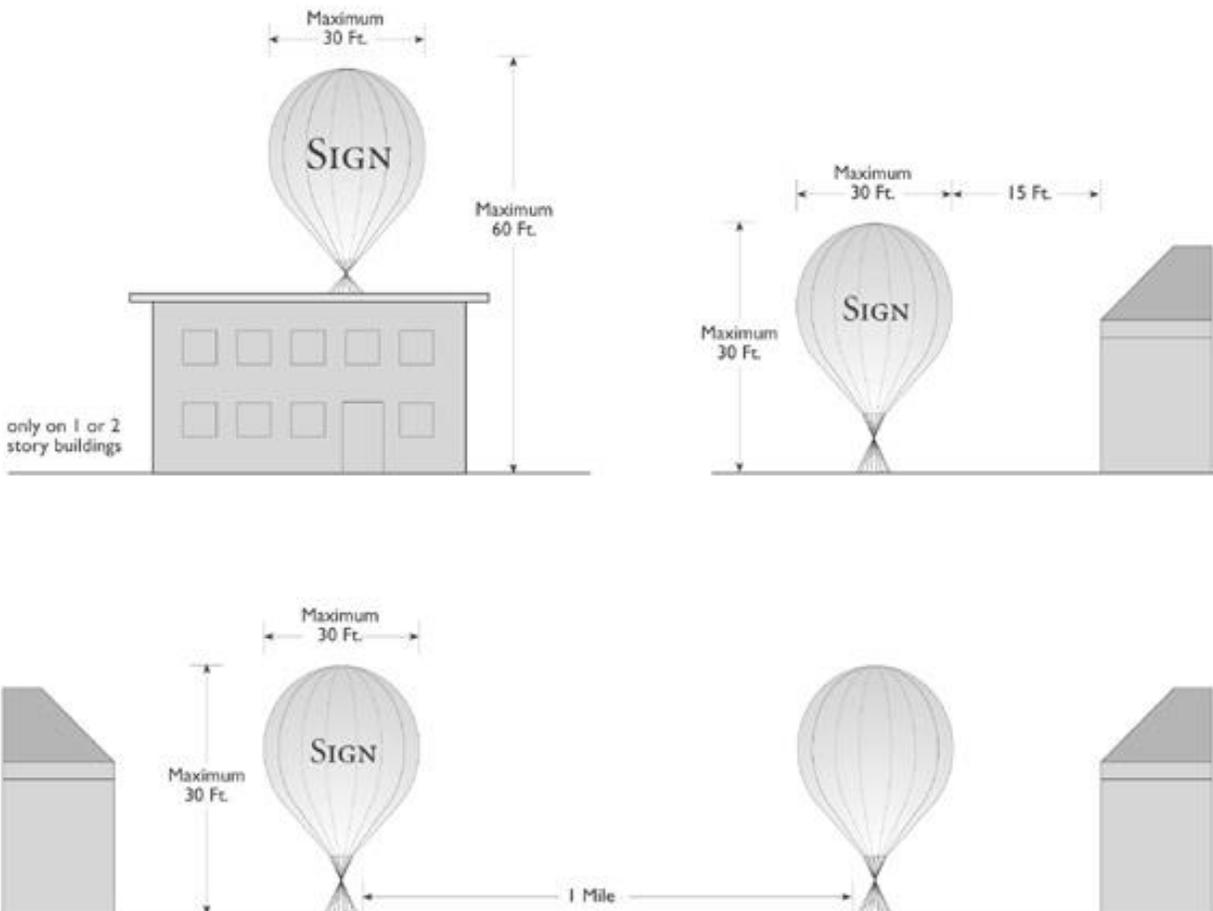
EXHIBIT E

ARTICLE 8 – SIGNAGE
[RELATED TO TEMPORARY SIGNS]
SUMMARY OF AMENDMENTS
(Updated 10/13/17)

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- a. *Legal description, property control number (PCN) and address of location;* [Relocated from Art. 8.D.1.A.1, Related to Permit Requirements]
- b. *Written permission of property owner or owner's designated agent;* [Relocated from Art. 8.D.1.A.2, Related to Permit Requirements]
- c. *Cold air balloon installation business tax receipt;* [Ord. 2007-013] [Relocated from Art. 8.D.1.A.3, Related to Permit Requirements]
- d. *Evidence of installer's liability and property damage insurance;* [Relocated from Art. 8.D.1.A.4, Related to Permit Requirements]
- e. *Site plan or survey showing location of balloon and centerline of adjacent R-O-W demonstrating compliance with these regulations; and,* [Relocated from Art. 8.D.1.A.5, Related to Permit Requirements]
- f. *A photograph of the balloon.* [Relocated from Art. 8.D.1.A.6, Related to Permit Requirements]

Figure 8.G.3.H - Balloon Example



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18
19

[Relocated from Figure 8.D.1.A – Temporary Balloon Type Signs]

- 2. *Prohibitions in the WCRAO*
Balloon type signs are prohibited in the WCRAO. [Ord. 2006-004] [Relocated from Art. 8.D.1.B, Prohibitions in the WCRAO]

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EXHIBIT F

ARTICLE 1.C.4 – MEASUREMENT [RELATED TO RULES OF CONSTRUCTION] SUPPLEMENTARY STANDARDS SUMMARY OF AMENDMENTS

(Updated 09/15/17)

1
2 Part 1. ULDC Art. 1.C.4, Measurement (page 13 of 110), is hereby amended as follows:
3

Reason for amendments: [ZONING]
1. To revise the way separation should be measured between two properties in different zoning districts or Future Land Use (FLU) designations that are divided by a Right-Of-Way. Article 1.C.2. states that the centerline of a R-O-W is considered the boundary when it is between two different zoning districts. This amendment proposes to measure the distance from the closest point of the subject structure to the property line of the adjacent parcel instead of measuring to the zoning district boundary, which is the centerline of the R-O-W. This provides more flexibility for the placement of a building on the site because the width of the R-O-W is taken into account during the measuring for the separation requirement. The R-O-W acts as a physical buffer between the uses.
2. To add a graphic to further clarify where and how this measurement rule should be applied.

4 CHAPTER C RULES OF CONSTRUCTION AND MEASUREMENT

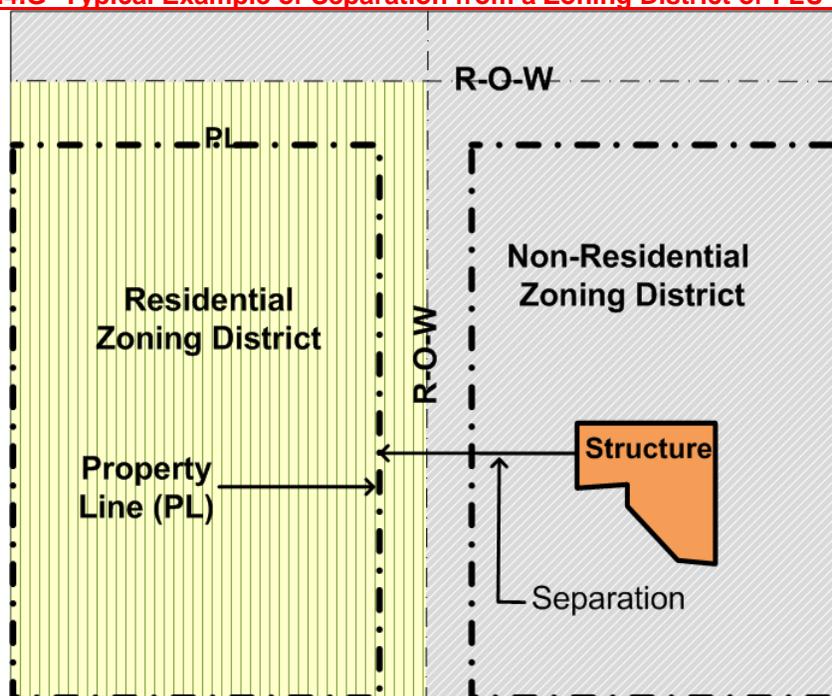
5 Section 4 Measurement

6

7 **G. Separation from a Zoning District or FLU Designation**

8 When adjacent parcels, located in different zoning districts or FLU designations, and are separated
9 by a R-O-W, the required separation distance shall be measured by drawing a straight line from
10 the closest point of the applicable structure to the closest point of the adjacent property line across
11 the R-O-W.
12

Figure 1.C.4.G- Typical Example of Separation from a Zoning District or FLU Designation



13 [ReNUMBER Accordingly]

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EXHIBIT G

ARTICLE 3 – OVERLAY AND ZONING DISTRICTS [RELATED TO REQUESTED USES REFERENCE] SUMMARY OF AMENDMENTS

(Updated 08/07/17)

1 Part 1. ULDC Art. 3.B.4, GAO, Glade Area Overlay (pages 25 -27, 44, 62, 111-112, 132-133, 180,
2 202 of 216), is hereby amended as follows:
3

Reason for amendments: [ZONING]
--

1. Amend to include multiple updates through Art. 3, Overlays and Zoning Districts to delete reference to Requested Use and consolidate with Conditional Use for consistency with changes done to the Code through the Use Regulations Project contained in Ordinance 2017-007.

4 CHAPTER B OVERLAYS

5 Section 4 GAO, Glades Area Overlay

6
7 **D. Approval Process**

8
9 **2. Administrative Approvals**

10
11 **b. Conditional ~~and Requested~~ Uses**

12 Uses allowed as Conditional ~~or Requested~~ Uses in a non-residential Zoning district may
13 be approved by the DRO after compliance with Art. 2.B.2.B, Standards for Conditional
14 Uses, ~~Requested Uses~~ and Development Order Amendments. **[Ord. 2016-016]**

15
16 **3. Public Hearing Approvals**

17 **a. Prohibited Uses in Non-residential Districts**

18 Uses not otherwise permitted in a non-residential Zoning district may be approved as a
19 Class A Conditional ~~or Requested~~ Use provided the BCC makes a finding that the
20 proposed use meets the following: **[Ord. 2014-025] [Ord. 2016-016]**

21
22 **E. Property Development Regulations (PDRs) Exceptions**

23
24 **2. Maximum Density and Intensity - Conditional/~~Requested~~ Use Approval**

25 The BCC may consider an increase in the maximum density and intensity allowed by the Plan
26 within the GAO subject to approval of a Conditional ~~or Requested~~ Use. **[Ord. 2014-025]**

27
28 **F. Planned Industrial Park Development (PIPD)**

29 **1. Development Standard Exceptions**

30
31 **c. Maximum Commercial Acreage - ~~Requested~~ Conditional Use Approval**

32 The BCC may consider an increase in the maximum Commercial acreage allowed
33 pursuant to Table 3.E.5.D, PIPD Land Use Mix, subject to approval of a ~~Requested~~
34 Conditional Use; and, upon finding that the increase will serve the projected workforce and
35 residential population of the PIPD, and encourage internal automobile trip capture. **[Ord.**
36 **2014-025]**

37
38 **Section 14 WCRAO, Westgate Community Redevelopment Area Overlay**

39
40 **D. Development Review Procedures**

41 **1. WCRA Recommendation**

42 Applicants must obtain a recommendation from the WCRA, prior to submittal of any application
43 for the development of single-family or duplex residential structures on a non-conforming lot,
44 or application outlined under Art. 2, Development Review Procedures, for the following: Official
45 Zoning Map Amendments, Conditional Uses, ~~Requested Uses~~, Development Order
46 Amendments, Plan Amendments, Density Bonuses, Variances and projects requiring DRO
47 approval. An application for a WCRA recommendation must be made in accordance with the
48 following: **[Ord. 2006-004] [Ord. 2007-013]**

49
50 **H. Density Bonus Programs**

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EXHIBIT G

ARTICLE 3 – OVERLAY AND ZONING DISTRICTS [RELATED TO REQUESTED USES REFERENCE] SUMMARY OF AMENDMENTS

(Updated 08/07/17)

Table 3.B.14.H - WCRAO Density Bonus Pool Approval

Approval Process Required (1)	Range of Bonus Units per Acre	Min. % of Density Bonus Units Required to be Affordable (3)
....		
[Ord. 2006-004] [Ord. 2007-013]		
Notes:		
1. The transfer of density to a PDD or TDD requires approval as a requested use <u>Class A Conditional Use</u> . [Ord. 2006-004]		
....		

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2. **Other Density Bonus Programs**

Requests for approval of other residential density through Art. 5.G., Density Bonus Programs may request to waive the compatibility and additional landscaping required, if consistent with the Plan, subject to a WCRA recommendation for approval and BCC approval of a Class A Conditional Use ~~or Requested Use~~. [Ord. 2006-004]

10 **Section 15 INFILL REDEVELOPMENT OVERLAY (IRO)**

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D. **Application Requirements**

2. **Plan Requirements**

....
a. **Preliminary Master Plan**

....
2) **Additional Requirements**

....
e) Location of any ~~requested Conditional~~ Uses; [Ord. 2010-005]
....

22 **Section 17 Agricultural Enclave Overlay (AGEO)**

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....
D. **Development Review Procedures**

Any application for a Development Order for a rezoning, ~~eConditional or requested uUse~~ approval, or Development Order Amendment, within an AGEO shall be consistent with an AGE FLUA amendment Conceptual Plan: [Ord. 2014-031]

....
2. **Final Site or Subdivision Plan**

A FSP or FSBP for a TND, PUD, TMD, MUPD or ~~Requested Conditional~~ Use, shall include graphic and tabular details as required above for Master Plans and Regulating Plans. [Ord. 2014-031]

E. **Use Regulations and Standards**

....
2. **Economic Development Center (EDC)**

An MUPD Pod developed as a TTD Economic Development Center may include a College or University subject to approval as a ~~Requested Conditional~~ Use. Additional commercial uses that support employees and students may be permitted in accordance with a FLUA Conceptual Plan. [Ord. 2014-031]
....

41 **CHAPTER E PLANNED DEVELOPMENT DISTRICTS (PDDS)**

42 **Section 1 General**

43
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....
A. **General**

2. **Applicability**

....
a. **Previous Approvals**

....
2) **Additional Requested Uses**

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EXHIBIT G

ARTICLE 3 – OVERLAY AND ZONING DISTRICTS [RELATED TO REQUESTED USES REFERENCE] SUMMARY OF AMENDMENTS

(Updated 08/07/17)

1 Previously approved “Additional ~~Requested Conditional~~ Uses” shall remain conforming
2 uses, and may be modified or expanded, subject to a DOA Approval. [Ord. 2005 –
3 002] [Ord. 2009-040]

4
5 **B. FAR, Density, and Use Standards**

6
7 **3. Uses Allowed**

8 Uses allowed in a PDD shall be pursuant to Article 4, Use Regulations. Previously approved
9 planned developments shall be governed by the FLU designation in the Plan or pod designation
10 on the most recent approved master plan for purpose of determining the uses allowed and
11 applicability of this Code. Previously approved additional ~~requested Conditional~~ ~~u~~Uses shall
12 be considered conforming uses, and any expansion, relocation or increase in intensity shall be
13 subject to BCC approval. [Ord. 2005-041] [Ord. 2017-007]

14
15 **Section 2 Planned Unit Development (PUD)**

16
17 **E. Pods**

18
19 **2. Commercial Pod**

20
21 **b. Design**

22 1) Any single use exceeding 10,000 square feet of GFA shall obtain approval as a
23 ~~Requested Conditional~~ Use.

24
25 **CHAPTER F TRADITIONAL DEVELOPMENT DISTRICTS (TDDS)**

26 **Section 1 General Provisions for TDDs**

27
28 **C. Review and Approval Process**

29 **1. Traditional Town Development (TTD) Required Plan Options**

30 The BCC may approve a Preliminary Master Plan for a TTD, including TMD, MUPD, TND and
31 PUD Pods, and ~~Requested Conditional~~ Uses, without concurrent submittal of Preliminary Site
32 Plans or Subdivision Plans. The BCC shall approve a Preliminary Site Plan for a TMD, MUPD
33 and any Requested Uses prior to Final Site Plan approval. Preliminary Site Plan or Subdivision
34 Plan approval shall not be required for a TND or PUD Pod, unless the applicant is requested
35 Waivers or other standard requiring BCC approval. [Ord. 2014-031]

36
37 **Section 4 Traditional Marketplace Development (TMD)**

38
39 **C. Development Standards for all TMDs**

40 **1. General Standards**

41
42 **c. Maximum Floor Area per Single Tenant [Ord. 2005-041]**

43 **1) U/S Tier**

44 No single tenant may occupy more than 50,000 sq. ft. unless approved as a ~~requested~~
45 ~~Conditional~~ ~~u~~Use. Single tenants occupying more than 100,000 square feet are
46 prohibited. [Ord. 2005 – 002]

47 **2) Exurban/Rural and AGR Tiers**

48 No single tenant may occupy more than 25,000 sq. ft. unless approved as a ~~requested~~
49 ~~Conditional~~ ~~u~~Use. Single tenants occupying 65,000 sq. ft. or more are prohibited. [Ord.
50 2005 – 002]

51
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to Requested Uses.docx

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EXHIBIT H

ART. 3.B.14, WESTGATE COMMUNITY REDEVELOPMENT AREA OVERLAY (WCRAO) SUMMARY OF AMENDMENTS (Updated 9/19/17)

1
2 Part 1. ULDC Article 3.B.14, WCRAO, Westgate Community Redevelopment Area Overlay–
3 (pages 44-46 of 218), is hereby amended as follows:
4

Reason for Amendment: [Westgate CRA] To modify use regulations to remove the requirement for mixed use in the NC, NRM, and NG Sub-areas; to correct a long-standing glitch by removing the Class A Conditional Use approval (A) designation on office warehouse use in the UI Sub-area; and, to allow residential uses, as permitted by zoning district, on the 1st floor in the core of the NC Sub-area.

Background: The 2005 CRA Redevelopment Plan provided the framework to transform the WCRA Overlay into one focused on form based code and mixed use, particularly in key redevelopment areas such as the Westgate Avenue corridor. The 2017 CRA Redevelopment Plan recognizes the challenges to expedient and successful redevelopment that have resulted from the 12-year implementation of strict WCRAO regulations and standards. While building placement, massing and frontage remain an important element of the vision for Westgate, consideration must be made to accommodate changing economic needs and market trends that will allow for a healthy functional mix of uses. The Westgate CRA will continue to implement incentives that encourage a property owner or developer to combine a mix of uses to allow for better trip internalization. Mixed use development is incentivized through criteria for bonus density units, and in provisions that allow deviations from parking standards and landscape buffer requirements.

1. The CRA recognizes that mandatory mixed use has presented a challenge to redevelopment and has, in many cases, deterred development interest. The provision for "required" mixed use in the NC (Neighborhood Commercial), NRM (Neighborhood Residential Medium Density), and NG (Neighborhood General) Sub-areas in Table 3.B.14.E, WCRAO Mixed Use, shall be modified to "permitted" with current limitations on non-residential uses in the NRM and NG Sub-areas per Art. 3.B.14.E.1.a. to remain. Notes are reordered to reflect deleted provisions, and that with the removal of required mixed use, are no longer necessary.

2. 2006 text amendments to the WCRAO conceived the term "office warehouse", to allow, by Class A approval, a warehouse use in commercial zoning districts where otherwise it would not be allowed, for example in the UG (Congress Ave.) and UH (Okeechobee Blvd, N. Military Trail) Sub-areas which are primarily zoned commercial with a CH FLU. The amendment inadvertently included lots with an IND FLU and created a glitch by also restricting the use by Class A approval in the UI sub-area where warehouse is permitted by right in districts consistent with an IND FLU. Provisions for warehouse outlined in Art. 4.B.5.C.17 already allow for a percentage of accessory office in warehouse developments.

3. Multi-family and townhouse units are permitted by right in non-residential districts where mixed use is required or permitted in accordance with Table 3.B.14.E – WCRAO Mixed Use, however, current sub-area use regulations in Table 3.B.14.E - WCRAO Sub-area Uses Permitted by Floor for the core area of Westgate Avenue between Wabasso Drive and Loxahatchee Drive do not allow residential uses on the 1st floor. This amendment clarifies that with the removal of required mixed use in the core of the NC Sub-area, and for consistency with Table 3.B.14.E - WCRAO Mixed Use, residential uses, permitted by zoning district, will be allowed on the 1st floor. Prohibited uses in the NC Sub-area, as defined by Table 3.B.14.E - WCRAO Sub-area Use Regulations will remain. Note 2 in Table 3.B.14.E. is deleted commensurate with the removal of mandatory mixed use in the core of the NC Sub-area and to clarify that "All" uses as defined by the Key does not include Industrial in the NC Sub-area.

5 CHAPTER B OVERLAYS

6 Section 14 WCRAO, Westgate Community Redevelopment Area Overlay

7 C. Boundaries

8 9 2. Sub-area Boundaries and Descriptions

10 11 d. NC, Neighborhood Commercial

12 Intended to be the key focal point of the redevelopment area, with provisions ~~allowing for~~
13 ~~or requiring to encourage and incentivize~~ mixed use development ~~with more intense~~
14 ~~commercial uses.~~ [Ord. 2006-004]

15 16 E. Use Regulations

17 1. Mixed Use

18 In the WCRAO, mixed use means the combination of residential and one or more non-
19 residential uses that are functionally integrated. Mixed use may be required or permitted in

Notes:

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EXHIBIT H

**ART. 3.B.14, WESTGATE COMMUNITY REDEVELOPMENT AREA
OVERLAY (WCRAO)
SUMMARY OF AMENDMENTS
(Updated 9/19/17)**

1 commercial districts that have a commercial with underlying residential FLU designation, as
2 indicated in Table 3.B.14.E, WCRAO Mixed Use. **[Ord. 2006-004]**
3

Table 3.B.14.E - WCRAO Mixed Use

Sub-areas	NR	NRM	NG	NC	UG	UH	UI
Mixed Use (6)	Prohibited	<u>Required Permitted (1) (73)</u>	<u>Required Permitted (1) (73)</u>	<u>Required Permitted (3) (2) (5)</u>	Permitted	Permitted	Prohibited
Minimum Residential Use (42)	N/A	50%	50%	25% N/A	N/A	N/A	N/A
Maximum Residential Use	N/A	100% (73)	100% (73)	75% (3) N/A	N/A	N/A	N/A
Minimum Non-residential Use	N/A	0%	0%	25% (3) N/A	N/A	N/A	N/A
Maximum Non-residential Use (42)	N/A	50%	50%	75% N/A	N/A	N/A	N/A

[Ord. 2006-004] [Ord. 2011-001] [Ord. 2015-031]

Notes:

1. Non-residential uses on parcels with a commercial with underlying residential FLU designation, approved as part of Plan Amendment Round 2005-01, shall only be permitted in accordance with of Art. 3.B.14.E.1.a, Mixed Use in NRM, NG and NC Sub-areas. **[Ord. 2006-004] [Ord. 2015-031]**
2. ~~Required only on Westgate between Loxahatchee Drive and Wabasso Drive in accordance with Art. 3.B.14.E.1.a, Mixed Use in the NRM, NG and NC Sub-areas. [Ord. 2006-004] [Ord. 2015-031]~~
3. ~~Maximum residential use may be increased to 100% and minimum non-residential uses may be reduced to 0%, east of Loxahatchee Drive, and West of Wabasso Drive. [Ord. 2006-004]~~
- 4-2. Minimum and maximum percentages for residential and non-residential uses are calculated by dividing the total GFA for either use (residential OR non-residential) type by the total GFA (residential AND non-residential). **[Ord. 2006-004]**
5. ~~Minimum residential and maximum non-residential percentages may be waived once all permitted residential density has been utilized, if no Density Bonus Pool units are available. [Ord. 2006-004]~~
6. ~~Mixed Use requirement shall not apply to improvements to or rehabilitation of existing structures or the expansion of a nonconforming use, pursuant to Art. 1.F.4.D, Expansion. [Ord. 2011-001]~~
73. Stand-alone residential developments are permitted within the NC, NRM and NG Sub-areas. **[Ord. 2015-031]**

4
5 **a. Mixed Use in NRM, NG, and NC Sub-areas**
6 In the NRM, and ~~NG and NC~~ Sub-areas, non-residential uses shall only be permitted if all
7 permitted residential density is utilized, but in no case shall it be less than one unit. Density
8 shall be calculated as standard density, or maximum density for PDDs, TDDs, and projects
9 meeting the requirements of FLUE Policy 2.2.1-e of the Plan, which ever is greater. **[Ord.**
10 **2006-004] [Ord. 2015-031]**

11 **....**
12 **2. Sub-area Use Regulations**
13 **a. Use Regulations**
14 In addition to the requirements of Table 3.E.1.B, Table 3.F.I.F, and Table 4.A.3.A, the
15 following uses shall be prohibited or permitted in the WCRAO Sub-areas: **[Ord. 2006-004]**
16

Table 3.B.14.E - WCRAO Sub-area Use Regulations

Sub-areas	NR	NRM	NG	NC	UG	UH	UI	NOTE (2)
Residential Uses								
....								
Commercial Uses								
....								
Office Warehouse	X	X	X	X	A (1)	A (1)	A (1)	4.B.5.C.17
....								

[Ord. 2006-004] [Ord. 2007-013] [Ord. 2009-040] [Ord. 2010-022] [Ord. 2011-016] [Ord. 2012-007] [2017-002] [Ord. 2017-007]

Notes:

1. Limited to lots with a CH ~~or IND~~ FLU Designation and corresponding zoning district. **[Ord. 2006-004]**
2. A number in the NOTE column refers to Art 4.B, Supplementary Use Standards, which are applicable to the use. **[Ord. 2006-004]**
3. Adult entertainment shall also be prohibited as an accessory use to other principal uses within the sub-areas. **[Ord. 2007-013]**
4. Limited to lots with a CH or CL FLU Designation and corresponding zoning district. **[Ord. 2007-013]**
5. Multi-family and Townhouse units may be Permitted by Right in non-residential districts where Mixed Use is required or permitted in accordance with Table 3.B.14.E. WCRAO Mixed Use. **[Ord. 2017-002]**
6. Employment Agencies as contained in Art. 4 under Office, Business or Professional. **[Ord. 2017-007]**

Key:

- X Prohibited in Sub-area.
- Subject to Use Regulations of zoning district.
- P Permitted by Right. **[Ord. 2007-013] [2009-040]**
- A Class A Conditional Use **[Ord. 2017-007]**

17

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EXHIBIT H

**ART. 3.B.14, WESTGATE COMMUNITY REDEVELOPMENT AREA
OVERLAY (WCRAO)
SUMMARY OF AMENDMENTS
(Updated 9/19/17)**

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b. Table for Allowable Uses by Floor

Where permitted by the existing zoning district, uses shall be further regulated by floor, as indicated in Table 3.B.14.E, WCRAO Sub-area Uses Permitted by Floor, and Figure 3.B.14.F, WCRAO Sub-area Building Configurations and Lot Placements. **[Ord. 2006-004]**

Table 3.B.14.E - WCRAO Sub-area Uses Permitted by Floor (1)

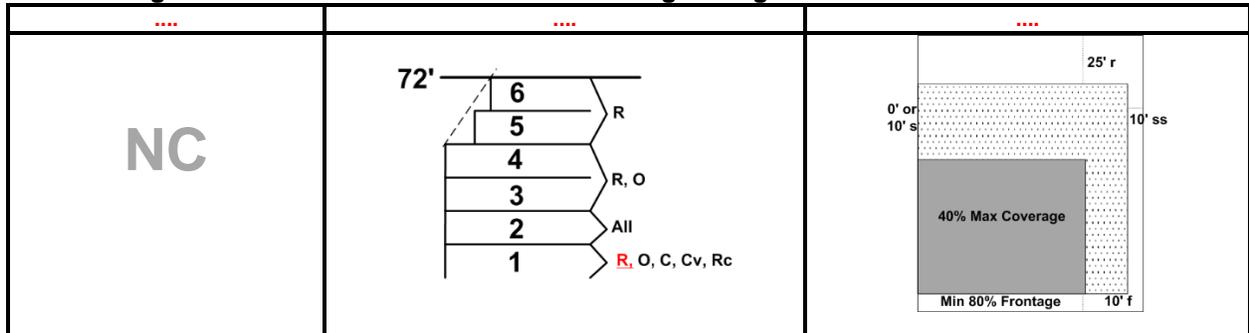
Sub-areas	NR	NRM	NG	NC	UG	UH	UI
1 st Floor	R,Cv, Rc	All	All	<u>R</u> , C, O, CV, Rc (?)	All	All	C, I, O
....							
[Ord. 2006-004]							
Key:							
All	Residential, Civic, Recreation, Office, Commercial, and Industrial			R	Residential		
C	Commercial, other than office			CV	Civic		
I	Industrial			Rc	Recreation		
NA	Not Applicable			O	Office		
Notes:							
1. Use allowed by floor only where permitted by existing zoning district, and the mixed use provisions of Table 3.B.14.E, WCRAO Mixed Use. [Ord. 2006-004]							
2. All uses are permitted East of Loxahatchee Drive and West of Wabasso Drive. [Ord. 2006-004]							

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4. Base Building Line

The 40 foot wide visual buffer requirement of Article 3.D.1.D.1, Base Building Line, shall not apply to those lots abutting Westgate Avenue between Congress Avenue and Military Trail. The base building line for said lots shall be the existing R-O-W line of Westgate Avenue. **[Ord. 2006-004]**

Figure 3.B.14.F - WCRAO Sub-area Building Configurations and Lot Placements



KEY for allowable usage by floor:*
R= Residential O= Office
C= Commercial I= Industrial
Cv= Civic Rc= Recreational
All= R, O, C, I, Cv, Rc

Key for setbacks:
f= front setback ss= side setback
s= side setback r= Rear Setback
ZD= Regulations of Applicable Zoning District

 **Building Coverage**
 **Buildable Area**

* Use allowed by floor only where permitted by existing zoning district, and the mixed use provisions of Table 3.B.15.E-1, WCRAO Mixed Use.

[Ord. 2006-004]

15
16

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EXHIBIT I

ARTICLE 3.E.1.E.1.C – HOUSING CLASSIFICATION AND TYPE
SUMMARY OF AMENDMENTS

(Updated 08/16/17)

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Part 1. ULDC Art. 3.E.1.E.1.c, Housing Classification and Type (pages 137-138 of 216), is hereby amended as follows:

Reason for amendments: [ZONING]
1. To clarify the changes related to housing type for Planned Development District (PDD) Master Plan, Site Plan, Subdivision Plan or Regulating Plan that can be approved by the DRO. The proposed amendment removes the restriction that allows conversion from attached housing units only to avoid conflict with regulations in the corresponding table 3.E.1.E Housing Classification and Type.
2. To capitalize the names of the housing use types in the corresponding table. Use Classifications are capitalized as per the ULDC.

CHAPTER E PLANNED DEVELOPMENT DISTRICTS (PDDS)

Section 1 General

E. Modifications

1. Modifications by the DRO to a Master Plan, Site Plan, Subdivision Plan or Regulating Plan

c. Housing Classification and Type

~~Housing classification may only be changed from attached to detached.~~ Housing type may ~~only~~ be changed as follows:

Table 3.E.1.E - Housing ~~Classification and Type~~ (1)

From	To
MF	Townhouse, Z zero L lot L line, or S single F family
Townhouse	MF with maximum height of 35-feet in height, Zero Llot Lline, or Ssingle Ffamily or MF maximum of 35' in height
ZLL	Single F family
Notes:	
Provided there is no height increase from the originally approved housing type	

Notes:

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EXHIBIT J

ARTICLE 4 – USE REGULATIONS SUMMARY OF AMENDMENTS

(Updated 09/20/17)

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Part 1. ULDC Art. 4.B.2.C.36, Self Service Storage, (page 53-55 of 203), is hereby amended as follows:

Reason for amendments: [Zoning]
1. Delete redundant standards regulating the orientation of storage unit doors. The intent is to further clarify longstanding exceptions to prohibitions on Self Service Storage bay door or fenestration orientation towards residential uses or public streets, when such doors or windows are blocked from view of affected residential uses by other structures or walls within the Self Service Storage facility.
2. Establish additional exceptions to limitations on fenestration for interior corridors with doors to limited access storage units. Staff recently collaborated with industry representatives seeking to comply with architectural requirements and/or desiring a more attractive facility, where it was determined that fenestration covered by opaque Bahama shutters or other similar architectural embellishment which precludes prohibited visibility of interior storage unit doors complies with the intent of the Code.

CHAPTER B USE CLASSIFICATION

Section 2 Commercial Uses

C. Definitions and Supplementary Use Standards for Specific Uses

36. Self-Service Storage

....

e. Architecture

~~1) Storage Unit Door Orientation~~

~~a) First Floor Door Orientation~~

~~Storage unit doors shall not face a residential use or vacant parcel with a residential FLU designation, or public street.~~

~~b) Door Orientation on the Second Story or Above~~

~~Limited Access storage unit doors and access points located on the second story or above shall be oriented toward the interior of the site where fenestration is used to allow visibility into interior corridors.~~

12) Storage Access or Storage Unit Door Screening

Access points and storage unit doors shall be screened from all public streets, residential uses or vacant parcels with a residential FLU designation, through the use of buildings, walls, opaque vehicular gates which primarily remain closed, or other similar barriers.

23) Fenestration

The use of fenestration that allows visibility of storage unit doors or is purposely designed in conjunction with interior signage, logos, lighting, or paint schemes intended to expand permitted exterior signage shall be prohibited.

....

Part 2. ULDC Art. 4.B.5.C.5, Wholesale Gas and Fuel, (page 87 of 203), is hereby amended as follows:

Reason for amendments: [Zoning]
1. Reinstate clarification that use is intended to address wholesaling involving flammable or explosive gases and fuels, which commonly includes motor vehicle fuels or fuels for other uses, including propane or natural gas, as well as gases used for welding, among other similar uses. The term gas was also amended to read "gases" as a number of industry representatives had attempted to suggest the term was limited to "gasoline". Similarly, the term "fuel" is generally all encompassing and not limited to motor vehicle fuel. The term "flammable" was deleted as part of the Use Regulations Project as many non-flammable gases were considered likely to intensify potential flammable or explosive hazards. However, this revision inadvertently hinders industries that supply critical medical gases such as oxygen, or other industrial gases such as Argon or Carbon Dioxide.
2. Reinstate prior exemption for low volume sales of flammable gases subject to additional safeguards. A number of concerns were identified with the prior exemption as part of the Use Regulations Project, however, recent discussions with industry representatives have identified additional safeguards that should serve to mitigate any potential adverse impacts.
3. Delete limitation within the Airport Zoning Overlay. This provision mistakenly prohibited the use in areas not intended nor requested by the PBC Department of Airports.

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EXHIBIT J

ARTICLE 4 – USE REGULATIONS SUMMARY OF AMENDMENTS

(Updated 09/20/17)

1 CHAPTER B USE CLASSIFICATION

2 Section 5 Industrial Uses

3 C. Definitions and Supplementary Use Standards for Specific Uses

4 5. Gas and Fuel, Wholesale

5 a. Definition

6 An establishment engaged in the storage of flammable or explosive gases or ~~and~~ fuels for
7 wholesale distribution, ~~to businesses~~.

8 **b. Typical Uses**

9 Wholesale Gas and Fuel may include but is not limited to the bulk storage, distribution and
10 wholesaling of motor vehicle fuels, propane, natural gas, welding gases, or other similar
11 materials.

12 **c. Approval Process – Exception**

13 Wholesale Gas and Fuel may be Permitted by Right subject to compliance with all of the
14 following:

15 1. Limited to a maximum of 2,500 gallons or less or 2,000 gallons water capacity.

16 2. Storage areas shall be located a minimum of 200 feet from any parcel supporting
17 residential uses or vacant parcels with a residential future land use designation.

18 3. Bulk storage of flammable gases shall be prohibited unless approved by PBC Fire
19 Rescue.

20 4. The applicant shall submit a storage management plan for all flammable liquids or
21 gases and any non-flammable gases to include documentation demonstrating
22 compliance with all applicable US Department of Labor, Occupational Safety and
23 Health Hazard (OSHA) standards, the National Fire Protection Association (NFPA)
24 Compressed Gas and Cryogenic Fluids Code, Compressed Gas Association (CGA)
25 Safe Handling of Compressed Gases, and any PBC Fire Rescue standards.

26 **b. Overlay – Airport Zoning Overlay (AZO)**

27 ~~Wholesale of gas and fuel shall be allowed in the AZO Overlay as an airport-related use~~
28 ~~only when associated with sales of aviation fuel.~~

29 **de. Location**

30 This use shall not be located within any Prohibited Land Use Area/Five Mile Runway Buffer
31 Zone.

32 **ed. Separation Distance**

33 A separation distance shall be established between this use and any adjacent uses. The
34 separation distance shall be that prescribed by PBC Fire Rescue Department based upon
35 recognized standards and guidelines,
36

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EXHIBIT K

ARTICLE 5.B.1.A.8 – DUMPSTER SUMMARY OF AMENDMENTS

(Updated 09/27/17)

Part 1. ULDC Art. 5.B.1.A.8, Dumpsters (page 21 of 107), is hereby amended as follows:

Reason for amendments: [ZONING]
1. Clarify that dumpsters, as an accessory structure, may be located in the front yard or side street yard due to the 25 feet minimum setback.
2. Replace existing dumpster graphic with an updated one reflecting the applicable provisions.
3. Restrict location of dumpster on easements and landscape buffers. Permanent structures cannot overlap easements but this amendment leaves the option for variance application when specific circumstances take place.
4. Create a reference to current dumpster setback of 50 feet when it is located in a Commercial pod of a Planned Unit Development (PUD).
5. Current provisions require 25 feet for dumpster separation from residential zoning district or use, leaving unclear what is the applicable setback when adjacent to nonresidential use or zoning district. In some cases, where the residential zoning district setback is more restrictive than the dumpster setback, staff did not consistently apply the Code. This amendment clarifies the minimum setback applicable to dumpsters is 25 feet from all property lines in all zoning districts except for the Commercial pod of a PUD.

CHAPTER B ACCESSORY USES AND STRUCTURES

Section 1 Supplementary Regulations

A. Accessory Uses and Structures

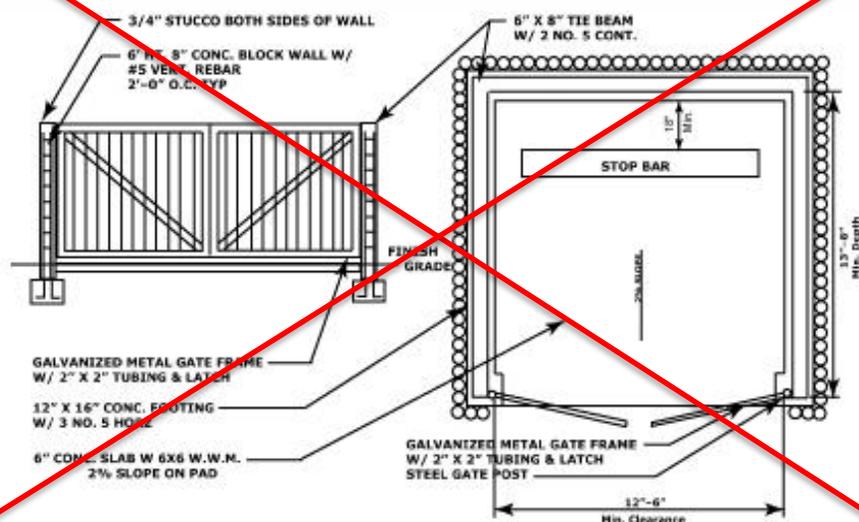
1. General

The following provisions in this Section shall apply to all development in Standard, PDD or TDD Zoning Districts, unless otherwise stated. [2007-001] [2017-007]

b. Location

All accessory uses and structures except for approved off-site parking, shall be located on the same lot as the principal use. No accessory structure shall be located in the front or side street yard except for dumpsters. [Ord. 2017-007]

Figure 5.B.1.A - Typical Dumpster Layout



8. Dumpsters

Each use shall provide a method for the removal of refuse when individual collection, from a licensed solid waste hauler is not provided. All outdoor receptacles for the storage and disposal of refuse, vegetation, and recyclable material, such as dumpsters, trash compactors, and recycling containers, shall meet the following standards:

a. Storage Area

A minimum of one refuse container and one recycling container shall be provided ~~per multi-family project with 16 units or more and for~~ each nonresidential project and per multi-family

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EXHIBIT K

ARTICLE 5.B.1.A.8 – DUMPSTER SUMMARY OF AMENDMENTS

(Updated 09/27/17)

project with 16 units or more. All refuse containers shall be stored in a storage area. Storage areas shall have a minimum dimension of ten feet by ten feet.

b. Location

Containers shall be located to minimize turning and back up movements by pick-up and removal vehicles. Dumpster shall not encroach into easements or landscape buffers.

c. Setback

1) Dumpsters located in a Commercial pod of a PUD shall comply with Art. 3.E.2.E.2.b, Design.

2) Containers In all other zoning districts, dumpsters shall be setback a minimum of 25 feet from all property lines ~~from adjacent residential districts and uses.~~

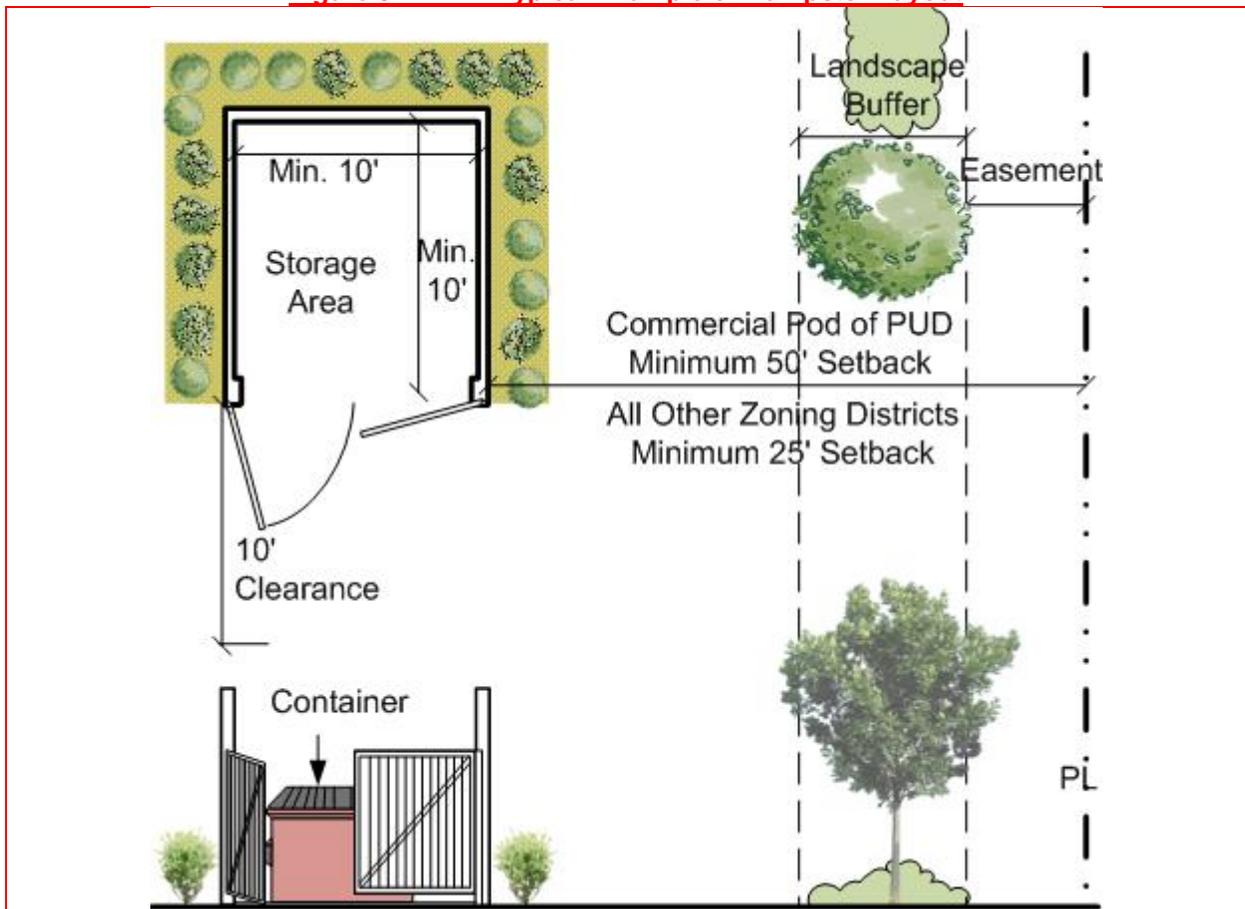
d. Screening

Containers shall be screened from view by a solid opaque enclosure. The open end of the enclosure shall have an opaque gate which provides a minimum of ten feet of clearance when open for service. All exposed exterior sides of the enclosure, other than the open end, shall be landscaped with one 36-inch high shrub planted 24 inches on center. If improvements are proposed for previously approved containers, screening shall be provided to the greatest extent possible.

e. Retrofitting of Existing Developments

The retrofitting of existing developments to comply with the standards of this Section is permitted at a ratio of deletion of one parking space for each outdoor receptacle, not to exceed ten percent of the total required parking spaces.

Figure 5.B.1.A – Typical Example of Dumpster Layout



23

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EXHIBIT L
WALL HEIGHT
SUMMARY OF AMENDMENTS
(Updated 10/17/17)

1
2 Part 1. ULDC Art. 5.B.1.A.2.b.4), General Exceptions (page 14 of 107), is hereby amended as
3 follows:
4

Reason for amendments: [Zoning]

1. Update regulations pertaining to walls and fences in Art. 5 by providing a cross reference to the Noise Mitigation Walls regulations in Art. 7, Landscaping where the standard is developed.

5 **CHAPTER B ACCESSORY USES AND STRUCTURES**

6 **Section 1 Supplementary Regulations**

7 **A. Accessory Uses and Structures**

8 **2. Fences and Walls**

9 **b. Height and Related Standards**

10 **4) General Exceptions**

11
12 f) Walls subject to noise mitigation shall comply with Art. 7.D.4.B.2, Noise Mitigation
13 Walls.

14
15 Part 1. ULDC Art. 7.D, General Standards (page 16 of 49), is hereby amended as follows:
16
17

Reason for amendments: [Zoning]

1. For properties adjacent to the Florida Turnpike in most cases residential, the BCC or Zoning Commission through Land Development often sets a condition for a noise mitigation improvement in the form of a sound wall. Due to the condition, the applicant is required to submit a sound study to the Florida Department of Transportation (FDOT) to determine the necessary wall height that would most reduce the noise levels along that section of the Turnpike or the applicable road. According to Project Development and Environment Manual (PD&E) which is the FDOT's procedure for complying with the **National Environmental Policy Act (NEPA) of 1969, Title 42 U.S.C. section 4321, et seq.**, *noise barriers cannot exceed the following heights:*

1. For ground mounted noise barriers, the maximum height will be 22 feet.

2. For noise barriers on bridge and retaining wall structures the maximum height will be 8 feet unless a taller noise barrier is specifically approved in writing by the State Structures Design Engineer.

3. For ground mounted Traffic Railing/Noise Barrier combinations the maximum height will be 14 feet. (Part 2: 18.2.3.2.3 Safety Factors). Such information is provided to Land Development for compliance with the condition.

Currently, the Code requires that any increases of wall height be subject to a variance. Therefore, this amendment allows noise mitigation walls to be ~~a maximum of 20 feet~~ of a height necessary to address the noise study when ~~they are~~ wall is imposed as condition of approval without becoming subject to a variance application.

2. Clarify that walls attached to a noise mitigation wall that typically turns the corners, may continue at the same height as indicated in the noise study to prevent the sound to go around the noise mitigation wall. The wall shall progressively be reduced to the maximum height allowed by Art. 5, for the distance necessary to address the noise study. This amendment also removes proposed reference to noise mitigation wall location in R-O-W buffers only. The wall may be installed along Agricultural Planned Unit Development (PUD) buffers or even incompatible or compatible buffers for the wall sections perpendicular to the noise mitigation wall. This standard prevents the walls to be subject to a variance application. A figure is provided to help understand the proposed language.

18 **CHAPTER D GENERAL LANDSCAPE STANDARDS**

19 **Section 4 Landscape Barriers**

20
21 **B. Walls**

22
23 **2. Noise Mitigation Walls**

24 Walls that are located within a R-O-W buffer, which abut the Florida Turnpike or any public
25 street and any portion of an attached wall required to comply with the Noise Study, may be
26 increased to 20 feet the height to be consistent with the noise analysis acceptable to the FDOT,
27 provided there is a Condition of Approval recommended by Land Development and imposed
28 by the ZC or BCC specifying the requirement ~~of~~ for the noise mitigation wall.

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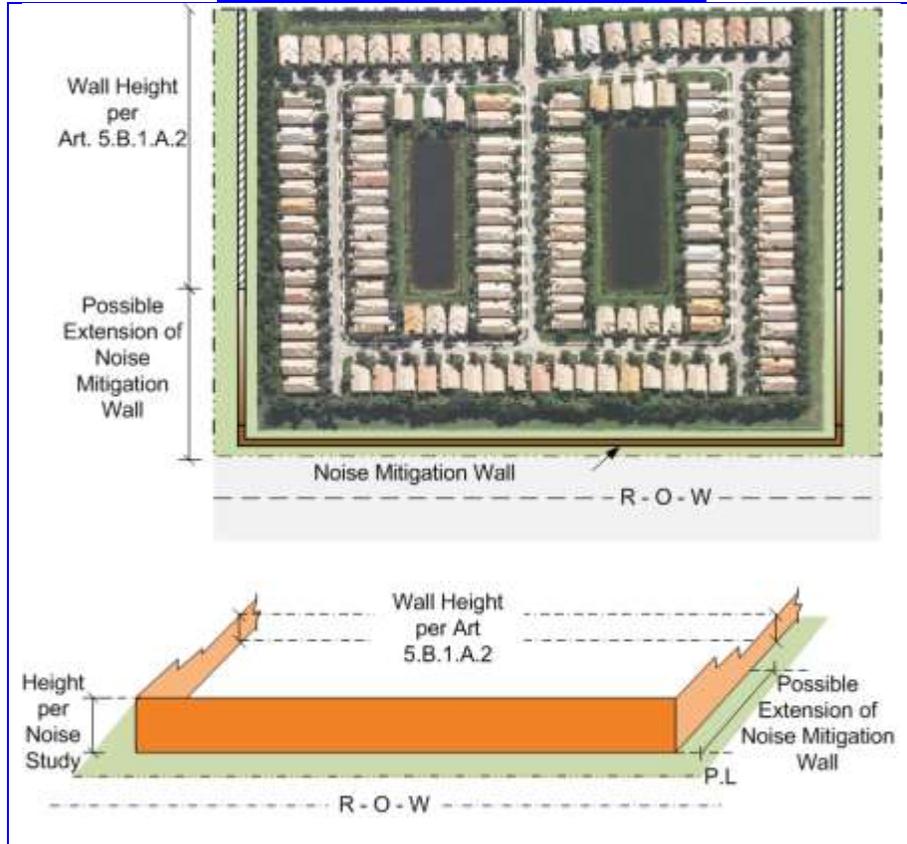
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EXHIBIT L
WALL HEIGHT
SUMMARY OF AMENDMENTS
 (Updated 10/17/17)

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Figure 7.D.4.B – Noise Mitigation Walls



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EXHIBIT M

ARTICLE 5.C.1.H – GUIDELINES [RELATED TO ARCHITECTURAL GUIDELINES] SUMMARY OF AMENDMENTS (Updated 09/16/17)

Part 1. ULDC Art. 5.C.1.H, Guidelines (page 48 of 107), is hereby amended as follows:

Reason for amendments: [ZONING]
1. Clarify that all rooflines are required to incorporate roof design elements to ensure consistency with Rural and Exurban Tier standards.
2. Revise language to require structures with an articulated roofline to incorporate a pitched roof, a minimum of 70% of the length of the façade, in the Rural and Exurban Tiers. This minimum requirement ensures the rural character of the area is maintained. In addition, amendments to Article 2 will allow an applicant to provide less than the 70% subject to approval of a Type 2 Variance.
3. Include language to provide greater design flexibility related to the placement of porches, by allowing them to be located along the side facades as well as the rear if contiguous to a public street or residential zoning district.

CHAPTER C DESIGN STANDARDS

Section 1 Architectural Guidelines

H. Guidelines

1. Nonresidential Design Elements

b. Roofline

The roofline along each elevation shall incorporate a minimum of one design feature each from Table 5.C.1.H, Primary Roof Design Element, and Table 5.C.1.H, Secondary Roof Treatment, below. The same features are not required on each elevation:

g. Rural Design Elements

The following standards shall also apply to nonresidential projects, buildings, and signs in the Rural and Exurban Tiers.

1) Roof

The roofline along each ~~applicable~~ elevation shall incorporate a minimum of one design feature each from Table 5.C.1.H, Roof Design Element, and Table 5.C.1.H, Decorative Roof Treatment below. The same features are not required on each elevation.

Table 5.C.1.H – Rural Roof Design Element

1.	Articulated parapet roofline for each 200 linear feet with an attached hip pitched roof (e.g. hip-on-deck, hip, gable, gambrel, or a combination of them) <u>along a minimum of 70% of the length of the facade, two or more plane breaks or slopes, and, a minimum 12 inch overhanging eave; or,</u>
2.	Full pitched roof (e.g. hip, gable, mansard , gambrel, etc.) with two or more plane breaks or slopes; or
3.	Combination of items 1 and 2 above.

Table 5.C.1.H – Rural Decorative Roof Treatment

1.	Decorative roof details such as dormers, cupolas, rafter tails, balconies, terraces, or exposed beams;
2.	Cornices with decorative moldings; or
3.	Pediments, porticos, or architectural features at entryways, or decorative towers.

4) Porches and Entryways

All buildings shall have prominent entryways with well-defined porches and railings. Porches shall be provided along the entire front facades, and 50 percent of the ~~side or~~ rear facades if contiguous to a public street or residential zoning district. The design of a porch may be interrupted by required exits, paved pedestrian entrances, loading areas, and shall include the following:

U:\Zoning\CODEREV\2017\LDRAB\Meetings\10-25-17\4- Final Packet\LDRC\Exh. M - Art. 5.C.H.1 Guidelines Related to Architectural Guidelines - corrected.docx

Notes:

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.... A series of four bolded ellipses indicates language omitted to save space.

EXHIBIT N

ARTICLE 7, LANDSCAPING

(Updated 10/18/17)

Part 1. ULDC Art. 7.A.1, General – Landscaping and Buffering (page 6-11 of 49), is hereby amended as follows:

Reason for amendments: [Zoning]
1. Clarify that planting requirements are based on the Managed Growth Tier System (MGTS) of the County's Comprehensive Plan.
2. Relocate existing MGTS Compliance language from Chapter C to Chapter A.
3. Relocate specific objectives under Art. 7.A.1.A. 1-8 (e.g. Appearance, Environment Removal of Prohibited Plant Species, etc.) and combine them under Design Principles in Art. 7.A.1.B. This proposed consolidation will reduce redundancy between these 2 Sections of Art. 7, and provide more realistic types of design principles that can be applied to the site design. It will also allow staff to review and evaluate the merits of the landscape design and the proposed use of plant materials.

CHAPTER A GENERAL

Section 1 Landscaping and Buffering Purpose and Intent

~~A. Purpose and Intent~~

~~The purpose and intent of this Article is to establish minimum standards for the design, layout, installation and continued maintenance of landscaping. The specific objectives of this Article are as follows: This Article provides general direction and establishes minimum standards related to the following:~~

~~A. Design principles to ensure compliance with the Managed Growth Tier System (MGTS);~~

~~B. Review process and decision making standards for the evaluation of Landscape Plans;~~

~~C. Requirements for buffers, interior, and other service areas of a property;~~

~~D. Standards for plant materials and other landscape barriers or structures;~~

~~E. Preservation of existing native vegetation, elimination of prohibited and reduction of controlled plant species;~~

~~F. Installation and continued maintenance; and,~~

~~G. Enforcement of the Code requirements.~~

~~1. Appearance~~

~~To improve the aesthetic appearance of development through creative landscaping that helps to enhance the natural and built environment. [Relocated to Art. 7.A.3.A, Appearance and Composition]~~

~~2. Environment~~

~~To improve the environment by maintaining permeable land area essential to surface water management and aquifer recharge; reducing and reversing air, noise, heat, and chemical pollution through the biological filtering capacities of trees and other vegetation; promoting energy conservation through the creation of shade; reducing heat gain in or on buildings or paved areas; reducing the temperature of the microclimate through the process of evapotranspiration; and encouraging the limited use of fresh water resources through the use of native and drought tolerant plants. [Partially relocated to Art. 7.A.3.B, Environmental Quality]~~

~~3. Water Conservation~~

~~To promote water conservation by encouraging xeriscaping in appropriate areas, such as medians; requiring the use of native and drought tolerant landscape material; encouraging the use of water conserving irrigation practices; requiring adherence to landscape installation standards and maintenance procedures that promote water conservation; and encouraging the ecologically sound placement of landscape material and incorporation of natural areas and vegetation into landscape plans. [Partially relocated to Art. 7.A.3.C, Water Conservation]~~

~~4. Preservation~~

~~To encourage the preservation and planting of native trees and vegetation as part of landscape design. [Partially relocated to Art. 7.A.3.D, Preservation and Removal of Prohibited Plant Species]~~

~~5. Compatibility~~

~~To promote efficiency in the development of limited land resources by improving the compatibility of otherwise incompatible land uses in close proximity, particularly residential development that is adjacent to commercial and industrial development, through the use of landscaped buffers. [Partially relocated from Art. 7.A.3.E, Compatibility]~~

~~6. Land Values~~

~~To maintain and increase the value of land by requiring minimum landscaping which, when installed and maintained properly, becomes a capital asset.~~

~~7. Human Values~~

~~To provide physical and psychological benefits to persons and to reduce noise and glare by softening the harsher visual aspects of urban development.~~

~~8. Removal of Prohibited Plant Species~~

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EXHIBIT N

ARTICLE 7, LANDSCAPING

(Updated 10/18/17)

~~To require the initial eradication of and control the ongoing removal of prohibited plant species that have become nuisances because of their tendency to disrupt or destroy native ecosystems.~~ [Partially relocated to Art. 7.A.3.D.1, Incorporation of Existing Vegetation]

Section 2 MGTS Compliance

Landscape design shall comply with the relevant MGTS characteristics in both plant material selection and overall landscape composition. [Relocated from Art. 7.C, MGTS Tier Compliance]

A. U/S Tier

~~Landscape design in the U/S Tier should have a higher level of detail and more structure, such as pedestrian accents, formal or meandering arrangements in perimeter landscape buffers, street tree plantings, and inter-connections between pedestrian and vehicular areas. The WCRAO, IRO and URAO, among others, serve to promote urbanized forms of development that accommodate walkability and other attributes of the urban environment. Greater flexibility and alternative landscape solutions are available to promote development within the boundaries of these areas. [Ord. 2010-005] [2010-022] [Ord. 2014-025] [Partially relocated from Art. 7.C.1, U/S Tier]~~

B. AGR and Glades Tiers

~~Landscape design in the AGR and Glades Tiers should consist of large open spaces, with equestrian and agricultural elements, and an increased percentage of native plant species. [Partially relocated from Art. 7.C.2, AGR and Glades Tiers]~~

C. Exurban and Rural Tiers

~~Landscape design in the Exurban and Rural Tiers should incorporate more informal design patterns that include: reduced impervious areas; preservation of native vegetation; and, more naturalistic landscaped areas. Non-residential uses shall accommodate increased amounts of landscape materials in the parking areas and building foundation plantings. [Ord. 2009-040] [Partially relocated from Art. 7.C.3, Exurban and Rural Tiers]~~

Reason for amendments: [Zoning]
4. Combine Purpose and Intent and its subheadings (Appearance, Environment to Removal of Prohibited Plant Species) with Landscape Design Principles to reduce redundancy, e.g. Sensitivity to Tiers is proposed to be relocated under Purpose and Intent.
5. Eliminate any subjective goals that cannot be enforced by the Zoning Division or Code Enforcement, e.g. Land Values and Human Values.

Section 3B. Landscape Design Principles

This Section establishes standards for landscape design. It is the intent of this Article to encourage creativity in landscape design while providing general direction and criteria for the evaluation of a specific type of plan: ~~p~~Planting, ~~L~~andscape or ALP in order to issue a landscape permit. The following design principles are general standards to be applied by the Applicant, and used by the DRO and other County staff Agencies and DRO in evaluating whether the proposed Landscape Plans are in compliance ~~to with~~ landscape plans conform to the requirements of this Article: [Ord. 2009-040]

~~1. Natural Landscapes~~

~~Landscape designs should incorporate and enhance existing natural landscapes and existing specimen trees and native vegetation (including canopy, understory, and ground cover). Particular care should be given to preserve intact natural landscapes. Where previous landscaping has dramatically altered natural landscapes, new designs should seek to re-establish natural landscape patterns and plantings.~~ [Partially relocated to Art. 7.A.3.D.1, Incorporation of Existing Vegetation]

2A. Appearance and Composition

~~To improve the aesthetic appearance of development through creative landscaping that helps to enhance the natural and built environment. [Relocated from Art. 7.A.1.A.1, Appearance]~~

The quality of a landscape design is dependent upon not only on the quantity, and selection and arrangement of plant materials ~~but also on how that material is arranged~~. Landscape materials should be arranged designed in a manner as to provide the following qualities and characteristics:

a1. Texture

~~Landscape designs should provide a textured appearance through the use of a variety of plant materials with varying leaf sizes, textures and height. rather than a single species, by contrasting large leaf textures with medium and small leaf textures, and with a variety of plant heights. Spacing of key landscaping components, such as trees and shrubs, should be consistent with the overall design approach of the landscape plan.~~ Formal landscape designs benefit from a uniform spacing of plants, whereas varied spacing and clustering of trees is more compatible with a naturalistic design.

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EXHIBIT N

ARTICLE 7, LANDSCAPING

(Updated 10/18/17)

~~b2.~~ **Color**

1 Landscape designs ~~shall~~ should include a variety of plants ~~that to~~ provide contrasting colors. ~~to other plants in the design.~~ Designs ~~are encouraged to should~~ include ~~flowering plants and especially~~ a mix of plants that ~~display colorful~~ flowers throughout the year.

~~c3.~~ **Form**

2 Landscape designs should consider the complete three-dimensional form of the landscaping, not simply the form of individual elements. The interrelationship of all landscape elements, whether they are plant materials, shade structures, pavement and amenities should be considered so that the final design presents a coherent whole. Trees, shrubs, and hedges, especially those used for screening and buffering, should display a fullness at maturity that is typical of the species.

~~Photo 7.A.1.B – Composed Buffer Material~~



~~Well Composed Landscape Buffer: planting is tiered and consists of plant materials that display the elements of texture, color, and form.~~

~~Photo 7.A.1.B – Rural Tier Landscape~~



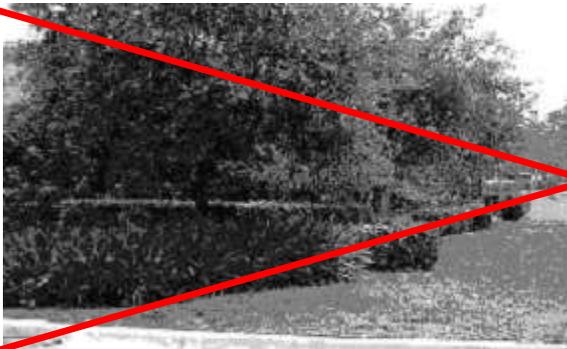
~~Well Composed Rural Tier Landscaping: good use of tree spacing, hierarchy of plant materials and use of plants of texture, color and form.~~

~~3.~~ **Buffering and Screening**

3 The placement of natural ~~landscape materials~~ (trees, shrubs, and hedges) is the preferred method for buffering differing ~~land uses~~, for providing a transition ~~between adjacent properties~~, and for screening the view of any ~~parking or storage area~~, refuse collection, utility enclosures, or other service area visible from a public street, alley, or pedestrian area. ~~Plants may be used with fences or berms to achieve the desired screening or buffering effect. Plant material should be mature enough at the time of planting to provide an effective buffer or screen, and should be planted in an appropriate location to allow for desired growth within a reasonable period of time.~~ **[Partially relocated to Art. 7.A.3.E.1, Buffering and Screening]**

4 When used to screen an activity area such as a parking lot, landscaping shall not obstruct the visibility of motorists or pedestrians or interfere with public safety.

~~Photo 7.A.1.B – Opaque Landscape Buffer~~



~~Effective Use of Landscaping as a Buffer: Opaque vertical screen lessens visual impact of commercial and industrial uses.~~

~~Photo 7.A.1.B – Landscape Buffer Visual Screening~~



~~Effective Use of Landscaping as a Buffer: Use of trees and shrubs lessens visual impact of parking lots while maintaining visibility for safety.~~

~~4.~~ **Responsive to Local Context and Character**

5 Landscape designs should build on the site's and area's unique physical characteristics, conserving and complementing existing natural features. Naturalistic design elements such as irregular plant spacing, undulating berm contours, and mixed proportions of plant species should be used to ensure that new landscaping blends in and contributes to the quality of the surrounding area. Selection and spacing of plant material should be reflective of the surrounding area's character.

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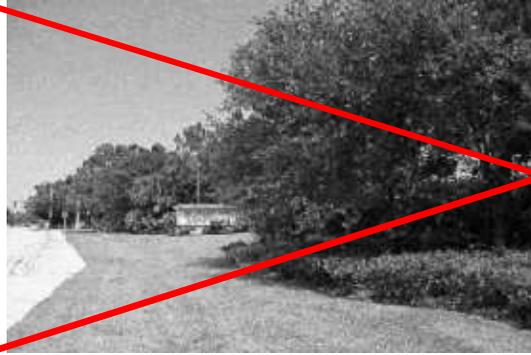
EXHIBIT N

ARTICLE 7, LANDSCAPING

(Updated 10/18/17)

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~~Photo 7.A.1.B – Naturalistic Design in U/S Setting~~



~~Naturalistic Design in U/S Setting: Meandering buffer and clustering of trees creates a naturalistic effect appropriate to the area.~~

~~Photo 7.A.1.B – Naturalistic Design in a Rural Setting~~



~~Naturalistic Design in a Rural Setting: Landscaping is less formal, using shrubs and trees appropriate to the area.~~

2

~~Photo 7.A.1.B – Formal Buffer~~



~~Uniform spacing and well-maintained grass create a formal aesthetic appropriate for the U/S Tier.~~

~~Photo 7.A.1.B – Naturalistic Buffer~~



~~Non-uniform spacing, a variety of plant materials, and a less formal grass area appropriate for the Exurban, Rural, AGR, and Glades Tiers.~~

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5. Sensitivity to Tiers

~~Landscape designs should consider the intent of the MGTS and designs should be compatible with the relevant tier. While all landscaping should incorporate naturalistic design features, landscaping in the U/S Tier is expected to display a more structured aesthetic with clear design intent, with landscape elements used to accent buildings, shade pedestrian areas, and define the edges of properties and land uses. Informal landscaping with increased buffer widths and a higher percentage of native vegetation is required in the Exurban, Rural, AGR, and Glades Tiers, as well as a greater protection of existing vegetation, especially the mature tree canopy on undeveloped portions of the site. Hedges are not appropriate for the Exurban, Rural, AGR, and Glades Tiers, unless they consist of native plants incorporated into a naturalistic landscape design.~~

6. Use of Native and Drought Resistant Plants

~~Landscape designs should feature native and/or related plant species, especially in areas adjacent to existing native vegetation, to take advantage of the unique natural character and diversity of the region and the adaptability of native plants to local environmental conditions. Where feasible, the re-establishment of native habitats should be incorporated into the landscape design.~~ [Partially relocated to Art. 7.A.3.C.1, Use of Native and Drought Resistant Plants]

~~In the same manner, landscape designs should utilize drought tolerant plant materials to the maximum extent feasible. The use of drought tolerant plants should enrich the existing landscape character, conserve water and energy, and provide as pleasant and varied a visual appearance as plants that require more water.~~ [Partially relocated to New Art. 7.A.3.C.1, Use of Native and Drought Resistant Plants]

7. Continuity and Connection

~~Landscaping should be designed within the context of the surrounding area, provided that the landscaping is also consistent with these design principles. Where the design intent and the surrounding landscape is naturalistic, plant materials should blend well with adjacent properties, particularly where property edges meet, to create a seamless and natural landscape. Where the design intent and the surrounding landscape is formal, consistent or similar plant material and spacing should be utilized. Exceptions should be made when seeking to create a transition between uses, districts, and tiers.~~

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EXHIBIT N

ARTICLE 7, LANDSCAPING

(Updated 10/18/17)

1

~~Photo 7.A.1.B – Landscaping Continuity and Connection~~



~~Similar landscaping elements used on each lot give a sense of continuity and connection to this suburban residential street~~

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~~8. Enhancing Architecture~~

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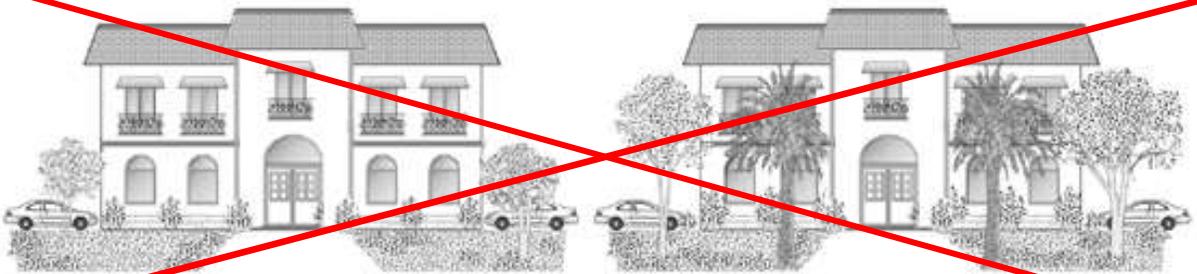
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~~Landscape designs should be compatible with and enhance the architectural character and features of the buildings on site, and help relate the building to the surrounding landscape. Major landscape elements should be designed to complement architectural elevations and rooflines through color, texture, density, and form on both vertical and horizontal planes. Landscaping should be in scale with on-site and adjacent buildings. Plant material shall be installed at an appropriate size and allowed to accomplish these intended goals. [Partially relocated to Art. 7.A.3.F, Quality Pedestrian Environment and Enhancing Architecture]~~

~~When foundation planting is required, plantings and window boxes should incorporate artistic elements and be compatible with a building's architectural character. [Relocated to Art. 7.A.3.F, Quality Pedestrian Environment and Enhancing Architecture]~~

~~Figure 7.A.1.B – Enhancing Architecture~~



~~Landscaping is small at maturity and out of scale with the building not enhancing the architectural design.~~

~~Mature landscaping is in scale with the building enhancing the architectural design.~~

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B. Environmental Quality

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91. Energy Conservation and Sustainable Design

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C. Water Conservation

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~~To improve the environment by maintaining permeable land area essential to surface water management; reducing and reversing air, noise, heat, and chemical pollution through the biological filtering capacities of vegetation; promoting energy conservation through the creation of shade; and reducing heat gain in or on buildings or paved areas. [Partially relocated from Art. 7.A.1.A.2, Environment]~~

~~To promote water conservation by encouraging: the installation of native and drought tolerant plant materials in appropriate areas; the use of water conserving irrigation practices; requiring and the adherence to landscape installation standards and maintenance procedures that promote water conservation. [Relocated from Art. 7.A.1.3, Water Conservation]~~

1. Use of Native and Drought Resistant Plants

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EXHIBIT N

ARTICLE 7, LANDSCAPING

(Updated 10/18/17)

Landscape designs should feature native plant species, especially in areas adjacent to existing native vegetation. Where feasible, the re-establishment of native habitats should be incorporated into the landscape design. The use of drought tolerant plants should enrich the existing landscape character, conserve water and energy, and provide as pleasant and varied a visual appearance as plants that require more water. [Partially relocated from Art. 7.A.1.B.6, Use of Native and Drought Resistant Plants]

D. Preservation of Existing Native Vegetation and Removal of Prohibited Plant Species

To encourage the preservation and planting of native vegetation as part of landscape design and eradicate prohibited species. [Relocated from Art. 7.A.1.A.4, Preservation]

1. Incorporation of Existing Vegetation

Landscape designs should incorporate and enhance existing specimen trees and native vegetation. Particular care should be given to preserve intact natural landscapes. Where previous landscaping has dramatically altered natural landscapes, new designs should seek to re-establish natural landscape patterns and plantings. [Relocated from Art. 7.A.1.B.1, Natural Landscapes] Landscape designs should also include the eradication of prohibited plant species that have become nuisances because of their tendency to disrupt or destroy native ecosystems. [Partially relocated from Art. 7.A.1.A.8, Removal of Prohibited Plant Species]

E. Compatibility

To promote efficiency in the development of limited land resources by improving the compatibility of adjacent incompatible land uses, particularly residential development that is adjacent to non-residential development, through the use of landscape buffers. [Partially relocated from Art. 7.A.1.A.5, Compatibility]

1. Buffering and Screening

Whenever possible landscape materials should be utilized to provide a spatial transition between different land uses; buffering between adjacent properties; and screening for parking, or storage areas, or other service areas. Plants may be used with fences, walls or berms to achieve the desired screening or buffering effect. Plant material should be mature enough at the time of planting to provide an effective buffer or screen, and should be planted in an appropriate location to allow for desired growth within a reasonable period of time. [Partially relocated from Art. 7. A.1.B.3, Buffering and Screening]

F. Quality Pedestrian Environment

In the U/S Tier, as well as pedestrian-oriented development types such as TDD's, landscape designs should give special attention to ensuring a safe and attractive visually pleasant pedestrian environment. In high activity areas, such as commercial and workplace areas, benches, kiosks, artwork, and other streetscape elements should be incorporated into landscape designs. Pedestrian access to sidewalks or buildings should be considered in all landscape designs. Landscaping shall not obstruct pedestrian sightlines, especially at crosswalks.

G. Enhancing Architecture

Landscape designs should be compatible with and enhance the architectural character and features of the buildings on site, and help relate the building to the surrounding landscape. Plant material shall be installed at an appropriate size and allowed to accomplish these intended goals. When foundation planting is required, plantings and planters should incorporate artistic elements and be compatible with a building's architectural character. [Partially relocated from Art. 7.A.1.B.8, Enhancing Architecture]

Photo 7.A.1.B - Visual Interest for Pedestrian and Automobile Vehicular Traffic



Meandering sidewalks flanked by well composed curvilinear landscaping can add visual interest for pedestrian and automobile vehicular traffic.

Photo 7.A.1.B - Streetscape Elements



Effective use of landscaping to frame the sidewalk and buffer the pedestrians from the street. Streetscape elements such as benches and potted plants enhance the pedestrian experience.

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EXHIBIT N

ARTICLE 7, LANDSCAPING

(Updated 10/18/17)

Part 2. ULDC Art. 7.A.1.C, Applicability (page 10 - 11 of 49), is hereby amended as follows:

Reason for amendments: [Zoning]
1. Chapter B addresses the review and approval processes, including exemptions and deviations.
2. Landscaping requirements may be exempt for certain bona fide agriculture uses, agricultural activities and accessory agricultural uses, the exemptions are specific for each type of agricultural uses, and can be found in Art. 4.B.6.
3. Delete the requirement for landscaping to be planted 500 feet from any preserve area since ERM may allow some species to be integrated into the preserve.
4. Delete "development that does not entail a substantial change in land use" under Exemptions since Art.1.E, Prior Approvals allowed vesting of previously approved development orders provided the approvals were clearly shown on a Zoning Plan or a similar documents such as permits.

CHAPTER B APPLICABILITY AND APPROVAL PROCESS

C. Section 1 Applicability

The provisions of this Article shall be considered minimum standards and shall apply to all new development ~~except development exempted in Art. 7.A.1.E, Exemptions, and deviations allowed by Art. 7.A.1.F, Deviations unless stated otherwise herein. For previously approved development orders, refer to Art. 1.F, NONCONFORMITIES.~~

DA. Relation to Article 14, Vegetation Preservation and Protection

Landscape ~~plans required by this Article requirements~~ shall ~~conform to also be consistent with~~ the standards of Article 14, Environmental Standards. Nothing in this Article shall be applied to contradict the requirements of ~~Article 14, ENVIRONMENTAL STANDARDS. Within 500 feet of a preserve area required by Article 14, ENVIRONMENTAL STANDARDS, new landscaping shall not include invasive non-native species as outlined in Article Art. 14.C, Vegetation Preservation and Protection, Appendix F.~~

EB. Exemptions

The following developments are exempt from the standards and requirements of this Article:

1. Enlargement or repair of a single-family dwelling unit, two-unit townhouse, or two-unit multi-family structure on a single lot.
2. Parking areas located within an enclosed parking structure.
3. Bona fide agriculture uses, ~~unless stated otherwise in Art.4.B.6, Agricultural Uses. Except as specified in Article 4.B, SUPPLEMENTARY USE STANDARDS, Where the property has a use that is classified as Agriculture, bona fide, with agricultural activities and or accessory agricultural uses, the property owner shall provide require~~ a six-foot high ~~perimeter buffer hedge~~ along ~~the frontage of the property where it is abuts~~ a public ~~road street~~ R-O-W.
- ~~4. Development that does not entail a substantial change in land use as defined in ART. 1.I, DEFINITIONS AND ACRONYMS.~~
- ~~54.~~ Uses such as airports, major utilities, and stockades which have planting requirements regulated by Federal or State law. Off-site planting of required landscaping may be approved in areas where there is a direct public benefit, such as in schools, parks, libraries, streets, and medians.
- ~~65.~~ Projects in the Glades Area Economic Development Overlay (GA-O) that have provided in-lieu funds to the Glades Thoroughfare Beautification Fund.

FC. Deviations

Deviations ~~to from~~ the minimum standards of this Article may be permitted for:

1. PBC parks, as specified in Art. 5.D.2.G., ~~County Public~~ Park Landscape Standards; and, **[Ord. 2006-004] [Ord. 2007-013]**
2. Development supporting government facilities within the PO Zoning District, subject to approval by the BCC. **[Ord. 2006-004] [Ord. 2007-013]**

D. Overlay Exceptions

~~Modifications of the requirements of this Article may be permitted pursuant to Art. 3.B.14.J, WCRAO Landscape Deviations, Art. 3.B.15.F.11, Landscape Standards in IRO; and Art. 3.B.16.F.10, Landscape Standards in the URAO. .~~

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EXHIBIT N

ARTICLE 7, LANDSCAPING

(Updated 10/18/17)

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Reason for amendments: [Zoning]
5. Relocate this Section to the revised Chapter B.
6. Relocate and consolidate Landscape Plan Review from Chapter H and Landscape Permit from Chapter E.2 to the revised Chapter B.
7. Replace Zoning Division, Landscape Section, Zoning Director to DRO consistent with the requirements of Art. 2.G, Decision Making Bodies. Art. 2.G specifies the power and duties of the DRO, which in this case, is the decision-making person for Landscape Plans and Landscape related permits.
8. Expand the Type 1 Waiver Table to include those existing waivers, which are located in other Sections of Art. 7. Also update the references in accordance with the proposed Article 7.
9. Add Optional Special Certificate of Compliance to allow applicants to hire their own Landscape Architect or a qualified professional to inspect and verify that the required landscaping was installed properly and in compliance with Code or Conditions of Approval. This option will address situations when PZB may have shortage of staff to perform landscape Inspections in a timely manner, or at the request of an applicant that the inspection must be done to meet critical deadline for occupancy.

2 **Section 2 Definitions**

3 See Art. 1.I, Definitions and Acronyms

4 ~~**CHAPTER B—APPROVAL PROCESS AND APPLICABILITY**~~

5 **Section 13 Approval Process for Landscape Plans**

6 Approval process for Landscape Plans shall be subject to the requirements pursuant to Art. 2, Development
7 Review Procedures. [Ord. 2207-001] [Ord. 2016-042]

8

9 An Applicant may request review for compliance with this Article concurrent with an application that requires
10 approval by the BCC, ZC or DRO by submitting Preliminary or Final Landscape Plans. Final Landscape
11 Plans shall be part of the Building Permit application unless a Condition of Approval requires Landscape
12 Plans to be submitted at Final Approval by the DRO. An application for a Landscape Plan Review shall be
13 submitted directly to the Zoning Division, and shall comply with the following requirements:

14 **A. Submittal Requirements**

15 If the application is submitted at BCC, ZC or DRO, the application shall consist of the appropriate
16 forms as established by the Zoning Division, otherwise the application shall be included as part of
17 the Building Permit application. The Plans shall be prepared in accordance with Art. 2, Application
18 Processes and Procedures, the Zoning Technical Manual, and shall comply with applicable Code
19 requirements and Conditions of Approval.

20 **B. Review of Landscape Plans**

21 Landscape Plan applications shall be submitted to the DRO, and if applicable, the DRO will review
22 in coordination with ERM and other County Agencies. [Partially relocated from Art. 7.H.2.A,
23 Landscape Permit]

24 **C. Issuance of Landscape Permits**

25 When all requirements are satisfied, the DRO shall issue a Landscape Permit referencing the
26 approved Landscape Plan(s) associated with the permit in addition to any necessary inspections,
27 Conditions of Approval and maintenance obligations. The permit shall be maintained on site until
28 the Final Landscape Inspection is signed off by the DRO. A copy of the Landscape Permit shall
29 be maintained in the associated official Building Permit record, as well as the Zoning Division file.
30 [Ord. 2009-040] [Partially relocated from Art. 7.H.2.A, Landscape Permit]

31 **D. Landscape Inspections**

32 Unless otherwise stated in this Article, all developments subject to this Article may be inspected by
33 PZB prior to and after installation of required landscaping. Required landscaping shall be approved
34 by PZB prior to the issuance of a CO, or Certificate of Completion, whichever occurs first. Various
35 types of Landscape Inspection shall be conducted at different stages of the development, as
36 follows: [Partially relocated from Art. 7.H.2.B, Field Inspections]

37 **1. Types of Landscape Inspection**

38 *a. Preliminary Inspection – required to verify existing grades, vegetation and necessary site*
39 *preparation has been completed prior to any plant material being installed on the site to*
40 *comply with the Landscape Permit; [Ord. 2009-040] [Relocated from Art. 7.H.2.B.1.a,*
41 *related to Types of Landscape Inspection]*

42 *b. Final Inspection – required as part of the typical building permit process to ensure*
43 *landscape material, irrigation and conditions of approval on a development order are in*
44 *compliance prior to final sign off that the landscape is completed and installed in*

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1 *accordance to the Landscape Permit. [Ord. 2009-040] [Relocated from Art. 7.H.2.B.1.b,*
2 *related to Types of Landscape Inspection]*

3 *c. Annual Inspection – scheduled on the one-year anniversary date from the date of the Final*
4 *Inspection noted on the Landscape Permit. Inspection shall be performed to ensure all*
5 *landscape and irrigation continually complies with the Landscape Permit. If material or*
6 *irrigation is missing, dead or damaged the property owner shall be provided with a Notice*
7 *to Correct, pursuant to Article 10, Enforcement. [Ord. 2009-040] [Relocated from Art.*
8 *7.H.2.B.1.c, related to Types of Landscape Inspection]*

9 *d. Monitoring Inspection – performed to respond to complaint of missing or damaged plant*
10 *material or changes to the landscape not approved in accordance with the Landscape*
11 *Permit. [Ord. 2009-040] [Relocated from Art. 7.H.2.B.1.d, related to Types of*
12 *Landscape Inspection]*

13 **E. Certification of Compliance**

14 *In addition to Final Inspection and certification by PZB, the Applicant shall submit a Certificate of*
15 *Compliance to the PZB as a condition of issuance of a CO or Certificate of Completion. This*
16 *certificate shall be prepared and signed by a Landscape Architect licensed by the State of Florida*
17 *and demonstrate that all of the provisions of this Article have been met. The certification statement,*
18 *included in Art. 7, Landscaping, as Appendix B, Certification of Compliance, shall be made part of*
19 *the documentation in the official Building Permit file. [Ord. 2009-040] [Partially relocated from*
20 *Art. 7.H.2.C, Certification of Compliance]*

21 **1. Field Verification of Certification**

22 *PZB may elect to conduct a field inspection to verify the Certificate of Compliance. [Relocated*
23 *from Art. 7.H.2.C.1, Field Verification of Certification]*

24 **2. Acceptance of Certification**

25 *If no field verification is conducted by PZB within 30 days, the Certificate of Compliance shall*
26 *be deemed to have been accepted provided it is complete with all the required information.*
27 *Upon acceptance, the Certificate of Compliance shall be filed and maintained with the official*
28 *records of the development. [Relocated from Art. 7.H.2.C.2, Acceptance of Certification]*

29 **F. Optional Special Certification**

30 *In lieu of the Landscape Inspections and certification by PZB, the Applicant may submit a request*
31 *for a Special Certificate of Compliance to the Zoning Director, and on a form established by the*
32 *Zoning Division.*

33 **1. Special Certification Procedures by the Applicant:**

34 *a. The Applicant shall employ a Landscape Architect licensed in the State of Florida, or a*
35 *qualified professional as authorized by F.S. 481, Part II, as amended. The Landscape*
36 *Architect or qualified professional shall perform the following:*

37 *1) Be familiar with the Final Landscape Plans approved by the DRO;*

38 *2) Conduct inspections of the site;*

39 *3) Certify that landscaping was properly installed and meets all requirements of the Code*
40 *or Conditions of Approval. The Certificate shall be signed and sealed by the*
41 *Landscape Architect or qualified professional;*

42 *4) Understands that any misrepresentations or misstatements in the Special Certificate*
43 *of Compliance shall constitute a violation of this Article and of State law; and*

44 *5) Understands that any misrepresentations or misstatements in the Special Certificate*
45 *of Compliance may also become the grounds for professional disciplinary action*
46 *pursuant to State law.*

47 *b. The Applicant shall submit the completed Special Certification Form with the approved*
48 *Landscape Plans to the PZB prior to issuance of a Building Permit, Paving Permit, a CO*
49 *or a Certificate of Completion, whichever is applicable.*

50 **2. Verification of Special Certification by PZB**

51 *PZB may, at its option, conduct a Landscape Inspection to verify representation made in the*
52 *Special Certificate of Compliance.*

53 **3. Acceptance of Special Certification**

54 *If no verification is conducted by PZB, the Special Certificate of Compliance shall be deemed*
55 *to have been accepted. Upon acceptance by PZB, the Certificate of Compliance shall be filed*
56 *and maintained with the official records of the development.*

57 **Section 2 — Application Requirements**

58 ~~All Plans shall be prepared and submitted in accordance with Art. 2.A.1.G, Application Procedures, Art.~~
59 ~~2.A.1.G.3, Plan Requirements, and the Technical Manual. [Ord. 2007-001] [Ord. 2016-042]~~

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Reason for amendments: [Zoning]
10. Truthing the Type 1 Waiver for Landscaping, which was established in 2016 as a replacement to the Alternative Landscape Plan (the prior ALP was both a process and a type of plan). The proposed amendment provides additional criteria to assist staff in the review of a Waiver request.
11. Establish more flexible regulations in lieu of waiver requests. Also clarify that Waiver for a specific code requirement cannot be combined with a Variance for the same requirement.
12. Eliminate planting pattern for R-O-W buffer as the quantity of plant materials will dictate how plants can be accommodated within a required width of each type of buffer. In addition, the Code also allows clustering of trees/palms/pines to provide openings for view of wall signs, amenities or walkways.
13. Amend Location of Planting – The current Code requires 75 percent of trees to be located on the exterior side of a wall or fence for a R-O-W and an Incompatibility buffer. Allow a reduction to 50 percent so that equal number of trees, palms or pines could be located on both sides of the wall or fence to provide design flexibility.
14. Art. 7.D.2.A,1, Canopy Trees Minimum Height – Proposed to delete this Waiver, which was adopted in 2016. This request was to allow smaller trees be planted so that the industry could use a variety of native species that do not come in the 12-foot height (min. code requirement for tree height is 12 feet). After truthing this Landscape Waiver ordinance, Staff is proposing a more flexible method which will able to achieve an overall average height of 12 feet for the total number of required trees as well as allowing the applicants to choose a variety of tree species that come in different heights.
15. Art.7.F.8, Compatibility Buffer – Proposed to delete this Waiver since the new Chapter C already addresses the planting quantity for a Compatibility buffer.
16. Eliminate the Waiver that allows walls or fences to be exempt from an Incompatibility buffer and defer the process to a Type 2 Variance since there are many different site situations that staff cannot list out all the criteria to evaluate this type of Waiver. In addition, the wall location is always accompanied with other variances requesting elimination or relocation of plant materials.
17. Art.7.G.2.B.1, Table 7.C.4, Landscape Island and Divider Median - Planting and Dimensional Requirements, Interior Island Maximum Spacing - Staff recommends combining Interior Island Maximum Spacing and Alternative Parking Lot Landscaping since most of the requests under review were for the accommodation/preservation of existing trees.
18. Art.7.G.2.G, Alternative Parking Lot Landscaping – Proposed to delete this Waiver because it is already addressed by the two Waivers under Landscape Islands and Medians. Those 2 Waivers allow relocation of islands or deviation from the island spacing requirements if it is to accommodate existing trees that are subject to preservation.
19. Clarify that the Landscape Plan(s) is a requirement for the Type 1 Waiver for Landscaping process.

2 **A. Section 4** Type ~~1~~ Waiver for Landscaping

3 An Applicant may seek minor modifications to the requirements of this Article that are identified in Table
4 7.B. ~~42-A~~, Type ~~1~~ Waivers for Landscaping. Any requirements that are not listed herein may be eligible to
5 be modified through other applicable processes pursuant to Art. 2, ~~Development Review Procedures~~
6 ~~Application Processes and Procedures~~. The Applicant shall demonstrate in the Justification Statement and
7 provide supporting documents that ~~the Art. 2.D.6.C, Standards for Type 1 Waiver, and the~~ applicable
8 ~~e~~Criteria in the following Table have been met. [Ord. 2007-001] [Ord. 2016-042]

9 **A. Applicability**

10 ~~Type 1 Waiver for Landscaping shall not be combined with other Variance requests for the same~~
11 ~~requirements.~~

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Table 7.B.42.A –Type 11 Waivers for Landscaping

Article/Table Reference and Title	Maximum Waiver	Criteria
Art.7.D.2.A.1, Canopy Tree Minimum Height	Allow 75 percent of the total required trees to be reduced in height by 25 percent	• All proposed trees must be native species.
Art. 7.D.3.B.3 PDD and Non-residential Perimeter Buffer Hedge Height [Relocated to Hedge Height below]	Allow for hedge to exceed 12 feet in height, up to 20 feet, for industrial developments. [Relocated to Hedge Height below]	• The proposed hedge is planted for the purpose of screening the outdoor industrial activities. Relocated to Hedge Height below]
Art.7.D.9.A, Berm, Tier Restrictions [Relocated to Berm below]	Allow landscape berms within the Exurban, Rural, Agricultural Preserve, or Glades Tiers. [Relocated to Berm below]	• Berms are utilized to improve screening of loading, parking or vehicular use areas, and to address compatibility issues. [Relocated to Berm below]
Art. 7.D.11, Foundation Planting	Required plant material may be located within 30 feet of the foundation along the front and side facades of the drive-through establishments, including Freestanding ATMs and Unmanned Structure.	• Provide a minimum width of 55 feet for each area of foundation planting; • The overall total required square footage of the planting area meets or exceeds the requirement; and, • Location of relocated planting will be within proximity to the building it serves to still meet the intent of enhancing the building.
<u>R-O-W Buffer</u>		
Art.7.F.3.B. Table 7.D.4.D, Location of Planting Wall or Fence in Landscape Buffer, Canopy Tree Planting for R-O-W Buffer.	Allow a reduction of 25 No minimum of percentage of required Canopy trees to be located on the exterior side of the wall or fence for ROW or Incompatibility R-O-W Buffers.	• The minimum perimeter buffer planting requirements is provided; and one of all of the below criteria: • There are existing walls, fences, hedges or site conditions adjacent to the site that will create limitations to access for maintenance; or; • There are existing overhead; or underground utilities, or buildings that are located in close proximity to the common property line that prohibits planting on the exterior. • Since a wall or fence is not a requirement for a R-O-W Buffer, the Applicant shall demonstrate in the request that the proposed wall or fence is an integral design component for security or aesthetic purpose. • The required trees shall be located on both sides of the wall or fence.
Art.7.F.7.B, Shrub Hierarchy	A maximum of 50% of large shrubs may be substituted with medium shrubs.	• The proposed quantity of medium and small shrubs exceeds the minimum Code requirement by a minimum of 10 percent.
Art.7.F.7.C, Planting Pattern for a Perimeter R-O-W Buffer	A maximum of 25% reduction of the continuous opaque vertical landscape screen.	• The reduced quantity of groundcover and shrub planting could be relocated elsewhere on the site; and, • Necessary to accommodate an entrance feature, an amenity and/or a walkway.
Art.7.F.8, Compatibility Buffer	Allow to waive the requirement to provide a solid opaque visual screen.	• There is an existing mature vegetative buffer screen on adjacent property; or • If it is determined by the DRO that screening is not necessary, such as if adjacent to open space, a lake or compatible use; or • If an alternative design approach results in adequate screening being provided.
Art. 7.F.9.C.1, Existing Walls and Fences	Where there is an existing wall or fence on an adjacent property, the applicant may apply for a Type I Waiver to waive the wall or fence requirement.	• Condition of existing wall, fence or other barrier; • Effectiveness of visual screen; and • Type of construction.
<u>Incompatibility Buffer</u>		
Art.7.F.9.E, Recreational Pod Art. 7.C.2.C.1, Elimination of residential pods, areas in a PDD or tracts within a residential subdivision, or PUD	Allow to waive eliminate the requirement of an incompatibility Buffer for residential pods, areas in a PDD or tracts within a residential subdivision, or PUD	• The pod or tract is located adjacent to open space that is 100 feet or greater in width; or • The site layout of the pod or tract will integrate recreational amenities with multi-family units and CLFs.

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Table 7.B.42.A –Type 1 Waivers for Landscaping

Article/Table Reference and Title	Maximum Waiver	Criteria
Table 7.D.4.D, Location of Wall or Fence in Landscape Buffer, Canopy Tree Planting for Incompatibility Buffer	Allow a reduction of 25 percent of required Canopy trees to be located on the exterior side of the wall or fence for Incompatibility Buffers.	<ul style="list-style-type: none"> The applicant shall demonstrate in the request that the proposed wall or fence is an integral design component for security or aesthetic purpose. The required trees shall be located on both sides of the wall or fence.
Berm		
Art.7.D.6.A, Berm, Tier Restrictions [Relocated from this table above]	Allow landscape berms within the Exurban, Rural, Agricultural Reserve, or Glades Tiers. [Relocated from this table above]	<ul style="list-style-type: none"> Berms are utilized to improve screening of loading, parking or vehicular use areas, and to address compatibility issues. [Relocated from this table above]
Foundation Planting		
Table 7.C.3.B, Foundation Planting and Dimensional Requirements – Facades to be Planted	Allow a 50 percent relocation of required foundation planting.	<ul style="list-style-type: none"> The foundation planting shall be relocated to another façade of the same building or structure; The relocated foundation planting shall have the minimum planting width; and The overall total square feet for the foundation planting meets or exceeds the required foundation planting.
Landscape Islands and Parking Structures		
Art. 7.G.2.A, Terminal Island Width-Table 7.C.4, Landscape Island and Divider Median - Planting and Dimensional Requirements, Landscape Island Width	Allow the reduction of terminal island green space width of landscape island to 5 feet excluding curbs.	<ul style="list-style-type: none"> For infill sites with less than 25 parking spaces.
Art.7.G.2.A, Terminal Island Planting	Allow for relocation of shrubs from terminal islands in industrial developments to other areas of the site.	<ul style="list-style-type: none"> For industrial developments where the parking areas are not open to the public, and the nature of the use does not benefit for interior plantings in the parking areas.
Art. 7.G.2.C, Table 7.C.4, Landscape Island and Divider Median - Planting and Dimensional Requirements, Divider Median Shrub Planting	Allow for relocation of shrubs from divider medians to other areas of the site.	<ul style="list-style-type: none"> For industrial developments that do not have significant public visitation and the nature of the use does not benefit for interior plantings in parking areas.
Art.7.G.2.B.1, Art. 7.C.4.A.1, Interior Landscape Island Maximum Spacing	Allow to waive/increase the maximum number of spaces or distance to provide larger interior islands.	<ul style="list-style-type: none"> To allow for existing trees/vegetation to be preserved or existing trees/vegetation to be relocated within parking areas.
Art.7.G.2.G, Alternative Parking Lot Landscaping	Alternative parking lot landscape designs may be approved.	<ul style="list-style-type: none"> Provided that the total landscaped area and plant material quantities equal or exceed the code requirements.
Art. 7.C.4.F, Parking Structures	Allow perimeter planter requirement be altered if the planters are in conflict with the architectural design of the parking structure	<ul style="list-style-type: none"> The Applicant is required to submit architectural elevations of the parking structure for Staff review and evaluation. The required planting for the planters shall be relocated to other areas of the same property where the parking structure is located.
[Ord. 2005-002] [Ord. 2012-027] [Ord. 2014-025] [Ord. 2015-031] [2016-016] [Ord. 2016-042] [Ord. 2017-007]		

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B. ~~Mandatory Pre-Application Meeting Appointment (PAA) for a Type-1 Waiver~~

~~The Applicants shall be required to schedule and attend a preliminary Pre-application meeting PAA with the Zoning Division staff to review and discuss preservation of existing vegetation, possible design alternatives, and any Waivers that may be requested as part of the application. [Ord. 2007-001] [Ord. 2016-042]~~

C. Landscape Plan

~~The Applicant shall submit Landscape Plan(s) to the DRO to demonstrate graphically the proposed Type 1 Waiver requests. The DRO may allow the alternative designs or waiver requests be incorporated on a Site or Subdivision Plan or any other types of Zoning Plan in lieu of the Landscape Plan. Upon the approval of the Type 1 Waiver(s), the Applicant shall finalize the Landscape Plans as Final Landscape Plans for Building Permit Review, if applicable.~~

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(Updated 10/18/17)

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Part 3. ULDC Art. 7.C, MGTS TIER COMPLIANCE (page 13-15, 32-46 of 49), is hereby amended as follows:

Reason for amendments: [Zoning]
1. The landscape buffer and interior landscape requirements are located in different sections of Art. 7, the proposed amendment will reorganize the order of the requirements starting with the types of buffers; interior planting and other miscellaneous standards related to the overall landscape layout and design for both the perimeter and interior of a property.
2. Relocate current Chapter F, Perimeter Landscape Buffer Requirements to the new Chapter C, Landscaping Requirements.
3. Relocate Westgate Community Redevelopment Overlay flexible regulations for landscaping to Art. 3.B.14, WCRAO.

5 **CHAPTER C — MGTS TIER COMPLIANCE**
6 ~~Landscape design shall comply with the relevant MGTS characteristics in both plant material selection and~~
7 ~~overall landscape composition.~~ [Relocated to Art. 7.A.2, MGTS Compliance]

8 **Section 1 — U/S Tier**
9 ~~Landscaping in the U/S Tier should have a higher level of detail and more structure, such as pedestrian~~
10 ~~accents, formal or meandering arrangements in perimeter landscape buffers, street tree plantings, and~~
11 ~~inter-connections between pedestrian and vehicular areas. The Revitalization and Redevelopment~~
12 ~~Overlay, Priority Redevelopment Areas, and Westgate/Belvedere Homes Community Redevelopment~~
13 ~~Area, among others, serve to promote infill redevelopment or more urbanized forms of development and~~
14 ~~allow for commensurate forms of urban landscaping that accommodate CPTED principles, walk-ability and~~
15 ~~other attributes of the urban environment. Greater flexibility and alternative landscape solutions are~~
16 ~~available to promote development within the boundaries of these areas. However, it also recognizes the~~
17 ~~unique opportunities and restrictions that may be encountered for parcels developing consistent with Article~~
18 ~~3.B.15, INFILL REDEVELOPMENT OVERLAY (IRO), and recommends allowing greater flexibility and~~
19 ~~alternative landscape solutions to be made available to these types of projects.~~ [Ord. 2010-005] [2010-
20 022] [Ord. 2014-025] [Partially relocated to Art. 7.A.2.A, U/S Tier]

21 **Section 2 AGR and Glades Tiers**
22 ~~The AGR Tiers should promote reduced impervious areas, maintain large green/open spaces, incorporate~~
23 ~~equestrian and agricultural elements into the design, include an increased percentage of native plant~~
24 ~~species, and the use of natural stone and/or wood materials in the landscape design.~~ [Partially relocated
25 to Art. 7.A.2.B, AGR and Glades Tiers]

26 **Section 3 Exurban and Rural Tiers**
27 ~~The Exurban and Rural Tiers primarily consist of larger residential lots and require the use of more informal~~
28 ~~design patterns that incorporate reduced impervious areas; preservation of native vegetation, lakes and~~
29 ~~other similar open space areas; and, more naturalistic landscaped areas. Non-residential uses shall also~~
30 ~~provide for the increased use of landscape materials in perimeter buffers, parking areas and building~~
31 ~~foundation plantings; dispersed parking with additional screening from adjacent roadways and residential~~
32 ~~uses; and, compliance with rural architectural design guidelines where applicable.~~ [Ord. 2009-040]
33 [Partially relocated to Art. 7.A.2.C, Exurban and Rural Tiers]
34

Table 7.C.3 – Minimum Tier Requirements

Code Requirements	U/S Tier	AGR and Glades Tiers	Exurban and Rural Tiers
Landscape Buffers⁷			
Preferred Design	Formal or meandering arrangement of elements, traversing sidewalks	Meandering, more naturalistic with shrub cluster and varying heights	Increased depth, buffers often adjacent to interior open space, unimproved pathway surfaces
Berms	Optional	Optional	No ⁴
Fences/Walls	Optional ²	Optional ²	Optional ^{2,3}
Layers of Shrubs and Ground Cover ⁴	3	4	3
Interior Landscaping^{7,8}			
Minimum Tree Quantities - Zero Lot Line, Single Family Residential, and Townhouse Lots	1 per 1,250 sq. ft. (max. 15) [Relocated to Table 7.C.3.A, Interior Landscaping	1 per 1,000 sq. ft. (max. 30) [Relocated to Table 7.C.3.A, Interior Landscaping Requirements – Min. Tree	1 per 800 sq. ft. (max. 30) [Relocated to Table 7.C.3.A, Interior Landscaping Requirements – Min. Tree

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	Requirements – Min. Tree Quantities U/S Tier]	Quantities AGR and Glades Tiers]	Quantities Exurban and Rural Tiers]
Minimum Shrub Quantities – Multi-Family Residential Lots ⁵	1 per 1,250 sq. ft.	1 per 1,000 sq. ft.	1 per 800 sq. ft.
Minimum Tree Quantities – Non-Residential Lot	1 per 2,000 sq. ft.	1 per 1,500 sq. ft.	1 per 1,200 sq. ft.
Minimum Shrub Quantities – Zero Lot Line, Single Family Residential, and Townhouse Lots ⁵	3 per 1,250 sq. ft. (max. 45) [Relocated to Table 7.C.3.A, Interior Landscaping Requirements – Min. Shrub Quantities U/S Tier]	3 per 1,000 sq. ft. (max. 90) [Relocated to Table 7.C.3.A, Interior Landscaping Requirements – Min. Shrub Quantities AGR and Glades Tier]	3 per 800 sq. ft. (max. 90) [Relocated to Table 7.C.3.A, Interior Landscaping Requirements – Min. Shrub Quantities Exurban and rural Tier]
Minimum Shrub Quantities – Multi-Family Residential Lots	3 per 1,250 sq. ft.	3 per 1,000 sq. ft.	3 per 800 sq. ft.
Minimum Shrub Quantities – Non-Residential Lot ⁶	3 per 2,000 sq. ft.	3 per 1,500 sq. ft.	3 per 1,200 sq. ft.
Plant Standards⁷			
Minimum Tree Height (Perimeter)	12 ft.	12 ft.	12 ft.
Minimum Tree Height (Interior)	12 ft.	12 ft. (average)	12 ft. (average)
Palms Substitute (3 palms for 1 tree)	Yes	Yes – Native clusters only	Yes – Native clusters only
Foundation Planting^{6,7}			
Planting Width	5 ft. along front façades 8 ft. along side façades [Partially relocated to Table 7.C.3.B, Foundation Planting and Dimensional Requirements – Min. Shrub Quantities U/S Tier]	10 ft. all sides [Partially relocated to Table 7.C.3.B, Foundation Planting and Dimensional Requirements – Min. Shrub Quantities AGR and Glades Tiers]	12 ft. all sides
Facades to be Planted	Front & Sides [Relocated to Table 7.C.3.B, Foundation Planting and Dimensional Requirements – Min. Shrub Quantities U/S Tier]	Front, Sides & Rear [Partially relocated to Table 7.C.3.B, Foundation Planting and Dimensional Requirements – Min. Shrub Quantities AGR and Glades Tiers]	Front, Sides & Rear [Partially relocated to Table 7.C.3.B, Foundation Planting and Dimensional Requirements – Min. Shrub Quantities Exurban and Rural Tiers]
Percentage of Façade	40 percent [Relocated to Table 7.C.3.B, Foundation Planting and Dimensional Requirements – Min. Shrub Quantities U/S Tier]	50 percent [Relocated to Table 7.C.3.B, Foundation Planting and Dimensional Requirements – Min. Shrub Quantities AGR and Glades Tiers]	60 percent [Relocated to Table 7.C.3.B, Foundation Planting and Dimensional Requirements – Min. Shrub Quantities Exurban and Rural Tiers]
[Ord. 2005-002] [Ord. 2006-004] [Ord. 2009-040] [Ord. 2010-022] [Ord. 2011-001] [Ord. 2014-025] [Ord. 2014-031]			
Notes:			
<ol style="list-style-type: none"> 1. May be allowed with an approved ALP. 2. Landscape requirements (including walls and fences) for Incompatibility Buffers, refer to Table 7.F.9.A, Incompatibility Buffer Standards. [Ord. 2009-040] 3. Walls and fences shall be built from natural materials, including but not limited to: wood, stone, etc. [Ord. 2009-040] 4. This requirement is only for Perimeter R-O-W Buffers. Applicants shall also reference Table 7.F.7.B, Shrub Planting Requirements for installation size, quantity, spacing and maturity height for perimeter and interior shrub planting. [Ord. 2009-040] 5. Interior quantities for trees and shrubs planting shall be calculated based on gross lot area, excluding preservation areas and lakes. [Ord. 2009-040] [Ord. 2014-025] [Ord. 2016-042] [Partially relocated to Art. 7.C.3.A, Calculation of Interior Landscaping] 6. TDDs, LCC, IRO and PRA Development Orders are exempt from foundation planting requirements for primary and secondary, or other similar types of building frontages, buildings along an alleyway or accessway to a parking area, or where buildings front on a plaza or square. [Ord. 2005-002] [Ord. 2006-004] [Ord. 2010-022] [Relocated to Art. 7.C.3.B.2.c, related to Foundation Planting Exemptions] 7. Deviations shall be permitted for publicly owned and operated public parks in accordance with Art. 5.D.2.G, Public Park Landscape Standards [Ord. 2006-004] [Ord. 2011-001] 8. Tree and shrub planting requirement calculations for Zero Lot Line and Single Family Residential Lots shall be based upon gross lot area minus the building coverage for the principal residential structure. The building coverage percentage shall be based upon the zoning district and the applicable property development regulations. [Ord. 2014-025] [Partially relocated to Table 7.C.3.A-Interior Landscaping Requirements, note #1] 			

1 **CHAPTER C LANDSCAPE BUFFER AND INTERIOR LANDSCAPING REQUIREMENTS** [Partially
2 relocated from Art. 7.F, Perimeter Buffer Landscape Requirements]

3 **Section 1 General**

4 Landscaping requirements shall include the perimeter and interior buffers; interior landscaping along the
5 building façades; in parking lots; vehicular use areas; and any other pervious surface areas. This Chapter
6 also addresses other requirements that may impact the establishment of a buffer or interior planting, which

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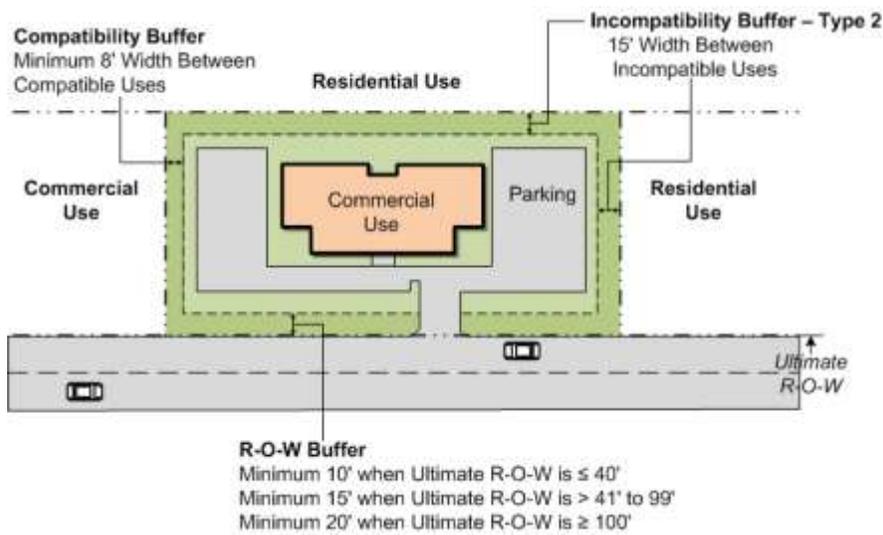
1 includes easement encroachment; retention areas, corner clips and safe sight distances. In addition,
 2 specific requirements are established for Large Scale Commercial Development.

Reason for amendments: [Zoning]
4. Clarify that there are 3 categories of buffers: Right-of-Way; Compatibility and Incompatibility. Organize each buffer category with subheadings such as Applicability/Exemption, Width and Planting Requirements.
5. Clarify buffer width reduction under certain circumstances are allowed only for R-O-W Buffer and Incompatibility Buffer. Relocate the quantitative and dimensional requirements under Chapter B, Type 1 Waiver Table.

4 **Section 2** Types of Landscape Buffer

5 There are three types of landscape buffers: Right-of-Way (R-O-W), Compatibility and Incompatibility
 6 Buffers. Landscape requirements for each type of buffer shall be provided in accordance with the following
 7 standards, unless stated otherwise herein.

8 **Figure 7.C.2 - Buffer Type Detail**



Reason for amendments: [Zoning]
6. Part 1 is related to Right-of-Way buffer requirements.
7. If a wall or fence is proposed within a R-O-W Buffer, the proposed amendment is to increase the planting area from 5 feet to 8 feet to be provided on both sides of the wall or fence, this will allow more room for tree growth. This means if a wall is provided for a 15-foot wide R-O-W Buffer, then the buffer width should increase to a minimum 16 feet. For a wall to be located in a 20-foot wide R-O-W Buffer, there should be no increase for the width.
8. Codify BCC conditions of approval related to addition of palms and pines as part of the Code requirement for R-O-W Buffers. This also correlates with the current code, which allows clustering of trees, palms or pines for openings in the buffer. The openings are for visibility of wall signs, an architectural feature of the building, etc.
9. Clarify that shrubs are required to be planted in a continuous pattern to form a visual screen for the parking areas that abut a street R-O-W.
10. Delete Landscaping in the Street right-of-way since any planting in a street is currently under the jurisdiction of Engineering Department.

9 **A. R-O-W Buffer**

10 A R-O-W Buffer shall consist of Canopy trees; palms or pines; rows of shrubs, and groundcover.
 11 Palms or pines may be used as a substitute for Canopy trees. Clustering of plant materials and
 12 opening of tree planting are allowed to provide visibility for a wall sign or an architectural feature of
 13 the building; or to accommodate a walkway or an amenity.

14 **1. Applicability**

15 R-O-W Buffers shall be provided along all public street R-O-W. This shall apply to those lots
 16 that are separated by a canal, lake, open space or a combination thereof. [Ord. 2016-042]

17 **[Relocated from Art. 7.F.1.A,R-O-W]**

18 **2. Exemptions**

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R-O-W Buffers are not required for the following: [Partially relocated from Art. 7.F.1.A.1, Exemptions]

a. Where the R-O-W is an alley;

b. A lot with a Single Family, ZLL or townhouse unit; and

c. Private streets internal to a PDD, TDD, a subdivision or a lot. If trees are installed within the street R-O-W, installation of the trees shall be subject to the approval by the Engineering Department.

3. Width

The width of the R-O-W Buffer shall be determined by the width of the ultimate R-O-W pursuant to the Thoroughfare R-O-W Identification Map in the Plan, or as determined by the County Engineer. R-O-W widths for non-thoroughfare plan streets shall be determined by reference to Article 11.C.1.C.1, Access and Circulation Systems. [Partially relocated from Art. 7.F.7.A, Width]

Table 7.C.2.A – Width of R-O-W Buffer

<u>Width of Ultimate R-O-W</u>	<u>Minimum Width of Buffer</u>
<u>≤ 40 feet</u>	<u>10 feet</u>
<u>>41 feet to 99 feet</u>	<u>15 feet</u>
<u>≥ 100 feet</u>	<u>20 feet</u>

a. Width Reduction

The required buffer width may be reduced by 50 percent where a project is separated from a R-O-W by a canal, lake, retention, open space area, or combination thereof, with a minimum width of 80 feet, and subject to the following requirements: [Partially relocated from Art. 7.F.6, Buffer Width Reduction]

1) The quantity of required Canopy trees, palms or pines shall not be reduced; and

2) No easement overlap in the buffer.

b. Shrub Reduction

Required shrubs may be reduced by 50 percent if the reduction is sought concurrently with the width reduction of the same buffer, and subject to the following requirements:

1) The percentage of shrub reduction shall be in proportion to the percentage of the width reduction of the buffer; and

2) If the buffer is located adjacent to parking areas, the reduced shrubs shall still maintain an effective screening of the vehicle headlights from the street R-O-W.

4. Location

R-O-W Buffers shall be located at the Base Building Line, if applicable.

5. Landscape Requirements

Planting for R-O-W Buffer shall be pursuant to Table 7.C.2.A.4, R-O-W Buffer, as follows:

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Table 7.C.2.A - R-O-W Buffer Landscape Requirements (4)

<u>Minimum Buffer Width Based on Width of Ultimate R-O-W</u>	<u>Quantity of Canopy Trees (1) (2) (3)</u>	<u>Quantity of Palms or Pines (1) (2)</u>	<u>Quantity of Shrubs (1) (2) (5) (6)</u>	<u>Landscape Barrier and Min. Height (7)</u>
<u>20 feet</u>	<u>One Canopy tree per 25 linear feet.</u>	<u>One palm or pine per 30 linear feet.</u>	<u>One row of each: Groundcover – one per one linear foot; Small shrubs – One per two linear feet; and Medium and large shrubs – One per four linear feet.</u>	<u>No</u>
<u>15 feet</u>	<u>One Canopy tree per 25 linear feet.</u>	<u>One palm or pine per 30 linear feet.</u>	<u>One row of each: Groundcover and small shrubs – One per two linear feet; and, Large shrubs – one per four linear feet.</u>	<u>No</u>
<u>10 feet</u>	<u>One Canopy tree per 25 linear feet.</u>	<u>-</u>	<u>One row of each: Small shrubs – One per two linear feet; and, Medium shrubs – one per five linear feet.</u>	<u>No</u>

Notes:

- (1) Linear feet is based on the property line where the landscape buffer is located
- (2) Width of pedestrian walkway and access points shall be deducted from the length of the property line when calculating the quantity of the plant materials.
- (3) Palms or pines may substitute a Canopy tree pursuant to Art. 7.D.2.B.1 or Art. 7.D.2.C.1, Canopy Tree Substitute.
- (4) Any areas of the buffer not planted with trees and shrubs shall be landscaped with ground treatment pursuant to Art. 7.D.7, Ground Treatment. [Ord. 2009-040] [Relocated from Art. 7.F.7.C, Planting Pattern for a Perimeter R-O-W Buffer]
- (5) Groundcover shall not be allowed to substitute for shrubs.
- (6) 100 percent of the buffer length shall be composed of a continuous opaque vertical landscape screen at least two feet in height if the R-O-W Buffer is located adjacent to parking areas of the same lot. [Ord. 2009-040] [Partially relocated from Art.7.F.7.C, Planting Pattern for a Perimeter R-O-W Buffer]
- (7) If walls or fences are provided in the R-O-W Buffer, the requirements shall be pursuant to Art. 7.D.4, Landscape Buffers.

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6. Clustering

Canopy trees, palms of same species or pines may be clustered in R-O-W Buffers for non-residential development; and subject to the following standards: [Partially relocated from Art. 7.F.7.D, clustering]

- a. Shall comply with or exceed the total amount of required plant material;
- b. For the remainder of the required trees, palms or pines that are not used for clustering, they shall be spaced evenly within the R-O-W Buffer to comply with the maximum openings, as follow:
- c. A maximum of four openings shall be allowed based on the lot frontage:
 - 1) 300 linear feet to 600 linear feet – two openings;
 - 2) 601 to 1,000 linear feet – three openings;
 - 3) ≥ 1,001 linear feet – four openings.
- d. Openings shall not be wider than 40 linear feet measuring from: the center of each cluster or the center of the trunk of the outermost trees where the opening will be created; and,
- e. The minimum distance between two openings shall be 100 linear feet.

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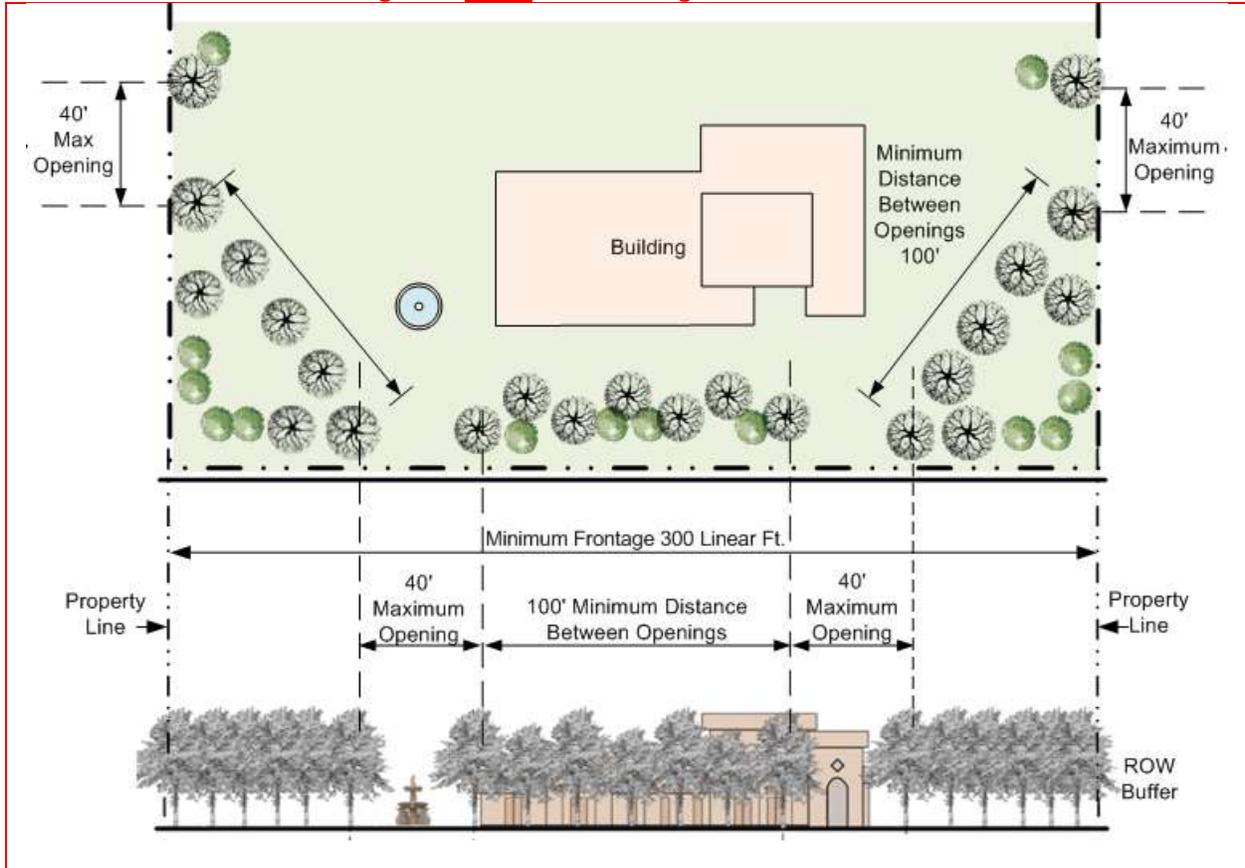
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Figure 7.C.2.A – Clustering in R-O-W Buffer



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Reason for amendments: [Zoning]
11. Part 2 is related to Compatibility Buffer requirements.
12. Eliminate Planting pattern for Compatibility Buffer, since the quantity of trees and shrubs for this type of buffer already determined how the plant materials could be installed within a limited width of the buffer, there should be not sufficient area to allow a meandering planting pattern. This will also provide some flexibility for the designer to lay out the proposed plant materials.
13. Expand width of Compatibility from 5 feet to 8 feet to address concerns related to whether 5 feet has sufficient room for healthy tree growth.

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B. Compatibility Buffer

A Compatibility Buffer shall consist of Canopy trees and rows of shrubs. Palms or pines may be used as a substitute for Canopy trees.

1. Applicability

Compatibility Buffers shall be provided between all compatible uses or where a development or a lot is adjacent to lots with a compatible FLU designation, unless stated otherwise herein.

[Partially relocated from Art. 7.F.1,B, Compatibility]

2. Exemption

Compatibility Buffers shall not be required for the following:

a. Single Family residential subdivisions or pods adjacent to Single Family residential subdivisions or pods; [Relocated from Art. 7.F.1.B, Compatibility]

b. Internal buffers within TDDs, unless specifically stated otherwise; or [Relocated from Art. 7.F.1.B, Compatibility]

c. Where residential uses are not adjacent to other incompatible design elements such as roadways, useable open space areas; or where residential setbacks are less than adjacent residential development. [Relocated from Art. 7.F.1.B, Compatibility]

3. Width

The minimum width of a Compatibility Buffer is eight feet. All Compatibility Buffers that were approved with a five foot width shall be considered as legal and conforming, and shall be vested if they are clearly shown on an approved Zoning Plan or a Development Permit. [Partially relocated from Art. 7.F.8, Compatibility Buffer]

4. Landscape Requirements

Planting for a Compatibility Buffer shall be pursuant to Table 7.C.2.B, Compatibility Buffer, as follows:

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Table 7.C.2.B, Compatibility Buffer Landscape Requirements (4)

<u>Minimum Width</u>	<u>Quantity of Canopy Trees (1) (2) (3)</u>	<u>Quantity of Shrubs (1) (2)</u>	<u>Landscape Barrier and Min. Height (5)</u>
8 feet	<i>One Canopy Tree per 25 lineal feet</i> [Relocated from Art. 7.F.2.A.1.b, Compatibility Buffer]	<i>One row of Medium shrubs at one per four lineal feet.</i>	No
Notes:			
(1) <i>Linear feet is based on the property line where the landscape buffer is located.</i>			
(2) <i>Width of pedestrian walkway and access points shall be deducted from the length of the property line when calculating the quantity of plant materials.</i>			
(3) <i>Palms or pines may substitute a Canopy tree pursuant to Art. 7.D.2.B.1 or Art. 7.D.2.C.1, Canopy Tree Substitute.</i>			
(4) <i>Any areas of the buffer not planted with trees and shrubs shall be landscaped with ground treatment pursuant to Art. 7.D.7, Landscape Barriers.</i>			
(5) <i>If walls or fences are provided in the R-O-W Buffer, the requirements shall be pursuant to Art. 7.D.4, Landscape Buffers.</i>			

Reason for amendments: [Zoning]
14. Part 3 is related to Incompatibility Buffer requirements.
15. Clarify Incompatibility Buffer is required for those residential uses that have different housing types such as single family and zero lot line units which are considered as detached housing type; and multi-family and townhouse units are considered as attached.
16. Codify BCC conditions of approval related to addition of palms and pines as part of the Code requirement for Incompatibility Buffers.
17. Relocate Agricultural Reserve (AGR) PUD Landscape Buffer to this Section – the intent is to consolidate Incompatibility Buffers that are located in other Articles to Article 7.

C. Incompatibility Buffer

An Incompatibility Buffer shall consist of Canopy trees, palms or pines, and rows of shrubs. Palms or pines may be used as a substitute for trees. In addition, an Incompatibility Buffer shall consist of a continuous, opaque Landscape Barrier. [Ord. 2009-040] [Ord. 2016-016] [Partially relocated from Art. 7. F.9.B.1, Landscape Requirements related to Incompatibility Buffer Standards]

1. Applicability

Incompatibility Buffers shall be provided between all incompatible uses or incompatible pods in a PDD.

a. Type 1 Waiver for Landscaping

An Incompatibility Buffer may not be required for residential pods of a PDD; or tracts within a residential subdivision subject to a Type 1 Waiver for Landscaping.

2. Types and Width of Incompatibility Buffers

There are three types of Incompatibility Buffers, Types 1, 2 and 3, and shall be applied in accordance with Table 7.C.2.C, Incompatibility Buffer Types. The type of Incompatibility Buffer required shall be the most restrictive buffer type based on the use difference between adjacent uses. Where required between pods in a PDD, only one Incompatibility Buffer shall be required. [Ord. 2016-016] [Partially relocated from Art. 7.F.9.A, Determining Incompatibility Buffer Type]

Table 7.C.2.C - Incompatibility Buffer Types

<i>Difference Between Adjacent Uses (1)</i>			
<i>Use Classification</i>	<i>Abutting</i>	<i>Use Classification</i>	<i>Required Buffer Type</i>
<i>Residential, Detached</i>	←→	<i>Residential, Attached (3)</i>	<i>Type 1</i>
<i>Residential, Detached</i>	↔	<i>Type 3 CLF</i>	<i>Type 2</i>
<i>Residential</i>	↔	<i>Commercial</i>	<i>Type 2</i>
<i>Residential</i>	↔	<i>Recreational</i>	<i>Type 2</i>
<i>Residential</i>	↔	<i>Institutional, Public and Civic</i>	<i>Type 2</i>
<i>Residential</i>	↔	<i>Agricultural</i>	<i>Type 3</i>
<i>Residential</i>	↔	<i>Industrial</i>	<i>Type 3</i>
<i>Residential</i>	↔	<i>Utility (2)</i>	<i>Type 3</i>
<i>[Ord. 2008-003] [Ord. 2016-016]</i>			
Notes:			
1. <i>Determination of use classification shall be consistent with Art. 4, Use Regulations. Where proposed development abuts vacant parcels, use classification shall be based upon Future Land Use (FLU) designation.</i>			
2. <i>Buffer for Minor Utilities or Electric Distribution Substation shall be determined by the DRO. [Ord. 2017-007]</i>			
3. <i>Shall also apply to a Type 2 CLF.</i>			

[Relocated from Art. 7.F.9.A, Required Incompatibility Buffer Types]

a. Width Reduction

The required buffer width may be reduced by 50 percent when a lot or a development is separated from another parcel of land that has an incompatible use or FLU designation by a canal, lake, retention, open space area with a minimum width of 100 feet or combination

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thereof, or if the same type of buffer exists on the adjacent property, and subject to the following requirements:

- 1) The quantity of required Canopy trees, palms or pines shall not be reduced; and
- 2) No easement overlap in the buffer.

b. Shrub Reduction

Required shrubs may be reduced by 50 percent if the reduction is sought concurrently with the width reduction of the same buffer, and subject to the following requirements:

- 1) The percentage of shrub reduction shall be in proportion to the percentage of the width reduction of the buffer; and
- 2) The required six foot high Landscape Barrier shall be provided.

3. Landscape Requirements

Landscaping for an Incompatibility Buffer shall be pursuant to Table 7.C.2.C.3, Incompatibility Buffer Landscape Requirements, as follows:

Table 7.C.2.C.3 - Incompatibility Buffer Landscape Requirements (6)

<u>Buffer Type</u>	<u>Minimum Width</u>	<u>Quantity of Canopy Trees (1) (2) (3)</u>	<u>Quantity of Palms or Pines (1) (2)</u>	<u>Quantity of Shrubs (1) (2)</u>	<u>Landscape Barrier and Min. Height</u>
<u>Type 1 Incompatibility</u>	<u>10 feet</u>	<u>One Canopy tree per 20 linear feet</u>	<u>-</u>	<u>One row of each: Small Shrubs – One per two linear feet.</u>	<u>Six feet high opaque fence or hedge (7)</u>
<u>Type 2 Incompatibility</u>	<u>15 feet</u>	<u>One Canopy Tree per 20 linear feet</u>	<u>One Palm or Pine per 30 linear feet</u>	<u>One row of each: Small shrubs – One per two linear feet; and, Medium shrubs – One per four linear feet.</u>	<u>Six feet high fence or hedge (7)</u>
<u>Type 3 Incompatibility</u>	<u>20 feet</u>	<u>One Canopy Tree per 20 linear feet</u>	<u>One Palm or Pine per 30 linear feet</u>	<u>One row of each: Small shrubs – One per two linear feet; and Medium shrubs – One per four linear feet.</u>	<u>Six feet high opaque wall (4) (5)</u>

Notes:

- (1) Linear feet is based on the property line where the landscape buffer is located.
- (2) Width of pedestrian walkway and access points shall be deducted from the length of the property line when calculating the quantity of the plant materials (trees, shrubs and groundcover).
- (3) Palms or pines may substitute a Canopy tree pursuant to Art. 7.D.2.B.1 or Art. 7.D.2.C.1, Canopy Tree Substitute.
- (4) Substitute of the required wall may be requested through a Type 2 Waiver.
- (5) The wall requirement shall not be required for a Type 3 Incompatibility Buffer in an AGR PUD in accordance with Art. 7.C.2.4, AGR PUD, Landscape Buffer [Ord 2008-003] [Partially relocated from Table 7.F.9.B - Incompatibility Buffer Standards note #2]
- (6) Any areas of the buffer not planted with trees and shrubs shall be landscaped with ground treatment pursuant to Art. 7.D.7, Landscape Barriers.
- (7) If walls or fences are provided in a Type 1 or Type 2 Incompatibility Buffer, the requirements shall be pursuant to Art. 7.D.4, Landscape Barriers.

4. AGR PUD Landscape Buffer

A Type 3 Incompatibility Buffer shall be required between the Development Area and all adjacent properties zoned AGR, AP, SA, or AR; including Preservation Areas. The buffer shall be a minimum of 50 feet in width and a wall shall not be required. [Ord. 2006-004] [Ord. 2008-003] [Partially relocated from Art. 3.E.2.F.4.d, AGR PUD – Landscape Buffer]

a. Buffer Width Reduction

The minimum 50 foot buffer width required along the perimeter of an AGR-PUD Development Area may be reduced for the following: [Ord. 2013-001] [Relocated from Art. 3.E.2.F.4.d.1), Buffer Width Reduction]

1) Abutting R-O-W, Open Space or Another Buffer

A 50 percent reduction (minimum of 25 feet in width) shall be permitted if: [Ord. 2013-001] [Relocated from Art. 3.E.2.F.4.d.1).a), Abutting R-O-W, Open Space or Another Buffer]

a) the buffer is within a nonresidential pod and adjacent to a R-O-W greater than 50 feet in width; [Relocated from Art. 3.E.2.F.4.d.1).a).(1), related to Abutting R-O-W, Open Space or Another Buffer]

b) the buffer is adjacent to another platted PUD buffer a minimum of 20 feet in width; or [Relocated from Art. 3.E.2.F.4.d.1).a).(2), related to Abutting R-O-W, Open Space or Another Buffer]

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c) *the buffer is adjacent to open space (e.g. lake, canal, etc.) greater than 50 feet in width.* [Relocated from Art. 3.E.2.F.4.d.1).a).(c), related to **Abutting R-O-W, Open Space or Another Buffer**]

2) Abutting a Rural Parkway

A reduction to a minimum of 15 feet in width shall be permitted if the buffer is abutting a Rural Parkway a minimum of 100 feet in width. [Ord. 2013-001] [Relocated from Art. 3.E.2.F.4.d.1).b), **Abutting a Rural Parkway**]

Reason for amendments: [Zoning]
18. Relocate requirements under Chapter D.11, Foundation Plantings to the new Chapter C. Consolidate Interior landscaping, which includes foundation planting and any open spaces interior to a lot or a PDD/TDD, under this Chapter.
19. Also clarify that calculation for interior planting for non-residential lots is based on pervious surface area only. The prior calculation was based on the entire lot area and is excessive in terms of planting requirements, and does not consider the deduction of buildings, parking lot, walkways, etc. Since the Code already requires perimeter buffers, planting for parking areas and foundation planting; therefore, the proposed code will only require planting in the pervious surface areas, and may allow adjacent to the retention areas subject to the approval of the Land Development Division.
20. Add planting requirement for Vehicular Use Area, which are those areas used for loading, circulation, access, storage. Designated parking areas shall not be considered as vehicular use areas.

Section 3 Interior Landscaping

Interior landscaping shall include, but not limited to: foundation planting, landscape islands and medians, screening for loading areas, vehicular use areas and any pervious areas that could be utilized for additional planting. Interior landscaping shall consist of mainly Canopy trees and shrubs. Palms or Pines and groundcover may also be utilized to enhance the interior landscaping. If palms or pines are used in lieu of Canopy trees, they shall be planted in accordance with Art. 7.D.2.B.1 and C.1, Canopy Tree Substitute for Palms and Pines.

A. Calculation of Interior Landscaping

Planting in the perimeter buffers shall not be counted to satisfy the interior landscaping requirements. Interior quantities for trees and shrubs shall be calculated based on pervious areas, excluding preservation areas, lakes, retention areas, and perimeter landscape buffers. [Ord. 2009-040] [Ord. 2014-025] [Ord. 2016-042] [Partially relocated from Table 7.C.3 – Minimum Tier Requirements, Note 5.]

Table 7.C.3.A – Interior Landscaping Requirements

	<i>U/S Tier</i>	<i>AGR and Glades Tiers</i>	<i>Exurban and Rural Tiers</i>
Min. Tree Quantities			
<u>Residential lot – SF, ZLL, TH and MF</u>	<i>1 per 1,250 sq. ft. (max. 15 trees)(1) (2)</i> [Relocated from Table 7.C.3 – Minimum Tier Requirements – Landscape Buffers U/S Tier]	<i>1 per 1,000 sq. ft. (max. 30 trees)(1) (2)</i> [Relocated from Table 7.C.3 – Minimum Tier Requirements – Landscape Buffers AGR and Glades Tiers]	<i>1 per 800 sq. ft. (max. 30 trees)(1) (2)</i> [Relocated from Table 7.C.3 – Minimum Tier Requirements – Landscape Buffers Exurban and Rural Tiers]
<u>Non-residential Vehicular Use Area (3)</u>	<u>1 per 2,000 sq. ft.</u>	<u>1 per 1,500 sq. ft.</u>	<u>1 per 1,200 sq. ft.</u>
Min. Shrub Quantities			
<u>Residential lot – SF, ZLL, TH and MF</u>	<i>3 per 1,250 sq. ft. (max. 45 trees)(1) (2)</i> [Relocated from Table 7.C.3 – Minimum Tier Requirements – Landscape Buffers U/S Tier]	<i>3 per 1,000 sq. ft. (max. 90 trees) (1) (2)</i> [Relocated from Table 7.C.3 – Minimum Tier Requirements – Landscape Buffers AGR and Glades Tiers]	<i>3 per 800 sq. ft. (max. 90 trees) (2)</i> [Relocated from Table 7.C.3 – Minimum Tier Requirements – Landscape Buffers Exurban and Rural Tiers]
<u>Non-residential Vehicular Use Area (3)</u>	<u>3 per 2,000 sq. ft.</u>	<u>3 per 1,500 sq. ft.</u>	<u>3 per 1,200 sq. ft.</u>
[Ord. 2005-002] [Ord. 2006-004] [Ord. 2009-040] [Ord. 2010-022] [Ord. 2011-001] [Ord. 2014-025] [Ord. 2014-031]			
Notes:			
(1) <u>Tree and shrub planting requirement calculations for Residential Lots shall be based on the pervious surface areas of the lot.</u> [Ord. 2014-025] [Partially relocated from Table 7.C.3 – Minimum Tier Requirements, note #8]			
(2) <u>No maximum for lots with Multi-family units.</u>			
(3) <u>Interior quantity of trees and shrubs shall be based on ten percent of the gross paved areas of the vehicular use area, excluding preservation, lakes, and retention areas.</u>			

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ARTICLE 7, LANDSCAPING

(Updated 10/18/17)

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Reason for amendments: [Zoning]
21. Relocate and consolidate requirements under the current Chapters C and D to the new Chapter C, and create a new Table which summarizes the current requirements of Table 7.C.2, Minimum Tier Requirements, and those under Art.7.D.11, Foundation Planting.
22. Reduce percentage of foundation planting for the rear facades for the AGR, Glades, Exurban and Rural Tiers since most of the loading and service activities are located in the back of the building. This proposed modification is consistent with the Urban/Suburban Tier

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B. Foundation Planting

1. Applicability

a. Foundation planting shall be provided along facades as required by Table 7.C.3.B, Foundation Planting and Dimensional Requirements for non-residential structures unless specifically exempted by this Article. Planting shall also be required at the base of freestanding ground-mounted signs. [Partially relocated from Art. 7.D.11, Foundation Plantings]

Table 7.C.3.B, Foundation Planting and Dimensional Requirements

<u>Minimum Requirements</u>	<u>U/S Tier (2)</u>	<u>AGR and Glades Tiers</u>	<u>Exurban and Rural Tiers</u>
<u>Planting Width for all sides</u> [Relocated from Table 7.C.3 – Minimum Tier Requirement]	<u>8 feet</u> [Partially relocated from Table 7.C.3 – Minimum Tier Requirement – Foundation Planting, U/S tier]	<u>10 feet</u> [Partially relocated from Table 7.C.3 – Minimum Tier Requirement – Foundation Planting, SAGR and Glades Tiers]	<u>12 feet</u>
<u>Facades to be Planted (3)</u> [Relocated from Table 7.C.3 – Minimum Tier Requirement]	<u>Front and Sides</u> [Partially relocated from Table 7.C.3 – Minimum Tier Requirement – Foundation Planting, U/S tier]	<u>Front, Sides and Rear</u> [Partially relocated from Table 7.C.3 – Minimum Tier Requirement – Foundation Planting, AGR and Glades Tiers]	<u>Front, Sides and Rear</u> [Partially relocated from Table 7.C.3 – Minimum Tier Requirement – Foundation Planting, Exurban and Rural Tiers]
<u>Length - Percentage of Façade (1)</u> [Relocated from Table 7.C.3 – Minimum Tier Requirement]	<u>40 percent</u> [Relocated from Table 7.C.3 – Minimum Tier Requirement – Foundation Planting, U/S tier]	<u>50 percent for Front and Sides</u> <u>30 percent for Rear</u> [Relocated from Table 7.C.3 – Minimum Tier Requirement – Foundation Planting, AGR and Glades Tiers]	<u>60 percent for Front and Sides</u> <u>40 percent for Rear</u> [Relocated from Table 7.C.3 – Minimum Tier Requirement – Foundation Planting, Exurban and Rural Tiers]
<u>Tree, palm or pine (5)</u> [Relocated from Art. 7.D.11, Foundation Plantings]	<u>1 per 20 linear ft. of the length of the foundation planting area.</u> [Relocated from Art. 7.D.11, Foundation Plantings]	<u>1 per 20 linear ft. of the length of the foundation planting area</u> [Relocated from Art. 7.D.11, Foundation Plantings]	<u>1 per 20 linear ft. of the length of the foundation planting area</u> [Relocated from Art. 7.D.11, Foundation Plantings]
<u>Shrub or groundcover</u> [Relocated from Art. 7.D.11, Foundation Plantings]	<u>1 per 10 sq. ft. of foundation planting area</u> [Relocated from Art. 7.D.11, Foundation Plantings]	<u>1 per 10 sq. ft. of foundation planting area</u> [Relocated from Art. 7.D.11, Foundation Plantings]	<u>1 per 10 sq. ft. of foundation planting area</u> [Relocated from Art. 7.D.11, Foundation Plantings]
Freestanding ATM and Unmanned Retail Structure			
<u>Minimum Planting Width</u>	<u>3 feet</u>	<u>3 feet</u>	<u>3 feet</u>
<u>Facades to be planted (4)</u>	<u>Non point of Service Facades</u>	<u>Non point of Service Facades</u>	<u>Non point of Service Facades</u>
<u>Length – Percentage of total Length of Non point of Service Facades</u>	<u>70 percent</u>	<u>85 percent</u>	<u>100 percent</u>
<u>Small shrub or Groundcover</u>	<u>1 per 2 linear feet of the foundation planting area</u>	<u>1 per 2 linear feet of the foundation planting area</u>	<u>1 per 2 linear feet of the foundation planting area</u>
[Ord. 2005-002] [Ord. 2006-004] [Ord. 2009-040] [Ord. 2010-022] [Ord. 2011-001] [Ord. 2013-021] [Ord. 2014-025] [Ord. 2014-031] [Ord. 2016-042]			
Notes:			
(1) <u>The minimum length shall be calculated by the total length of the applicable side of the structure, excluding garage doors and loading bays.</u> [Relocated from Art.7.D.11.C, Minimum Length]			
(2) <u>U/S Tier Standards may be applied to a PUD or a TDD with a village center, civic site, or suburban center, general or edge subarea.</u> [Ord. 2010-022]			
(3) <u>Foundation Planting may be relocated to any façade of the same building or structure subject to Table 7.B.4, Type 1 Waiver for Landscaping.</u>			
(4) <u>For Freestanding ATMs or Unmanned Retail Structure, the façade where the point of service is located shall be exempt from the Foundation Planting requirement.</u>			
(5) <u>For Large Scale Commercial Development, 50 percent of the height of the trees shall be a minimum of two-thirds of the height of the façade of which the foundation planting is located.</u>			

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b. The Applicant shall identify on the Zoning Plan(s) the primary pedestrian entrance of each building.

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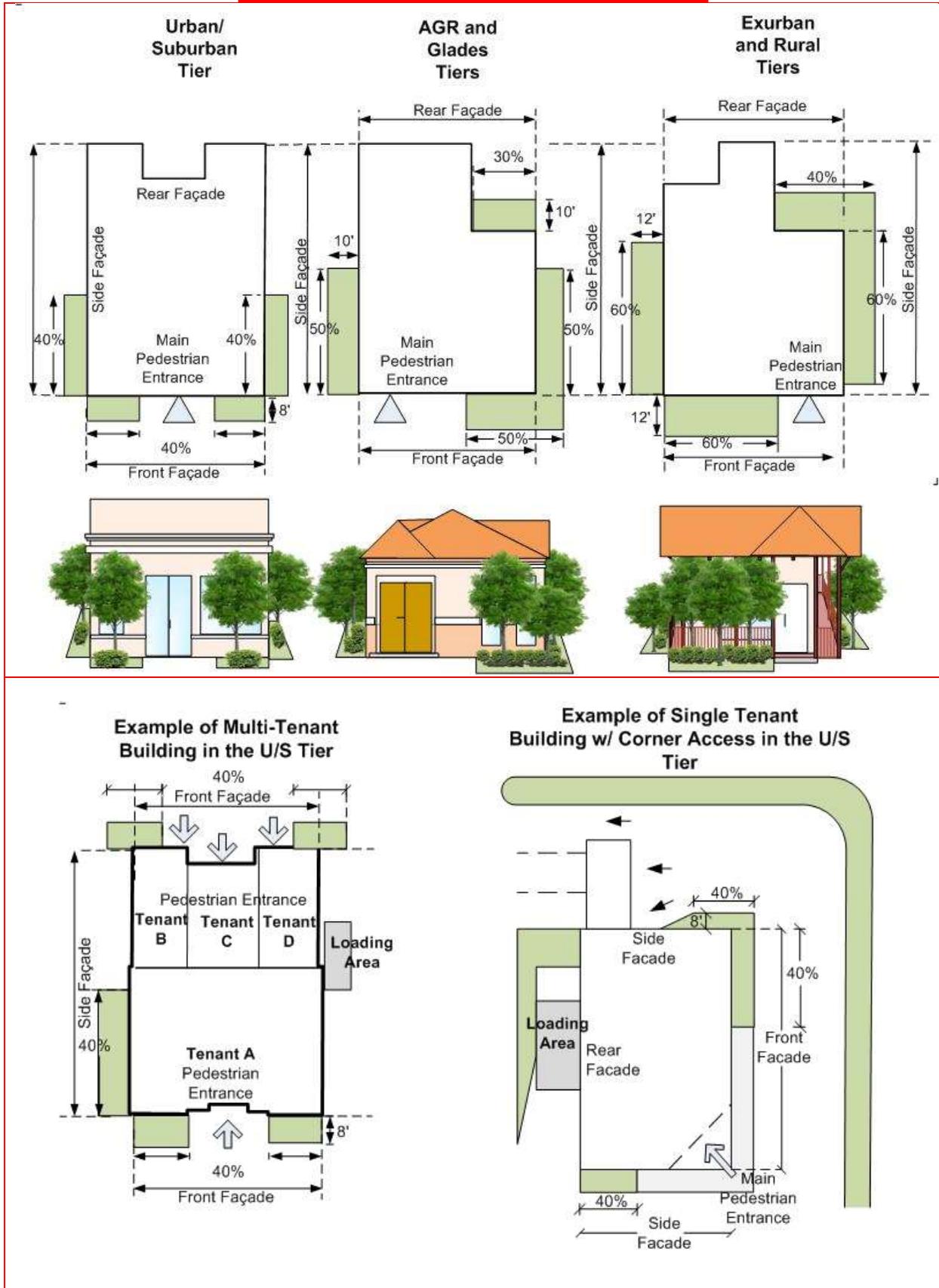
ARTICLE 7, LANDSCAPING

(Updated 10/18/17)

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- 1) For building(s) with a single tenant and multiple entrances, the façade where the primary pedestrian entrance is located will be considered as the front façade.
- 2) For a building with multiple tenants that has individual primary pedestrian entrance that serve each tenant, the front façade will be the façades where the primary pedestrian entrances are located. The rear façade shall be considered that side of the building where the loading area is located.

Figure 7.C.3 – Foundation Planting Requirements



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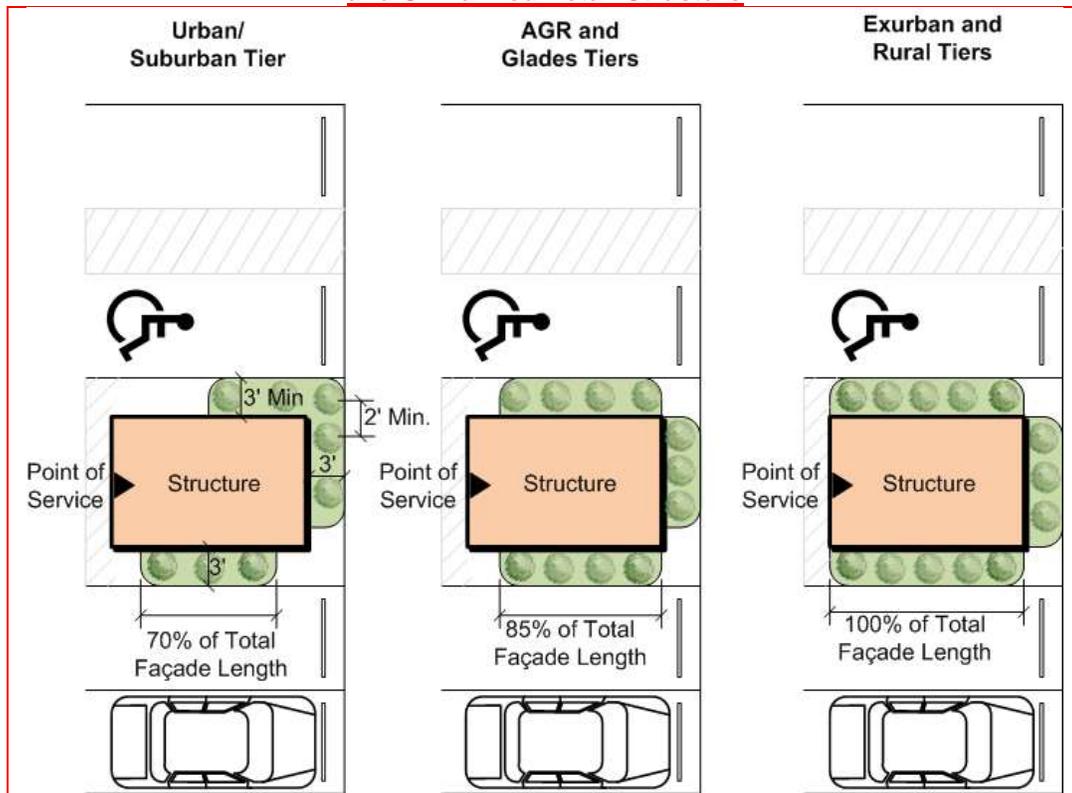
2. Exemptions

- a. *Agricultural or industrial buildings that are not visible from a public street or residential zoning district.* [Relocated from Art. 7.D.11.A.a, Related to Foundation Planting Exemptions]
- b. *Buildings which are exempt from local building permits or government review pursuant to State or Federal Statutes.* [Relocated from Art. 7.D.11.A.b, Related to Foundation Planting Exemptions]
- c. *Structures within a TDD, where a build-to-line is established along the sidewalk, except where required in TDD, LCC, IRO and PRA DOs are exempt from foundation planting requirements for primary and secondary, or other similar types of building frontages, buildings along an alleyway or access way to a parking area, or where buildings front on a plaza or square.* [Ord. 2005-002] [Ord. 2006-004] [Ord. 2010-022] [Relocated from Art. 7.D.11.A.3, Related to Foundation Planting Exemptions and Table 7.C.3 – Minimum Tier Requirements, note #6]
- d. *Properties where the required planting area would overlap a required buffer.* [Relocated from Art. 7.D.11.A.4, Related to Foundation Planting Exemptions]
- e. *Accessory buildings and structures subject to Zoning approval.* [Relocated from Art. 7.D.11.A.5, Related to Foundation Planting Exemptions]

3. Establishments with drive-throughs, Freestanding ATMs and Unmanned Retail Structures

Location of required foundation plantings may be modified if the planting and dimensional requirements are met in the relocated area. [Ord. 2013-021] [Relocated from Art. 7.D.11.F, Freestanding ATM's and Unmanned Retail Structures]

Figure 7.C.3.B – Establishments with Drive-Throughs, Freestanding ATMs and Unmanned Retail Structure



a. Walk Up

Foundation planting areas may be relocated up to a maximum of ten feet away from the applicable façade to accommodate pedestrian walkways, access to the ATM or Unmanned Retail Structure, or as needed to comply with F.S. 655, 960, security lighting, or Crime Prevention Through Environmental Design (CPTED) guidelines. [Ord. 2013-21] [Ord. 2017-007] [Relocated from Art. 7.D.11.F.1, Walk Up]

b. Drive Through

Foundation planting areas may be relocated within 30 feet from the original required facades of the drive-through. [Ord. 2013-21] [Ord. 2017-007] [Relocated from Art. 7.D.11.F.2, Drive Through]

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(Updated 10/18/17)

Reason for amendments: [Zoning]

23. Address planting around the base or peripheral area of a sign, ATMs or Unmanned Retail Structure/Kiosk.

C. Planting Around Signs

A three foot wide planting area shall be required around the base of all ground-mounted signs. One shrub for each ten square feet of planting area shall be installed within the planting area and maintained at a minimum height of 18 inches. Monument signs six feet in height or less may be surrounded by ground cover on all sides instead of shrubs. Landscaping and trees that interfere with the visibility of signage may be relocated to the rear of the sign planting area, subject to approval by the Zoning Division. [Relocated from Art. 7.D.11.D, Planting around Signs]

Reason for amendments: [Zoning]

24. Relocate landscaping for parking areas under the new Chapter C.3 from Chapter G.

25. Consolidate Terminal and Interior islands and rename under Landscape Islands. Clarify that a Landscape island must be provided where parking spaces is adjacent and parallel to a loading space, driveway or drive aisle.

26. Reduce redundancy and consolidate planting and dimensional requirements under a new Table 7.C.4, Landscape Island and Divider Median - Planting and Dimensional Requirements.

27. Modify to allow landscape diamonds only for those sites that are located in the Urban Redevelopment area or the Westgate Community Redevelopment area since those areas usually have lots that are smaller in size.

28. Change island width to 10 feet for all Tiers to provide sufficient room for tree growth. Add flexible regulations for landscape islands for compact car and electric vehicle parking spaces.

29. Allow islands to be spaced at a larger interval if the island width is increased. This proposed amendment will allow flexible regulations without having the applicant to go through a Waiver process. However, by increasing the spacing, this will eliminate an island/tree. Staff recommends the required tree to be relocated within a landscape buffer or within the site.

Section 4. Landscape Requirements for Off-Street Parking

Off-street parking and interior vehicular use areas shall be provided with landscape islands, divider medians or where applicable landscape diamonds, and subject to the following landscaping requirements. Planting within perimeter landscape buffers required by Article 7.C.2, Types of Landscape Buffer, shall not be used to satisfy these requirements. [Relocated from Art. 7.G, Off-Street Parking Requirements]

A. Landscape Islands

Landscape islands shall be provided along the terminal of parking spaces, interior of the parking area; and along major internal driveways. Parking spaces shall not be terminated or abutting a drive aisle; driveway, loading space without a landscape island. In addition, Landscape islands shall be provided in accordance to the maximum spacing requirements for each Tier, and Table 7.C.4, Landscape Island and Divider Median - Planting and Dimensional Requirements.

1. Maximum Spacing

a. U/S Tier

One Landscape island per ten spaces (maximum 100 feet apart). [Relocated from Art. 7.G.2.B.1.a, U/S Tier]

b. AGR and Glades Tier

One Landscape island per eight spaces (maximum 80 feet apart). [Relocated from Art. 7.G.2.B.1.b, AGR and Glades tiers]

c. Rural and Exurban Tiers

One Landscape island per six spaces (maximum 60 feet apart). [Relocated from Art. 7.G.2.B.1.a, Exurban and Rural Tiers]

2. Increased Interval of Landscape Islands

The distance between landscape islands may be increased to a maximum of 12 standard parking spaces for U/S Tiers, 10 spaces for the AGR and Glades Tiers, and 8 spaces for the Exurban and Rural Tiers. The width of abutting landscape islands, where the increased interval occurs, shall be increased by one foot for each additional space.

a. Required Canopy Tree

The required Canopy tree for each expanded island shall have a minimum height of 12 feet. No palm or pine substitute for Canopy tree is allowed.

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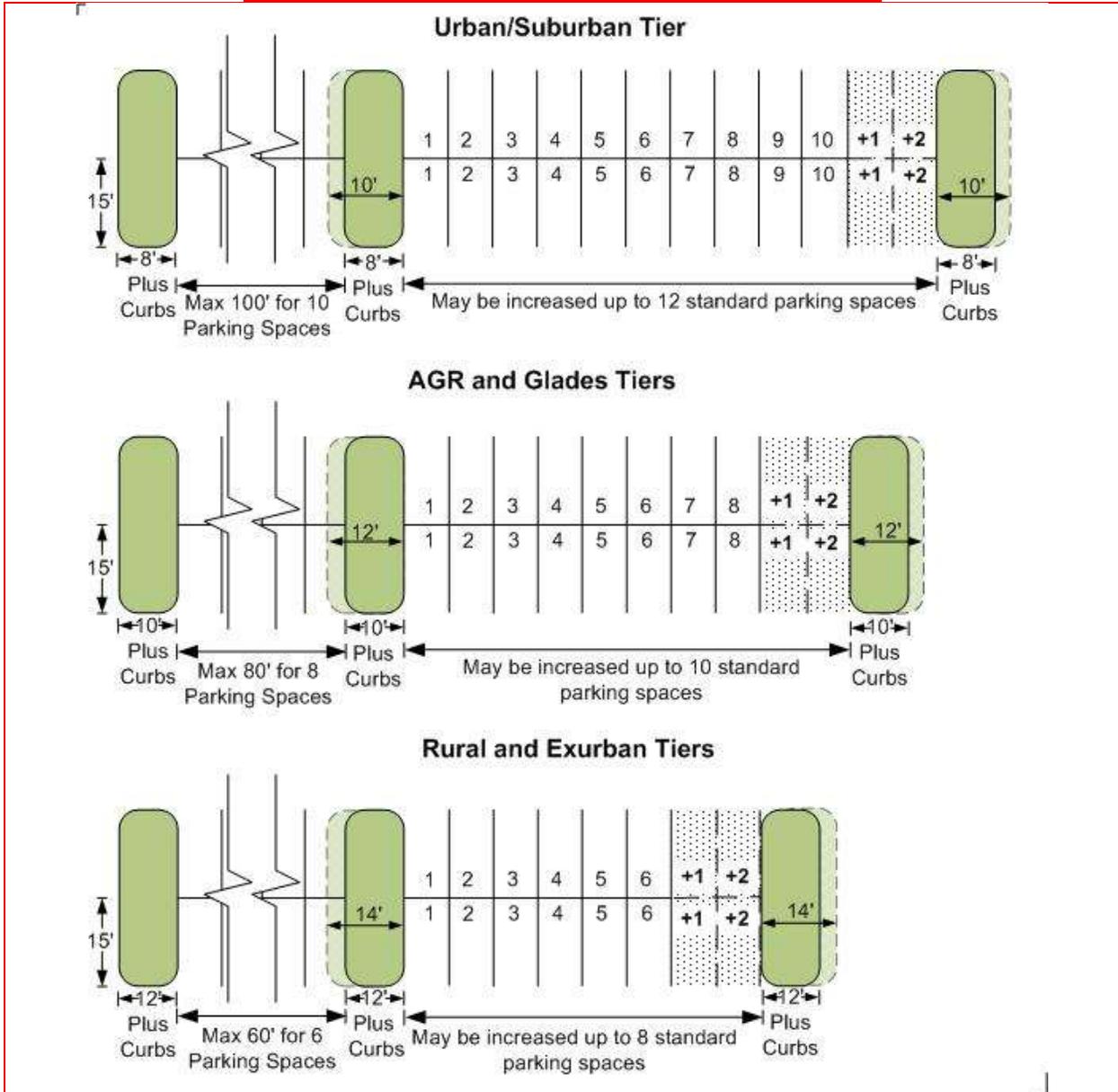
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ARTICLE 7, LANDSCAPING

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Figure 7.C.4.A – Increase Intervals of Landscape Islands



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3. Type 1 Waiver for Maximum Spacing

Landscape islands may be increased in spacing to accommodate preservation of existing vegetation subject to a Type 1 Waiver for Landscaping.

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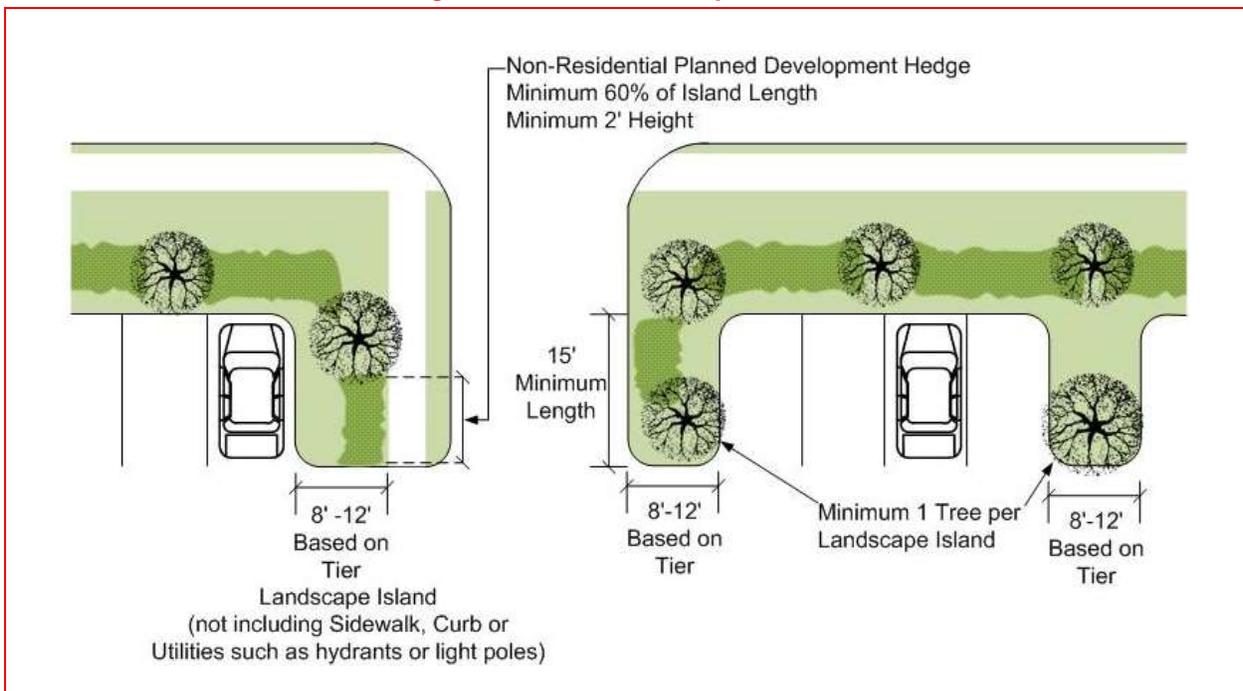
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Table 7.C.4, Landscape Island and Divider Median - Planting and Dimensional Requirements (4)

	U/S Tier	AGR and Glades Tiers	Exurban and Rural Tiers
Landscape Island (4) and Divider Median Minimum Dimensions			
Landscape Island Min. Width (1) (3)	8 feet.	10 feet	12 feet
Landscape Island Min. Length (3)	15 ft.		
Divider Median Min. Width (1)	10 ft.		
Landscape Diamond (Width x Length)	5 ft x 5 ft		
Minimum Tree Planting Requirements (2)			
Tree Planting - Landscape Island	1 tree per island		
Tree Planting - Divider Median	1 tree per 30 linear ft.		
Landscape Diamond	1 palm per diamond		
Minimum Shrub and Groundcover Planting Requirements			
Groundcover Planting - Landscape Island (3)	Grass or appropriate Groundcover to be planted in island		
Shrub Planting - Divider Median (5)	Medium Shrubs planted at 30 inches on center, and appropriate Groundcover		
Landscape Diamond	Appropriate Groundcover or Tree Grate		
Notes:			
(1) Min. width of islands shall exclude curbs, sidewalks and utilities. The width must be increased by the minimum amount necessary to meet the needs of the utility providers or to accommodate a sidewalk.			
(2) A minimum of 75 percent of all trees required in the interior of vehicular use areas shall be canopy trees. Palms may count as one required tree, not to exceed 25 percent of the total required trees. [Relocated from Art. 7.G.1, Trees]			
(3) Apply to Non-residential Planned Development only – Landscape islands facing major internal driveways shall provide a two-foot high continuous hedge for a minimum of 60 percent of the island length. Hedge shall be maintained with a maximum height of 30 inches.			
(4) Landscape islands shall not overlap Landscape Buffers.			
(5) Required shrubs may be relocated subject to a Type 1 Waiver for Landscaping.			

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Figure 7.C.4.A - Landscape Islands



4 **[Relocated from Figure 7.G.2.A - Terminal and Interior Landscape Islands]**

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ARTICLE 7, LANDSCAPING

(Updated 10/18/17)

Reason for amendments: [Zoning]

30. Clarify when a divider median shall be required, the current code states every 3rd row, it should really state every sixth row or every third parking aisle. Also clarify that divider median may be required in those situations to enhance and channel vehicular traffic flow.

B. Divider Medians

Divider medians shall be provided in parking lots with at least two or more vehicular parking aisles in the U/S, AGR, and Glades Tiers; or in vehicular use areas to channel traffic circulation; as follows:

1. Locate between every third aisle or sixth row of parking spaces; and between all parking and vehicular use areas. Divider medians shall be provided in accordance to Table 7.C.4, Landscape Island and Divider Median - Planting and Dimensional Requirements.
2. Adjacent to driveways where external access points are located for PDDs or TDDs.

Figure 7.C.4.B – Divider Medians Location



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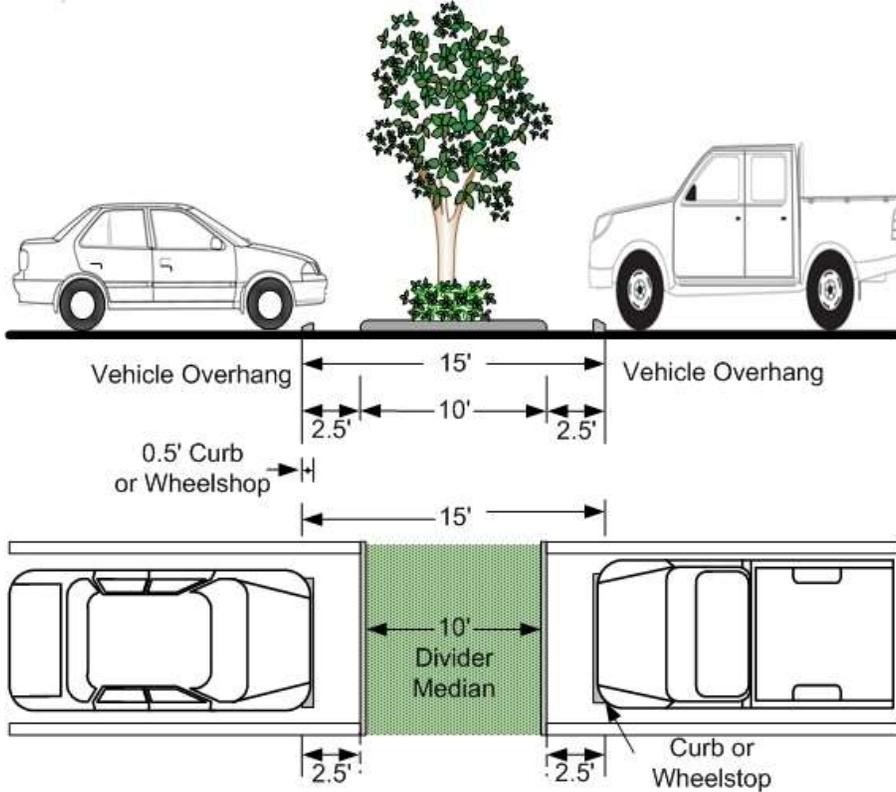
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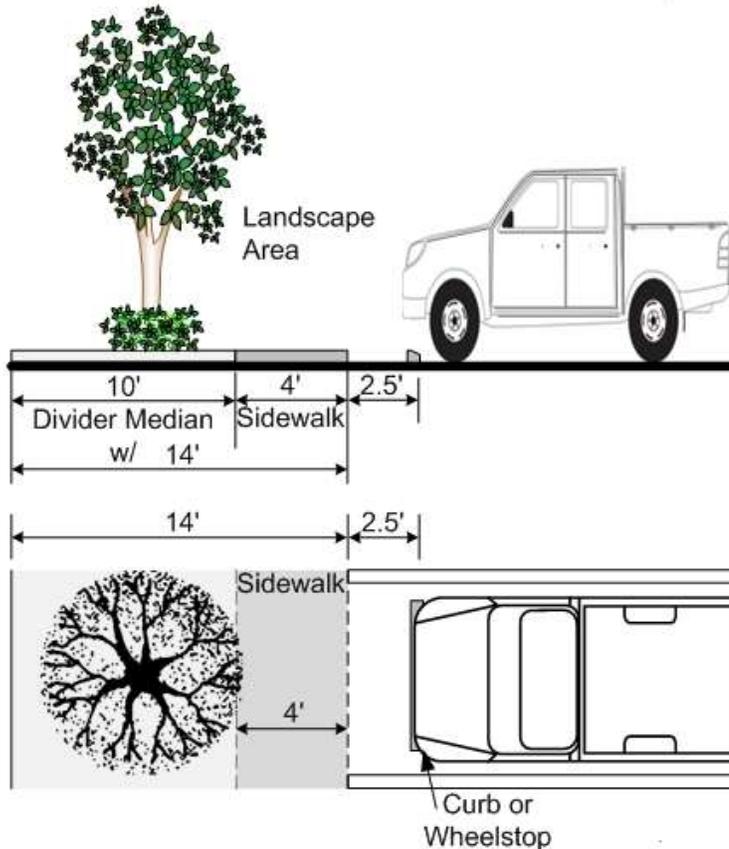
Figure 7.C.4.B- Divider Median Requirements



2 [Relocated from Figure 7.G.2.C - Divider Median Requirements]

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Figure 7.C.4.B - Divider Median Requirements (with Sidewalk)



4 [Relocated from Figure 7.G.2.C – Divider Medina Requirement (with Sidewalk)]

5 **C. Landscape Diamonds**

6 *Landscape diamonds may be distributed throughout the interior of an off-street parking area as an*
 7 *alternative to divider medians for lots that are located in the WCRAO, IRO, or URAO. Landscape*
 8 *diamonds shall be located only at the common intersection of four parking spaces and spaced a*
 9 *maximum of four parking spaces apart.* [Partially relocated from Art. 7.G.2.D, Landscape

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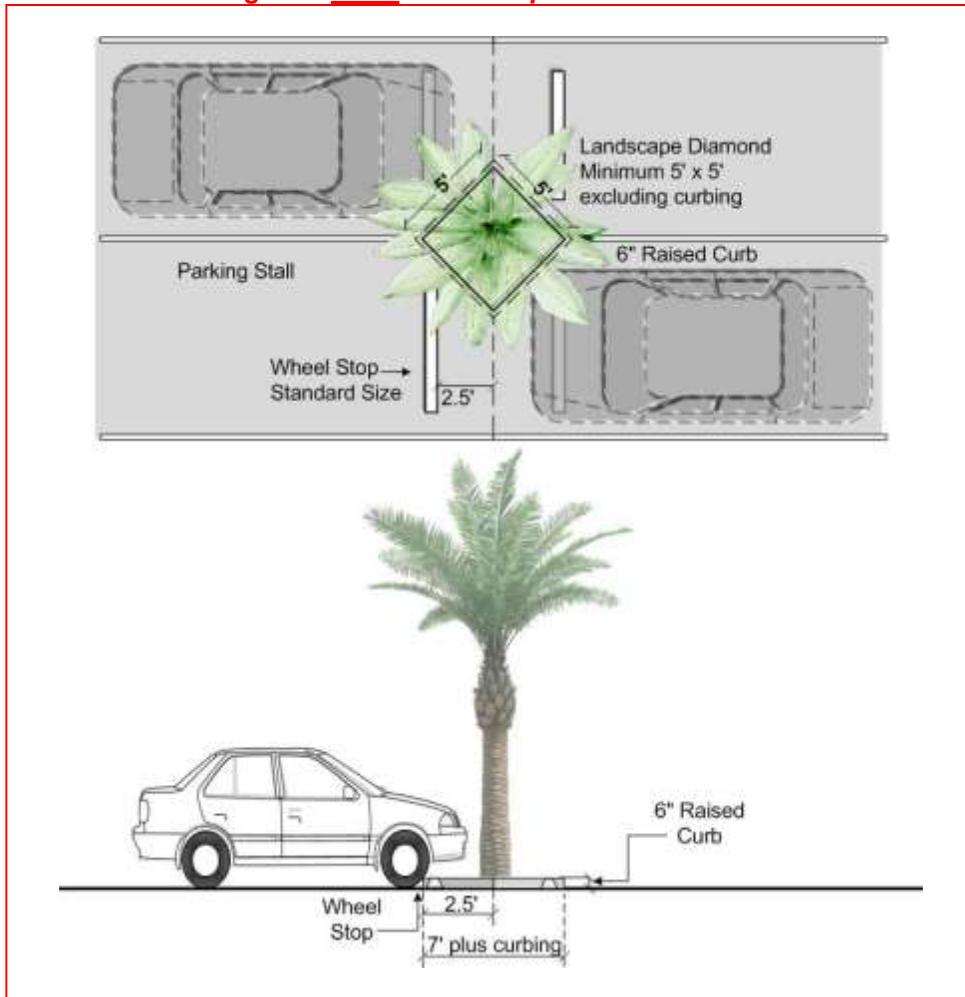
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ARTICLE 7, LANDSCAPING

(Updated 10/18/17)

1 **Diamonds]** *A raised curb is required around the entire landscape diamond when wheel stops are*
2 *not used.* [Relocated from Figure 7.G.2.D, Landscape Diamond Detail, note]
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Figure 7.C.4.C - Landscape Diamond Detail



[Partially relocated from Figure 7.G.2.D – Landscape Diamond Detail]

~~A raised curb is required around the entire landscape diamond when wheel stops are not used.~~ [Relocated to Art. 7.C.4.C, Landscape Diamonds, above]

4 **D. Vehicular Use Area**

5 Interior landscaping for the vehicular use area shall be landscaped to provide adequate screening
6 of vehicular uses. A minimum of ten percent of the gross paved areas of the vehicular use area
7 shall be designated for interior landscaping.

8 1. If the vehicular use area is adjacent to a perimeter landscape buffer, the required plant
9 materials may be designed as an integral part of the buffer, provided the minimum quantity for
10 the interior landscaping and the perimeter buffer is not reduced.

11 2. Interior landscaping may be in form of a divider median and implemented pursuant to Table
12 7.C.3.A, Interior Planting Requirements.

13 **a. Specialized Vehicular Areas Not Open to the Public**

14 The required interior landscaping shall be allowed to be transferred to other interior
15 landscaping areas or within the Landscape buffers.

16 **E. Landscape Protection Measures**

17 *The landscape area adjacent to any off-street parking space or vehicular use area shall be*
18 *protected from vehicular encroachment by the use of wheel stops or continuous concrete curbing.*

19 [Partially relocated from Art. 7.G.2.E, Landscape Protection Measures]

20 **1. Curbing**

21 *All landscape areas subject to vehicular encroachment shall be separated from vehicular use*
22 *areas by six inch, non-mountable, FDOT-type "D" or FDOT-type "F", concrete curbing. Curbing*
23 *shall be machine-laid, formed-in-place or integrally installed with the pavement. Landscaped*
24 *areas adjacent to vehicular use areas shall be surrounded with a continuous raised curb. [Ord.*
25 *2010-022]* [Relocated from Art. 7.G.2.E.1, Curbing]

26 **a. Exemptions**

27 1) *Divider medians that abut parking spaces with wheel stops; or, [Ord. 2010-022]*
28 *[Relocated from Art. 7.G.2.E.1.a.1), related to curbing exemptions]*

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(Updated 10/18/17)

2) *Properties located in the AGR, AP or AR Zoning Districts that support bona fide agricultural uses. [Ord. 2010-022] [Relocated from Art. 7.G.2.E.1a.2), related to curbing exemptions]*

2. Alternative to Curbing

Alternative to curbing may be allowed for properties that are located in the following Zoning Districts and Use subject to the requirements listed in Art. 7.C.4.E.1:

a. AGR, AP, and PO; [Partially relocated from Art. 7.G.2.E.1.a.2), related to curbing exemptions]

b. AR Zoning District in the AGR, Glades, Exurban and Rural Tiers; and [Partially relocated from Art. 7.G.2.E.1.a.2), related to curbing exemptions]

c. Cemeteries in all Tiers.

3. Alternative Landscape Protection

Alternative landscape protection may include, but not limited to: bollards, fences, hedges or planters. Details of these landscape protection measures shall be shown on the Regulating Plan approved by the DRO.

a. For properties located in the PO Zoning District, alternative landscape protection may be allowed when it can be demonstrated to the Zoning Director that the curbing will interfere measures may with the traffic circulation of the proposed use. [Ord. 2010-022] [Relocated from Art. 7.G.2.E.1.b.1), related to Alternative]

4. Wheel Stops

Wheel stops shall have a minimum height of six inches above the finished grade of the parking area, properly anchored, and continuously maintained in good condition. The space between the wheel stop and the front end of the parking space may be paved for anchoring and maintenance purposes. Wheel stop anchor rods shall be set through the wheel stop and the pavement. The bottom of the wheel stop must rest fully on the pavement to prevent rocking. Public parks in the PO Zoning District that are exempt from curbing requirements shall also be exempt from wheel stop requirements. [Ord. 2006-004] [Relocated from Art. 7.G.2.E.2, Wheel Stops]

F. Parking Structures

Perimeter planters shall be provided along the exterior of parking structures located within 500 feet of a public R-O-W or residential zoning district. Planters shall provide a total of one-half square foot of planting area for each linear foot of facade per parking level. Planting areas may be arranged in linear fashion or clustered at intervals or on levels, and shall be provided with permanent irrigation to permit watering of plant materials. The perimeter planter requirement may be altered if in conflict with the architectural character of the structure, subject to a Type 1 Waiver for Landscaping. [Relocated from Art. 7.G.2.F, Parking Structures]

Reason for amendments: [Zoning]	
31.	Relocate Easement related requirements from Chapter D to the new Chapter C.
32.	Proposed to change title of this Section to accurately reflect that easements may allow to overlap in a required easement.
32a.	<u>The existing provisions in IRO, PRA and WCRAO already allow flexibility in the reduction of buffer. Therefore, allowing more overlap that exceeds 5 feet into the landscape buffer will result in insufficient planting area.</u>

Section 5. Easements in Landscape Buffers

Easements may overlap a required landscape buffer by a maximum of five feet, provided there remains a minimum of five clear feet for planting. If a wall with a continuous footer is used, a minimum of ten clear feet for planting is required. The landscape buffer may be traversed by easements or access ways as necessary to comply with the standards of this Article, and Article 11, Subdivision, Platting, and Required Improvements, and other PBC codes. Easements shall be identified prior to the preparation of site or subdivision plans and any proposed overlap shall be approved by the DRO or Zoning Division. [Relocated from Art. 7.D.12, Landscape in Easements]

~~A. Infill Development~~

~~Required landscape buffers for infill development may overlap easements by more than five feet, provided that there remains a minimum of five clear feet for planting or ten clear feet if a wall with a continuous footer is used. [Relocated from Art. 7.D.12.A, Infill Development]~~

~~B. Overhead Utilities~~

~~Trees planted within any easement with overhead utilities shall comply with the placement and maintenance requirements in the latest edition of FP&L's publication "Plant the Right Tree in the Right Place," available from the Zoning Division, and take into consideration the mature height and spread of the species beneath or adjacent to overhead utilities. Where overhead utilities exist, trees shall be maintained so that the mature tree canopy is a minimum of ten feet from overhead lines. Plants required in the easement area may be planted elsewhere on site, in the vicinity of the~~

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EXHIBIT N

ARTICLE 7, LANDSCAPING

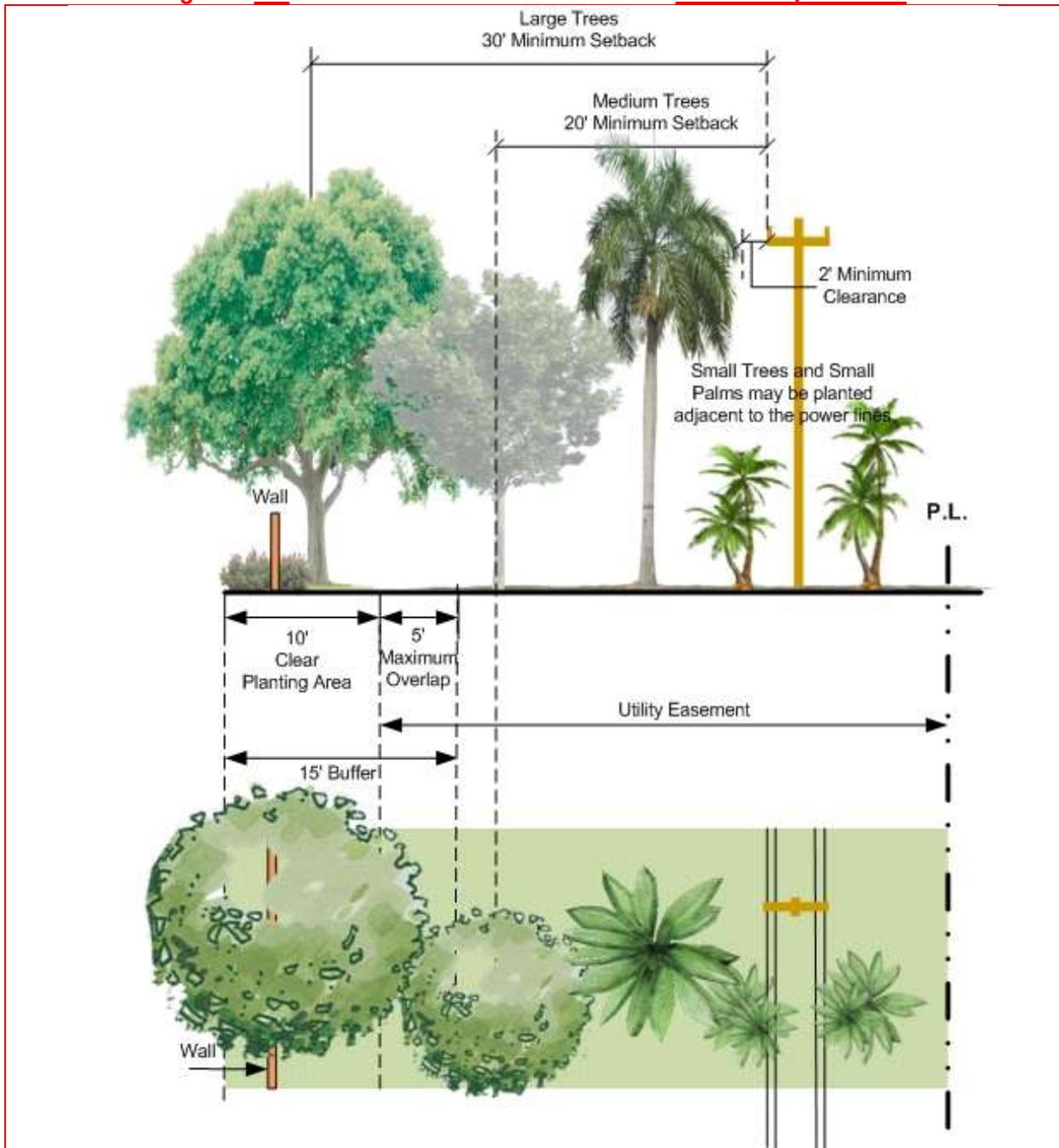
(Updated 10/18/17)

1 required location. In order to maintain tree and plant spacing when a landscape buffer is traversed
2 by a utility easement, a larger overlap may be allowed with the written approval of the relevant utility
3 service company. Where a utility easement crosses a R-O-W Buffer, plant material spacing may
4 be adjusted, provided there is no reduction in the amount of required plant material. [Relocated
5 from Art. 7.D.12.B, Overhead Utilities]

6 **CB. Detention or Retention Areas, Swales, and Drainage Easements**

7 Detention or retention areas, drainage easements, and sloped, directional swales greater than one
8 foot below finished grade, may overlap required landscape buffers provided a minimum of five feet
9 remains for planting. [Ord. 2006-004] [Ord. 2016-042] [Relocated from Art. 7.D.12.C,
10 Detention/Retention Areas, Swales, and Drainage Easements]

Figure 7.C.5 - Maximum Allowed Encroachment of Landscape Buffers



11 [Relocated from Figure 7.D.12.C – Maximum Allowed Encroachment into Easements]

12
13 1. Planting may be allowed in the dry detention area if approved by the Land Development Division.
14 [Ord. 2016-042] [Relocated from Art. 7.D.12.C.1, Detention/Retention Areas, Swales, and
15 Drainage Easements]

16 **DC. Lake Maintenance Easements (LME)**

17 Planting of new trees or relocation of native, non-prohibitive or specimen vegetation may occur in
18 the LME subject to the approval by the ERM Department and Land Development Division. [Ord.
19 2016-042] [Relocated from Art. 7.D.12.D, Lake Maintenance Easement (LME)]

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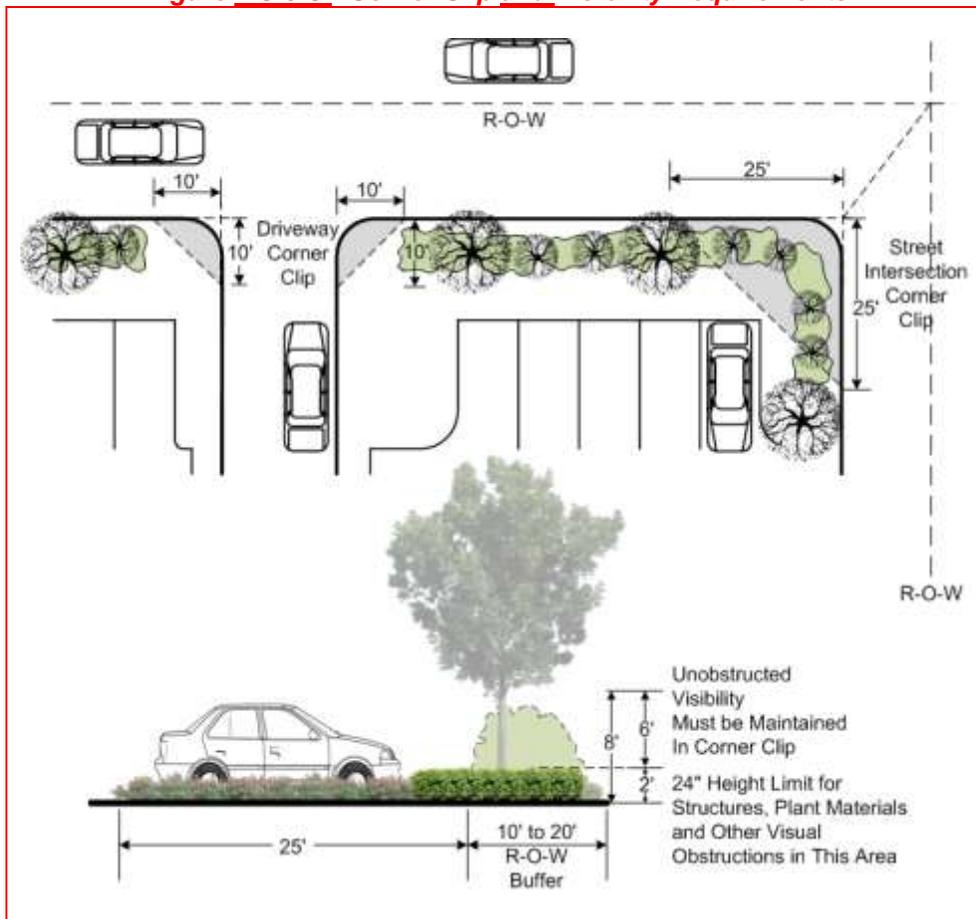
Reason for amendments: [Zoning]
33. Relocate Corner Clips from Chapter D to the new Chapter C.
34. Corner Clip is a triangular piece of right-of-way that connects two intersecting streets. The area is typically used for traffic control equipment. Depending on the type of intersecting streets, the triangle dimensions may be 25 feet by 25 feet or 40 feet by 40 feet. This area is typically to protect line of sight for vehicles exiting private property and entering into a right-of-way. The typically triangle dimensions are 10'x10'.

Section 6 Corner Clips and Safe Sight Distances

Landscaping within corner clips and safe sight distances required by Article 11, Subdivision, Platting, and Required Improvements, shall be subject to the following: [Relocated from Art. 7.D.13, Corner Clips]

- A. An area of unobstructed visibility shall be maintained between 30 inches and eight feet above the crown of the adjacent roadway. [Relocated from Art. 7.D.13.A, related to Corner Clips]
- B. Vegetation located adjacent to and within corner clip or safe sight distance areas shall be trimmed so that limbs or foliage do not extend into the required visibility area. [Relocated from Art. 7.D.13.B, related to Corner Clips]
- C. All landscaping in a corner clip or safe sight distance shall be planted and perpetually maintained by the property owner, except where maintained by another entity such as a Homeowner's Association (HOA). [Relocated from Art. 7.D.13.C, related to Corner Clips]

Figure 7.C.6.C - Corner Clip and Visibility Requirements



Reason for amendments: [Zoning]
35. Relocate requirements under Chapter F.12, Large Scale Commercial Development to the new Chapter C.

Section 7 Large Scale Commercial Development

A. Perimeter Buffer

In addition to the requirements of this Code, developments with single tenants 65,000 gross square feet or more shall be subject to the following standards: [Ord. 2005 – 002] [Relocated from Art. 7.F.12.A, Perimeter Buffer]

1. R-O-W Buffers

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ARTICLE 7, LANDSCAPING

(Updated 10/18/17)

The width, berm and planting requirements along streets, thoroughfares and/or other means of vehicular access shall be upgraded as follows: [Ord. 2005 – 002] [Relocated from Art. 7.F.12.A.1, R-O-W Buffers]

a. U/S Tier

- 1) *A minimum 25 foot wide buffer. [Ord. 2005 – 002] [Relocated from Art. 7.F.12.A.1.a.1), related to U/S Tier]*
- 2) *A three foot high berm. [Ord. 2005 – 002] [Relocated from Art. 7.F.12.A.1.a.2), related to U/S Tier]*

b. Glades and Rural/Ex Tiers

- 1) *A minimum 50 foot wide buffer. If a lake/retention area is located along a R-O-W, the buffer may be split to border the perimeter of the lake, 25 feet along the street and 25 feet along the interior side of the lake. [Ord. 2005–002] [Relocated from Art. 7.F.12.A.1.b.1), related to Glades and Rural/Ex Tiers]*
- 2) *Required trees, palms and shrubs shall be double the quantities required under Art. 7.F.2, Trees, Shrubs and Hedges. [Ord. 2005–002] [Relocated from Art. 7.F.12.A.1.b.2), related to Glades and Rural/Ex Tiers]*

2. Compatibility Buffers

The width, berm and planting requirements along property lines adjacent to compatible uses shall be upgraded as follows: [Ord. 2005–002] [Relocated from Art. 7.F.12.A.2, Compatibility Buffers]

a. U/S Tier

- 1) *A minimum 25 foot wide buffer. [Ord. 2005–002] [Relocated from Art. 7.F.12.A.2.a, related to U/S Tier]*
- 2) *A three foot high berm. [Ord. 2005–002] [Relocated from Art. 7.F.12.A.2.a, related to U/S Tier]*

b. Glades and Rural/Exurban Tiers

- 1) *A minimum 50 foot wide buffer. [Ord. 2005–002] [Relocated from Art. 7.F.12.A.2.b.1), related to Glades and Rural/Exurban Tiers]*
- 2) *Required trees, palms and shrubs shall be double the quantities required under Art. 7.F.2, Trees, Shrubs and Hedges. [Ord. 2005–002] [Relocated from Art. 7.F.12.A.2.b.1), related to Glades and Rural/Exurban Tiers]*

3. Incompatibility Buffers

The width, berm and planting requirements along property lines adjacent to residential and other incompatible uses, and vacant properties with a residential FLU designation, shall be upgraded as follows: [Ord. 2005–002] [Relocated from Art. 7.F.12.A.3, , Incompatibility Buffers]

a. U/S Tier

- 1) *A minimum 50 foot wide buffer. [Ord. 2005–002] [Relocated from Art. 7.F.12.A.3.a.1), related to U/S Tier]*
- 2) *A four foot high berm. [Ord. 2005–002] [Relocated from Art. 7.F.12.A.2.a.2), related to U/S Tier]*
- 3) *Required trees, palms and shrubs shall be double the quantities required under Art. 7.F.2, Trees, Shrubs and Hedges. [Ord. 2005–002] [Relocated from Art. 7.F.12.A.2.a.3), related to U/S Tier]*

b. Glades and Rural/Ex Tiers

- 1) *A minimum 50 foot wide buffer. [Ord. 2005–002] [Relocated from Art. 7.F.12.A.3.b.1), related to Glades and Rural/Exurban Tiers]*
- 2) *Required trees, palms and shrubs shall be double the quantities required under Art. 7.F.2, Trees, Shrubs and Hedges. [Ord. 2005–002] [Relocated from Art. 7.F.12.A.3.b.2), related to Glades and Rural/Exurban Tiers]*

B. Foundation Planting

Foundation planting shall meander along building facade, and shall not be entirely located at the base of the building. [Ord. 2005 – 002] [Relocated from Art. 7.D.11.E.1.b, Dimensional Requirements related to Large Scale Commercial Development] Dimensions and planting for the required Foundation planting shall be based on the Tier of which the proposed development is located within, and subject to Table 7.C.3.B, Foundation Planting and Dimensional Requirements.

C. Encroachment

No easement encroachment shall be permitted in required perimeter buffers, except for bisecting utility easements and required safe sight distance easements not to exceed a maximum of fifty percent of the required buffer width. [Ord. 2005–002] [Relocated from Art. 7.F.12.A.4, Enrichment]

D. Perimeter Sidewalk

A perimeter sidewalk a minimum of five feet shall be required in all R-O-W Buffers 50 feet in width, and shall meander through the buffer. [Ord. 2005–002] [Relocated from Art. 7.F.12.A.5, Perimeter Sidewalk]

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EXHIBIT N

ARTICLE 7, LANDSCAPING

(Updated 10/18/17)

1 **E. Berm**

2 *Berms shall be staggered, rolling or offset, as indicated in Figure 7.C.6, Typical Example of*
3 *Staggered, Rolling or Offset Berm. [Ord. 2005-002] [Relocated from Art. 7.F.12.A.6, Berm]*

4
5
6 Part 4. ULDC Art. 7.D, GENERAL STANDARDS (page 16-25 of 49), is hereby amended as
7 follows:
8

Reason for amendments: [Zoning]
1. Chapter D is being renamed from General standards to Landscape Standards.
2. Clarify that the preferred tree species are those that have a sufficient canopy to provide shade.
3. Revise minimum requirement for tree height and caliper and eliminate the Type 1 Waiver process for height reduction.
4. Add Palms and Pines as part of the landscape standards since they are frequently used as substitute for Canopy trees or as accent planting.
5. Under Ordinance 2016-042, the Code was revised to specify that the size of a tree, palm and pine is measure in a manner so that it is consistent with the Florida Grades and Standards.
6. Add reference to the Grades and Standards for Nursery Plants that was published by the Florida Department of Agriculture.

9 **CHAPTER D ~~GENERAL LANDSCAPE~~ STANDARDS**

10 **Section 1 General**

11 ~~This Chapter provides the minimum The following standards are required for plant materials, which includes~~
12 ~~all trees, palms, pines, shrubs, hedges, groundcover and ground treatment. It also addresses requirements~~
13 ~~for landscape barriers, which consist of hedges, walls and fences. other landscape material.~~

14 **Section 1 A. Plant Species**

15 ~~All plants shall comply with Grades and Standards for Nursery Plants, latest edition, prepared by the Florida~~
16 ~~Department of Agriculture and Consumer Services. A minimum of 60 percent of required plant material~~
17 ~~shall be selected from Appendix A, PBC's Preferred Species List, published by the Zoning Division, or the~~
18 ~~list of native and drought-tolerant species in the most recent edition of the SFWMD's "Xeriscape Plant Guide~~
19 ~~"SFWMD's Waterwise Florida Landscapes". A minimum of 60 percent of required plant materials shall be~~
20 ~~native species.~~

21 **Section 2 Trees, Palms and Pines**

22 **A. Canopy Trees**

23 ~~The size of a Canopy tree shall include the height and caliper pursuant to the Shade Trees, Types~~
24 ~~One through Five Matrices of the Grades and Standards for Nursery Plant. The minimum size of a~~
25 ~~Canopy tree shall be 12 feet in height with a two and one half inch caliper at installation. [Ord.~~
26 ~~2014-025] [Ord. 2016-042]~~

27 **1.—Height Reduction Average Height**

28 ~~A maximum of 25 percent of the total number of required trees may be reduced in height by 25~~
29 ~~percent. One additional tree, a minimum of eight feet in height, shall be planted for each tree~~
30 ~~with reduced height. [Ord. 2014-025] [Ord. 2016-042]~~

31 ~~Required Canopy tree size may be achieved by utilizing the average height calculation.~~

32 ~~a. Average height of total quantity of trees shall have a minimum of 12 feet. A maximum of~~
33 ~~25 percent of the required trees shall be at a minimum height of eight feet.~~

34 **B. Palms**

35 The size of a palm shall be measured by the height of the clear trunk or the grey wood pursuant to
36 Figure 7.D.2.B - Palm Measurement Standards. The minimum overall height of a palm shall be 12
37 feet, and the minimum height for different species of palms shall be in accordance with Table
38 7.D.2.B – Palm Height Standards.
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(Updated 10/18/17)

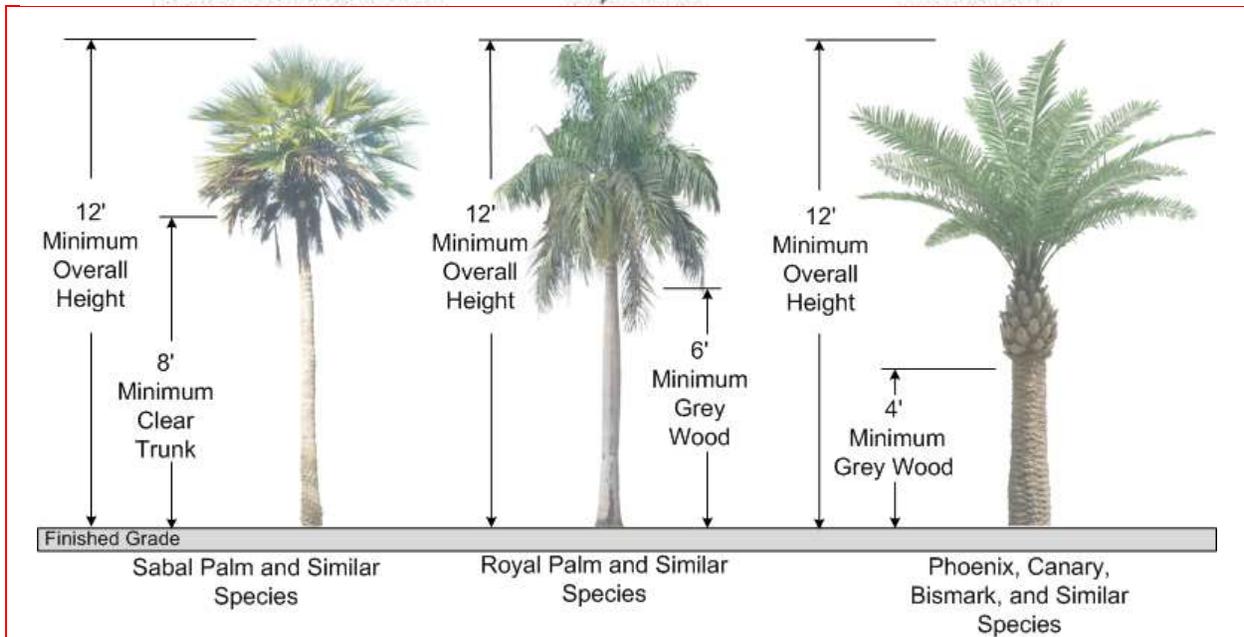
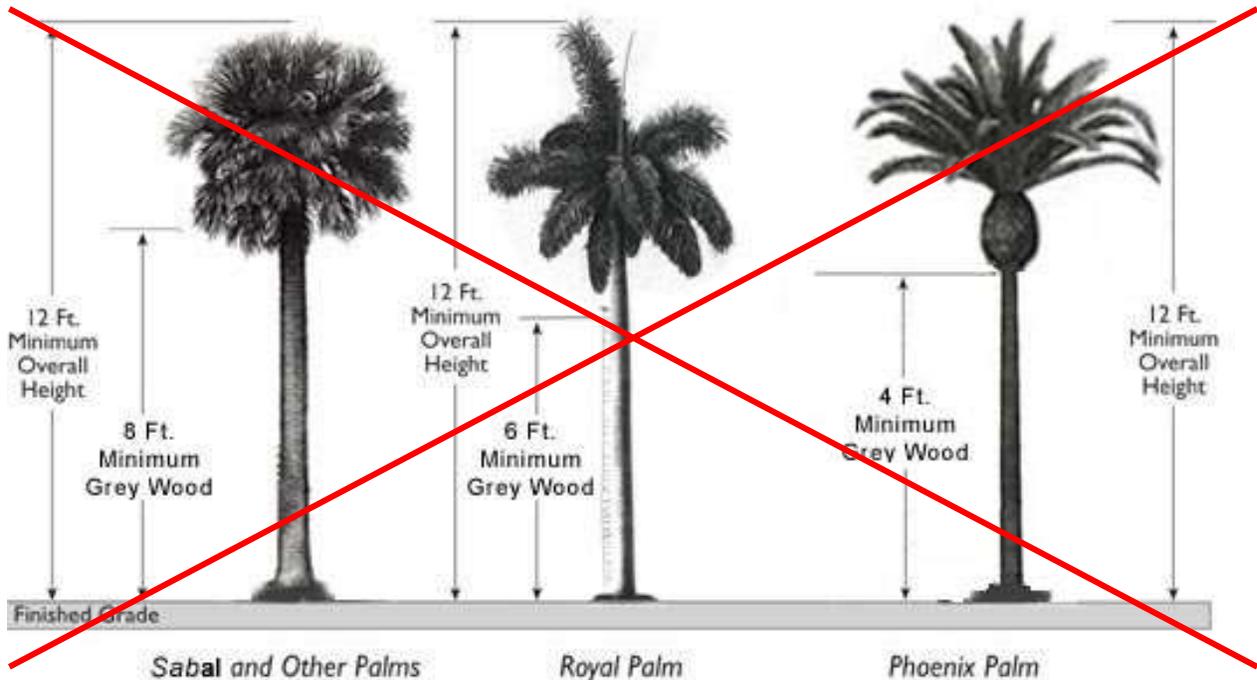
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Table 7.D.2.B - Palm Height Standards

Minimum Height	8 foot clear trunk for Sabals and similar species
	6 foot grey wood for Royals and similar species
	4 foot grey wood for Phoenixes, <u>Canary</u> , <u>Bismarck</u> and similar species
[Ord. 2016-042]	

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3

Figure 7.D.2.B - Palm Measurement Standards



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1. Canopy Tree Substitute

~~Palms, in clusters of same species, may be used in place of required canopy trees, subject to the standards in Table 7.D.2.B, Palm Height Standards, and Figure 7.D.2.B, Palm Measurement Standards. Palms may not be used in excess of 25 percent of the total number of required trees. When using palms in a perimeter buffer, refer to Article 7.F.2.A, Palms. [Ord. 2016-042] Palms planted in groups of three or more may be counted as one required canopy tree, up to a maximum of 25 percent of all trees required in each buffer, subject to the Standards in Table 7.D.2.B, Palm Height Standards, and Figure 7.D.2.B, Palm Measurement Standards. In the case of palm species, Paurotis or similar palm species, that characteristically grow in clumps, each clump may be counted as one canopy tree. [Relocated from Art. 7.F.2.A.2, Palms]~~

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EXHIBIT N

ARTICLE 7, LANDSCAPING

(Updated 10/18/17)

1 **a. Exception**

2 *Royal, Bismarck, Phoenix, Canary, Date or similar palm species determined to be*
3 *acceptable by the Zoning Director may be counted as one required canopy tree. These*
4 *palms shall be spaced a maximum of 20 feet on center, and the clear trunk or grey wood*
5 *shall be increased by 40 percent of the minimum requirements as listed in Figure 7.D.2.B*
6 *– Palm Measurement Standards . [Partially relocated from Art. 7.F.2.A.2.a, Exception,*
7 *related to Palms]*

8 **C. Pines**

9 The size of a pine shall include the height and the caliper of the pine. The minimum size of a pine
10 shall be 12 foot in height with a two and one half inch caliper at installation. [Ord. 2014-025] [Ord.
11 2016-042]

12 **1. Canopy Tree Substitute**

13 a. Three pines may substitute for one required canopy tree, provided the overall accumulated
14 height of the three pines is 24 feet or more; or [Ord. 2016-042]

15 b. One pine with a minimum height of 14 feet. [Ord. 2016-042]

16 Pines may not be used in excess of 25 percent of the total number of required canopy
17 trees. When using pines in a perimeter buffer, refer to Article 7.F.2.A,3 Pines. [Ord. 204-
18 025]

19 **D. Tree Species Mix**

20 When more than 15 trees are required to be planted to meet the standards of this Article, a mix of
21 species is required. The number of species to be planted shall vary according to the overall number
22 of trees that are required to be planted pursuant to Table 7.D.2. ~~CD~~, Tree Species Mix. Vegetation
23 preserved in accordance with Article 14.C, Vegetation Preservation and Protection, is exempt from
24 the tree species mix requirement.

25 **Table 7.D.2. ~~CD~~ - Tree Species Mix**

Required Number of Trees	Minimum Number of Species
16-30	2
31-45	3
46-60	4
61-75	5
76-90	6
91 +	7

26 **Reason for amendments:** [Zoning]

27 7. Relocate Art. 7.D.2.E, Preservation of Trees and 2.F Tree Credit from Chapter D to the new Chapter
28 E, Preservation, Prohibited and Controlled Plant Species.

29 **~~E. Preservation of Trees~~**

30 ~~1. The Zoning Director shall have the authority to require the preservation of vegetation on-site~~
31 ~~that is not covered under Article 14.C, Vegetation Protection, subject to the following provisions:~~
32 ~~[Ord. 2016-016] [Relocated to Art. 7.E.2, Authority and Review Procedures]~~

33 ~~a. Applications submitted for new or modified development proposals shall use the most~~
34 ~~applicable plan to identify existing vegetation proposed to be: [Ord. 2016-016]~~

35 ~~1) Preserved and incorporated into the site design; [Ord. 2016-016]~~

36 ~~2) Relocated on-site; and, [Ord. 2016-016]~~

37 ~~3) Relocated off-site. [Ord. 2016-016]~~

38 ~~b. A Tree Survey may be required as part of the approval of the application for sites that~~
39 ~~support significant vegetation, in order to ensure the final site design incorporates the~~
40 ~~maximum number of trees. [Ord. 2016-016]~~

41 ~~2. The Zoning Director shall have the authority to condition the approval of the development order~~
42 ~~to incorporate existing vegetation into the site design. [Ord. 2016-016] [Relocated to Art.~~
43 ~~7.E.2.B.3.c, related to Agreement on Preservation]~~

44 **~~F. Tree Credit~~**

45 ~~A preserved upland or drought-tolerant tree or palm meeting the standards in this Article may be~~
46 ~~substituted for required trees, subject to the following: [Relocated to Art. 7.E.3, Tree Credit and~~
47 ~~Replacement]~~

48 **~~1. Tree Survey~~**

49 ~~Credit shall be granted for on-site preservation of existing trees or palms when accompanied~~
50 ~~by a tree inventory or tree survey. [Partially relocated to Art. 7.E.3.A, Tree Survey]~~

51 **~~2. Trees Excluded from Credit~~**

52 ~~Credits shall not be permitted for trees that are: [Relocated to Art. 7.E.3.B, Trees Excluded~~
~~from Credit]~~

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(Updated 10/18/17)

- 1 ~~a. Required for preservation by Article 14.C, VEGETATION PRESERVATION AND~~
- 2 ~~PROTECTION (i.e. located in required preservation areas, heritage or champion trees).~~
- 3 **[Relocated to Art. 7.E.3.B.1, related to Trees Excluded from Credit]**
- 4 ~~b. Not properly protected from damage during the construction process, as required in Article~~
- 5 ~~14.C, VEGETATION PRESERVATION AND PROTECTION.~~ **[Relocated to Art. 7.E.3.B.2,**
- 6 **related to Trees Excluded from Credit]**
- 7 ~~c. Classified as prohibited or invasive non-native species as defined in Article 14.C,~~
- 8 ~~VEGETATION PRESERVATION AND PROTECTION.~~ **[Relocated to Art. 7.E.3.B.3,**
- 9 **related to Trees Excluded from Credit]**
- 10 ~~d. Dead, dying, diseased, or infested with harmful insects.~~ **[Relocated to Art. 7.E.3.B.4,**
- 11 **related to Trees Excluded from Credit]**
- 12 ~~e. Located on a subarea of a planned development that is not intended to be developed for~~
- 13 ~~residential, commercial, or industrial use, such as a golf course on an adjacent open-space~~
- 14 ~~parcel.~~ **[Relocated to Art. 7.E.3.B.5, related to Trees Excluded from Credit]**

3. Tree Credit Formula

~~All existing trees to be preserved, mitigated on or off site, replaced on or off site shall be credited pursuant to the formula in Table 7.D.2.E, Tree Credit and Replacement. Only pines with a caliper of two inch or more shall be subject to preservation, mitigation or replacement.~~ **[Ord. 2016-042]** **[Relocated to Art. 7.E.3.C, Tree Credit Formula]**

Table 7.D.2.E – Tree Credit and Replacement

Crown Spread of Tree	Or	Caliper measuring at 6 inches Above Grade	=	Credits or Replacements
Less than 5 Ft.	or	Less than 2 in.	=	0
5-9 Ft.	or	2-6 in.	=	1
10-19 Ft.	or	7-11 in.	=	2
20-29 Ft.	or	12-16 in.	=	3
30-39 Ft.	or	17-21 in.	=	4
40-49 Ft.	or	22-26 in.	=	5
50-59 Ft.	or	27-31 in.	=	6
60-89 Ft.	or	32-36 in.	=	7
90 Ft. or Greater	or	37 in. or more	=	8

[Ord. 2014-025] [Ord. 2016-042]

Notes:

1. Fractional measurements shall be rounded down. **[Ord. 2016-042]**

[Partially relocated to Table 7.E.3.C, Tree Credit and Replacement]

Reason for amendments: [Zoning]
8. Consolidate all Shrub requirements, which are currently located in different Sections of Article 7, Chapters D and F, and combine them under the new Chapter D. Reduce redundancy of similar requirements that are repeated in different Sections of the current Art.7.
9. Separate Hedges from Shrubs since hedges are composed of shrubs; however, a hedge is utilized as a landscape barrier for screening purpose. Hedge requirements are relocated to the new Chapter D.4, Landscape Barriers.
10. Clarify Table – Shrub Planting Requirements in Section 3 are provided as guidelines for all types of buffers, and not just for the R-O-W buffers.
11. Eliminate minimum number of shrubs per linear foot of buffer length in Table 7.D.3.A, Shrub Planting Requirements as this requirement is listed under Chapter C, and specified under each types of Landscape Buffer (Right-of-Way; Compatibility and Incompatibility).

Section 3 Shrubs and Hedges

A. Shrubs

~~Required shrubs are subject to the standards in Table 7.C.3, Minimum Tier Requirements, and the dimension standards in Table 7.F.7.B, Shrub Planting Requirements. Shrubs are classified based on their size: small, medium, and large, and shall be subject to the following requirements:~~

A. Shrubs Planting Requirements

~~Shrubs shall be installed according to Table 7.D.3.A, Shrub Planting Requirements and the quantity of shrubs for each type of buffer shall be established in accordance with the following:~~

~~1. Table 7.C.2.A.4, R-O-W Buffer; Table 7.C.2.B, Compatibility Buffer; and Table 7.C.2.C, Incompatibility Buffer for quantity requirements; and [Ord. 2009-040] [Relocated from Art. 7.F.2.B, Shrubs]~~

~~2. Height and spacing requirements pursuant to Table 7.D.3.A, Shrub Planting Requirements.~~

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Notes:

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EXHIBIT N

ARTICLE 7, LANDSCAPING (Updated 10/18/17)

Table 7.D.3.A - Shrub Planting Requirements

Shrub Type	Minimum Height at Installation (Size)	Maximum Spacing at Installation	Maximum ¹ Maintained Height
Ground Cover	6 inches	6 inches	N/A
Small Shrubs	18 inches	24 inches	36 inches
Medium Shrubs	24 inches	48 inches	48 inches
Large Shrubs	36 inches	48 inches	72 inches
[Ord. 2009-040]			
Notes			
1. <i>Maximum height is established to maintain the hierarchical visual effect for <u>landscape buffer</u>. Height may be increased unless stated otherwise herein. [Ord. 2009-040]</i>			

[Relocated from Art. 7.F.7.B, Shrub Planting Requirements]

Reason for amendments: [Zoning]
12. Clarify that hedges, fences and walls are considered landscape barriers to provide screening.
13. Clarify that Hedge materials are shrubs that are closely planted together to form a visual barrier.
14. Consolidate two Sections of Art. 7 (Art.7.D and Art.7.F) that are related to Hedge requirements and relocate to the new Chapter D.

Section 4 Landscape Barriers

Landscape barriers consist of hedges, walls, or fences. They are utilized to provide continuous opaque screening, and are required for an Incompatibility buffer. Landscape barriers may be installed in other types of landscape buffers; the requirement may be modified based on the site situations.

A. Hedges

1. Height and Spacing at Installation

Hedge shall be planted at six feet in height with a maximum spacing of 24 inches on center at installation to achieve a continuous screening effect. Adjustment shall be based upon the type of plants utilized, with spacing not exceeding 36 inches on center. [Ord. 2005-002] [Ord. 2014-025] [Partially relocated from Art. 7.D.3.B.5.b, Spacing at Installation, below]

a. Single Family Residential Lot

Hedges may be planted and maintained along or adjacent to a residential lot line, as follows: [Ord. 2005-002] [Ord. 2014-025] [Ord. 2015-006] [Relocated from Art. 7.D.3.B.2, Residential Hedge Height, below]

1) *Hedges shall not exceed four feet in height when located within the required front setback. [Ord. 2005-002] [Ord. 2014-025] [Relocated from Art. 7.D.3.B.2.a, Residential Hedge Height, below]*

2) *Hedges shall not exceed eight feet in height when located on or adjacent to the side, side street, or rear property lines. [Ord. 2005-002] [Ord. 2014-025] [Relocated from Art. 7.D.3.B.2.b, Residential Hedge Height, below]*

b. PDD and Non-residential Perimeter Buffer Hedge Height

Hedges shall not exceed 12 feet in height. Height may be increased to a maximum of 20 feet for an Industrial PDD for the purpose of screening outdoor industrial activities. [Ord. 2005-002] [Ord. 2014-025] [Relocated from Art. 7.D.3.B.3, PDD and Non-residential Perimeter Buffer Hedge Height, below]

2. Hedge and Berm Combination

Hedges may be used in place of required shrubs in compatibility and incompatibility buffers. Hedges, in combination with a berm, may be located on top of a berm in the landscape buffer if it is installed in a manner that provides the minimum height required for continuous solid opaque screen at time of planting. [Partially relocated from Art. 7.F.2.C, Hedges]

B. Hedges

13. Height Measurement

The height shall be measured adjacent to the hedge from the lowest grade on either side of the hedge, unless stated otherwise below. [Ord. 2016-016]

a. Located on Berm

Height shall be measured from the elevation of the berm pursuant to Art. 7.D.6, Berms where the hedge is installed, unless in conflict with standards for Grade Change below. [Ord. 2016-016]

b. Grade Change

Height may be increased when the hedge abuts a retaining wall, subject to the following: [Ord. 2016-016]

1) Residential

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EXHIBIT N

ARTICLE 7, LANDSCAPING

(Updated 10/18/17)

The height of the hedge located within the front, side or rear setback of a lot supporting a single family dwelling unit, may be increased when located adjacent to a lot having a different grade when a retaining wall is installed along the property line, in accordance with the following: [Ord. 2016-016]

a) Grade Measurement

The difference in grade shall be determined by measuring the elevation of the retaining wall and the elevation of the abutting lot at the property line. [Ord. 2016-016]

b) Maximum Height Increase

The height of the hedge may be increased by the difference in grade up to a maximum of two feet, whichever is less, as follows: [Ord. 2016-016]

(1) Within the required front setback: Up to a maximum of six feet. [Ord. 2016-016]

(2) Within a side or rear setback: Up to a maximum of ten feet. [Ord. 2016-016]

(3) A guardrail shall be installed on the retaining wall if required by Florida Building Code, subject to the height limitations for fences and walls. [Ord. 2016-042]

2) PDD or Non-residential

Height may be increased when the hedge abuts a retaining wall subject to the requirements of Art. 7.F.D.10, Perimeter Buffers with Grade Changes. [Ord. 2016-016]

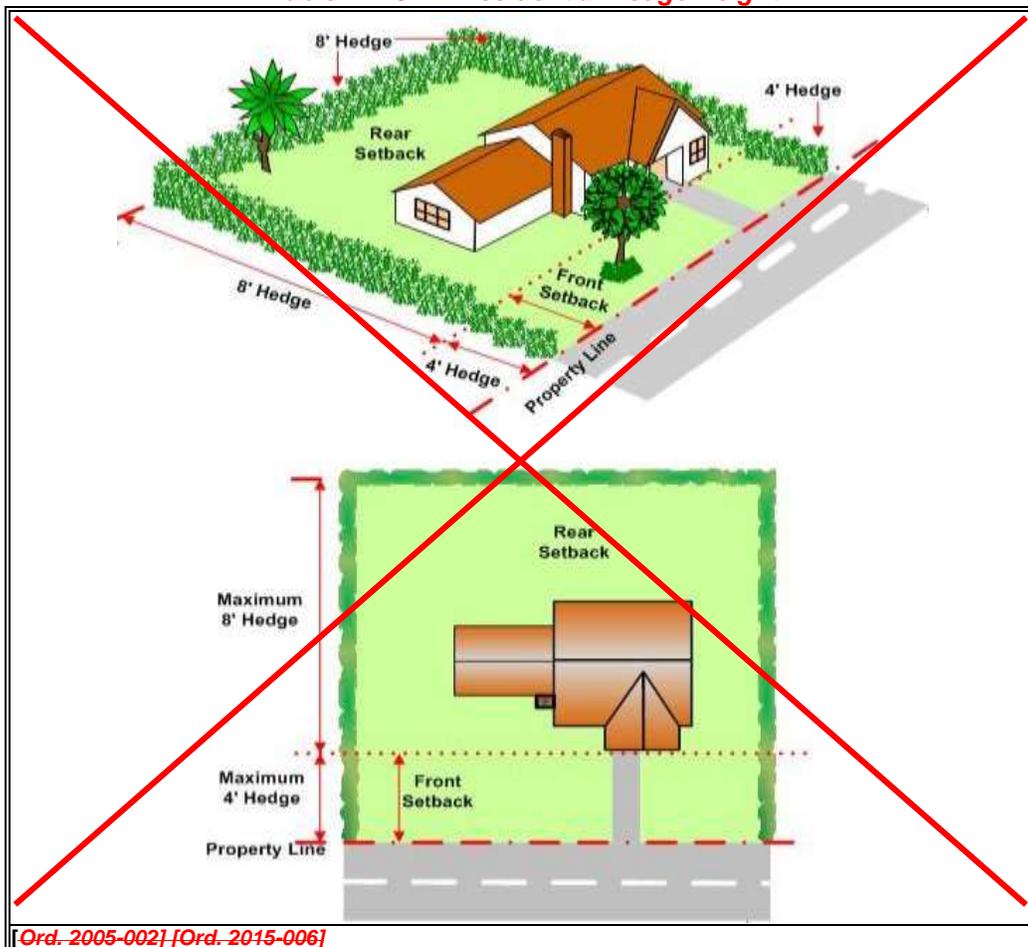
~~2. Residential Hedge Height~~

~~Hedges may be planted and maintained along or adjacent to a residential lot line, as follows: [Ord. 2005-002] [Ord. 2014-025] [Ord. 2015-006] [Relocated to Art. 7.D.4.A.1.a, Single Family Residential Lot]~~

~~a. Hedges shall not exceed four feet in height when located within the required front setback. [Ord. 2005-002] [Ord. 2014-025] [Relocated to Art. 7.D.4.A.1.a.1), related to Single Family Residential Lot]~~

~~b. Hedges shall not exceed eight feet in height when located on or adjacent to the side, side street, or rear property lines. [Ord. 2005-002] [Ord. 2014-025] [Relocated to Art. 7.D.4.A.1.a.2), related to Single Family Residential Lot]~~

~~Table 7.D.3.B – Residential Hedge Height~~



32 [Relocated to Figure 7.D.4.A – Maximum Hedge Height, below]

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ARTICLE 7, LANDSCAPING

(Updated 10/18/17)

1 **4. PDD and Non-residential Perimeter Buffer Hedge Height**

2 *Hedges shall not exceed 12 feet in height. [Ord. 2005-002] [Ord. 2014-025] [Relocated to*

3 *Art. 7.D.4.A.1,b, PDD and Non-residential Perimeter Buffer Hedge Height, above]*

4 **5. Setback**

5 *Hedges shall be setback a minimum of two feet from the property line to allow for maintenance,*

6 *or additional landscape material if required, unless stated otherwise herein. [Ord. 2016-016]*

7 *[Partially relocated from Art. 7.F.2.C, Hedges]*

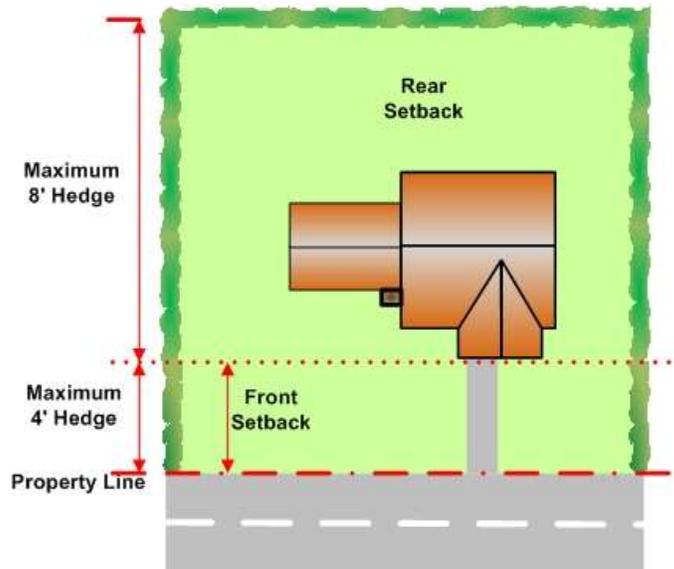
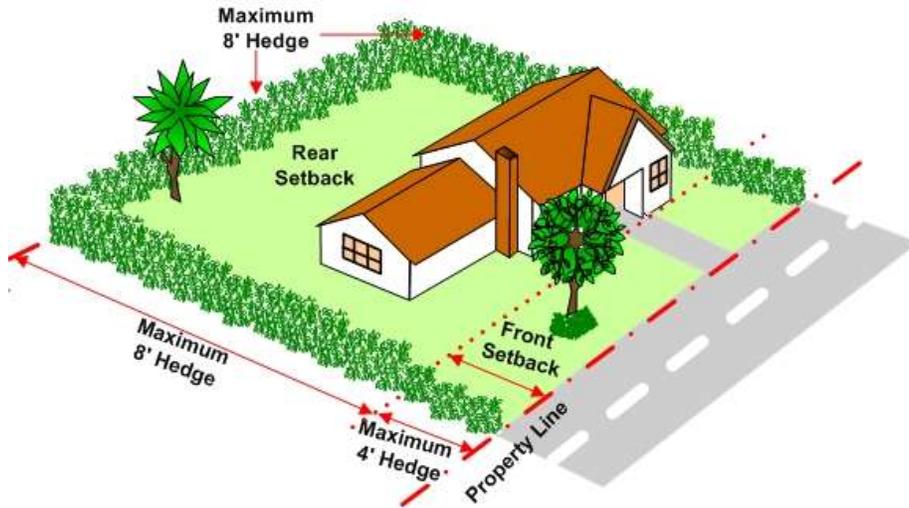
8 **46. Sight Distance**

9 Hedges shall comply with Article 11.E.9.C, Minimum Safe Sight Distance and Corner Clips at

10 Intersection. [Ord. 2015-006]

11

Table 7.D.4.A - Maximum Hedge Height



12 *[Ord. 2005-002] [Ord. 2015-006]*

13 **[Relocated from Table 7.D.3.B, Residential Hedge Height, above]**

14 **5. ~~Shrub~~**

15 *Required shrubs may be planted in the form of a hedge provided the minimum quantities are*

16 *installed pursuant to Table 7.C.3, Minimum Tier Requirements, and shall be subject to the*

17 *following: ~~[Ord. 2005-002] [Ord. 2014-025]~~*

18 **a. ~~Height at Installation~~**

19 *Hedge material shall be a minimum of 24 inches at the time of installation. ~~[Ord. 2014-~~*

20 *025]*

21 **b. ~~Spacing at Installation~~**

22 *Hedge material shall be planted a maximum of 24 inches on center, or as may be adjusted*

23 *in the field based upon the type of plants utilized with a maximum spacing of 36 inches on*

24 *center. ~~[Ord. 2005-002] [Ord. 2014-025]~~ [Partially relocated to Art. 7.D.4.A.1, Height*

25 *and Spacing Installation, above]*

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EXHIBIT N

ARTICLE 7, LANDSCAPING

(Updated 10/18/17)

Section 4 — Ground Treatment

~~The ground within required landscaped areas shall receive appropriate ground treatment at installation. Ground treatment shall not be required in preservation areas. Sand, gravel, shellrock, or pavement is not considered appropriate ground treatment. The following standards shall apply to the installation of ground treatment. [Ord. 2016-042] [Relocated to Art. 7.D.7, Ground Treatment, below]~~

~~A. Ground Cover~~

~~Containerized Ground cover shall provide a minimum of 50 percent coverage immediately upon planting and 100 percent coverage within six months. Seeded ground cover such as native wildflowers, shall provide a minimum of 50 percent coverage after six month of planting and 50 percent coverage within one year. 100 percent coverage shall be achieved at the second year of planting. [Ord. 2016-042] [Relocated to Art. 7.D.7.A, Ground Cover, below]~~

~~B. Mulch~~

~~Mulch shall be installed and maintained at all times in all planted areas not containing ground cover. All mulch material shall be free of seeds and weeds to prevent tree sprouting and re-growth. [Ord. 2016-042] [Relocated to Art. 7.D.7.B, Mulch, below]~~

~~C. Alternative Materials~~

~~Alternative materials such as pebbles, egg rocks, or decorative sand may be used up to a maximum of ten percent of ground coverage and only in areas needed to accommodate limited roof water runoff. [Relocated to Art. 7.D.7.C, Alternative Materials, below]~~

~~D. Lawn and Turf~~

~~Grassed areas shall be planted with species suitable as permanent lawns and shall reach 100 percent coverage within six months of planting. Grassed areas may be sodded, plugged, sprigged, or seeded. However, grass shall be required between landscape buffers and swales and in other areas subject to erosion. In areas where grass seed is used, millet or rye shall also be sown. These areas shall be properly maintained to ensure complete coverage. Because of their drought resistant characteristics, it is recommended that Bahia grass species be used. Use of drought-tolerant ground cover instead of lawn and turf grass is encouraged. Undeveloped parcels shall be planted as required in Art. 7.E.5.B, Vacant Lots. [Ord. 2016-042] [Relocated to Art. 7.D.7.D, Lawn and Turf, below]~~

~~E. Artificial Turf~~

~~Artificial turf may be installed in the interior, terminal or divider medians of a bull pen vehicle storage area. The Applicant shall receive product approval from the Zoning Director, prior to indicating in on the Landscape Plan or installation. [Ord. 2016-042] [Relocated to Art. 7.D.7.E, Artificial Turf, below]~~

Reason for amendments: [Zoning]
15. Clarify that walls and fences are considered landscape barriers to provide visual screening.
16. Consolidate two Sections (Art.7.D and Art.7.F) of the Code that are related to wall and fence requirements to the new Chapter D.
17. Clarify the placement of walls and fences based on the type of landscape buffer.
18. Allow vinyl coated chain link fence if installed behind a hedge in R-O-W buffer without a Type 2 Waiver process since most site plans and landscape plans are reviewed by the DRO.

B. Walls

Walls shall be composed of, but not be limited to: concrete panels, or concrete blocks with continuous footer. In the Exurban and Rural Tiers, walls shall be constructed from natural stone, concrete with a stone veneer, or embossed concrete with a natural stone or wood grain. Product samples shall be submitted to the Zoning Division for approval prior to submittal of the Building Permit for the wall.

1. Architectural Treatment

Both sides of a wall shall be given a finished architectural treatment that is compatible and harmonious with adjacent developments. [Ord. 2007-013] [Relocated from Art. 7.F.3.D, Architectural Treatment]

C. Fences

Fence material shall include, but not be limited to: wood, vinyl panel, or vinyl coated chain link. In the Exurban and Rural Tiers, The applicant may submit a product alternatives to the Zoning Division for approval prior to the issuance of the Building Permit for the fence.

1. Chain Link Fences

Chain link fences are prohibited in Incompatibility or R-O-W buffers unless they are vinyl coated. Vinyl coated chain link fences are only permitted in a R-O-W or Incompatibility buffer, and when installed behind an opaque six-foot high hedge. [Ord. 2007-001] [Ord. 2007-013] [Ord. 2016-016] [Partially relocated from Art. 7.F.3.E, Chain Link Fences]

a. Exception

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EXHIBIT N

ARTICLE 7, LANDSCAPING

(Updated 10/18/17)

An electrified fence in accordance with Art. 5.B.1.A.2.e.2), Electrified Fence – Exceptions and Regulations, shall not be required to be vinyl coated. [Ord. 2013-018] [Relocated from Art. 7.F.3.E.1, related to Chain Link Fences]

D. Location of Wall or Fence in a Landscape Buffer

Walls or fences utilized in a Landscape Buffer should be located in the center of the buffer, and run parallel to the length of the buffer. Sufficient area with minimum easement encumbrances shall be provided to allow planting on both sides of the wall or fence.

1. Exception

Electrified fencing in accordance with Art. 5.B.1.A.2.e.2), Electrified Fence – Exceptions and Regulations, shall not be required to provide shrubs or hedges on the inside of the electrified fencing or on the inside of the non-electrified fencing or wall which the electrified fencing is adjacent to. [2013-018] [Relocated from Art. 7.F.3.B.1, Exception]

Table 7.D.4.D - Requirements for a Wall or Fence in a Landscape Buffer

<u>Minimum Requirements</u>	<u>R-O-W</u>	<u>Incompatibility</u>	<u>Compatibility</u>
<u>Setback for the Wall or Fence</u>	<i>10 feet from the edge of the ultimate R-O-W or Base Building Line, whichever is applicable. (1) [Partially relocated from Art. 7.F.7.E, Walls and Fence]</i>	<i>10 feet from the edge of the property line. [Partially relocated from Art. 7.F.3.A, Location of Wall or Fence]</i>	<i>No setback required. Allow to be located along the property line.</i>
<u>Planting Width</u>	<i>7.5 feet on both sides of the wall or fence, or 10 feet if a wall with continuous footer is used. (2) (3)</i>	<i>7.5 feet on both sides of the wall or fence, or 10 feet if a wall with continuous footer is used. (2) (3)</i>	<i>7.5 feet on one side of the fence. If a wall is installed, 10 feet on one side of the wall. (2) (3)</i>
<u>Berm</u>	<i>If a continuous berm is proposed, the wall may be located on top of the berm.</i>	<i>If a continuous berm is proposed, the wall may be located on top of the berm.</i>	<i>No requirement.</i>
<u>Canopy Tree Planting</u>	<i>75 percent of required trees shall be located along the exterior side of the wall or fence. (4) [Partially relocated from Art. 7.F.3.B, Location of Planting]</i>	<i>75 percent of required trees shall be located along the exterior side of the wall or fence. (4) [Partially relocated from Art. 7.F.3.B, Location of Planting,]</i>	<i>No percentage requirement.</i>
<u>Shrub Planting</u>	<i>Shrubs shall be planted on both sides of the wall or fence. [Partially relocated from Art.7.F.3.B, Location of Planting]</i>	<i>Shrubs shall be planted on both sides of the wall or fence. [Partially relocated from Art.7.F.3.B, Location of Planting]</i>	<i>No percentage requirement.</i>
Notes:			
<i>(1) Unless waived or reduced by the County Engineer, provided there remains a minimum of seven and one half clear feet for planting. [Partially relocated from Art.7.F.7.E, Walls and Fences]</i>			
<i>(2) No easement encumbrances.</i>			
<i>(3) If a wall is installed, the minimum width of the landscape buffer shall be increased to have sufficient area for the required planting.</i>			
<i>(4) Percentage of required trees to be located on the exterior side of the wall or fence may be reduced subject to a Type 1 Waiver for Landscaping.</i>			

E. Conflict with Easements

If the placement of the wall or fence conflicts with an easement, the wall or fence shall not encroach upon the easement unless consistent with Article 3.D, Property Development Regulations (PDRs). [Ord. 2007-013] [Relocated from Art. 7.F.3.C, Conflict with Easements]

Reason for amendments: [Zoning]
19. Relocate and consolidate different Sections of Article 7 (Article 7.F.7 and 7.F.10) which describe requirements for walls, fences and hedges to the new Chapter D.

Section 5 Landscape Buffers with Grade Changes

The height of a hedge, wall or fence may be increased when located on a lot abutting a property with grade difference or in a landscape buffer where a retaining wall is used, subject to the following: [Ord. 2016-016] [Relocated from Art. 7.F.10, Perimeter Buffers with Grade Changes]

A. Grade Measurement

The difference in grade shall be determined by measuring the elevation of the retaining wall and the elevation of the abutting lot at the property line. [Ord. 2016-016] [Relocated from Art. 7.F.10.A, Grade Measurement]

B. Compatibility Buffer – Maximum Height Increase

1. Fences

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EXHIBIT N

ARTICLE 7, LANDSCAPING

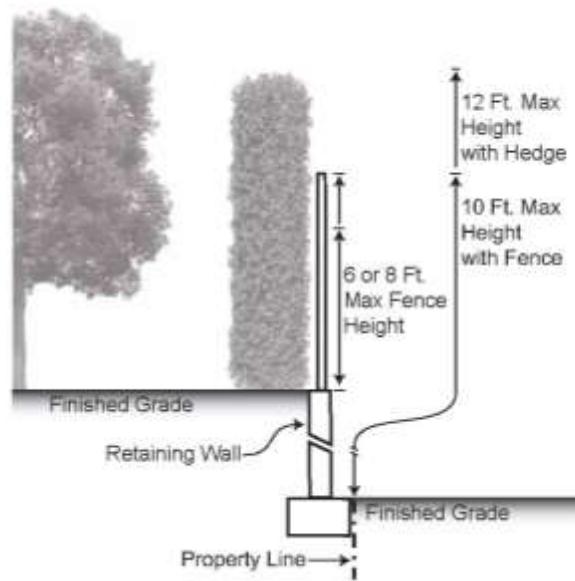
(Updated 10/18/17)

1 *The height of a fence located on a retaining wall in a Compatibility Buffer may be increased by*
2 *the difference in grade up to a maximum of four feet, whichever is less, as illustrated in Figure*
3 *7.F.10, Height Requirements for Compatibility Buffers with Grade Changes Using Retaining*
4 *Walls. The fence shall be of the minimum height necessary to comply with Florida Building*
5 *Code requirements for guardrails. [Ord. 2016-016] [Relocated from Art. 7.F.10.B.1, Fences]*

2. Hedges

6
7 *Maximum permitted hedge height abutting a retaining wall may only be increased subject to*
8 *the requirements of Art. 7.F.10.C, Incompatibility or R-O-W Buffer – Maximum Height. A*
9 *guardrail shall be installed on the retaining wall if required by Florida Building Code, subject to*
10 *the height limitations for fences and walls. [Ord. 2016-016] [Relocated from Art. 7.F.10.B.2,*
11 *Hedges]*

12
**Figure 7.D.5.B - Height Requirements for Compatibility Buffers
With Grade Changes Using Retaining Walls**



[Ord. 20016-016]

13 [Relocated from Figure 7.F.10.B - Height Requirements for Compatibility Buffers with Grade
14 Changes Using Retaining Walls]

C. Incompatibility or R-O-W Buffer – Maximum Height Increase

15
16 *The height of a fence, wall or hedge located in an Incompatibility or R-O-W Buffer with a retaining*
17 *wall may be increased by the difference in grade in accordance with Figure 7.F.10 Height*
18 *Requirements for Incompatibility or R-O-W Buffers with Grade Changes Using Retaining Walls,*
19 *and the following: [Ord. 2016-016] [Relocated from Art. 7.F.10.C, Incompatibility or R-O-W*
20 *Buffer – Maximum Height Increase]*

1. Fences and Walls

21
22 *The height of a fence or wall located on a retaining wall setback a minimum of ten feet from the*
23 *outer edge of the perimeter buffer may be increased by the difference in grade, up to a*
24 *maximum overall height of 14 feet, whichever is less. The fence or wall shall be of the minimum*
25 *height necessary to comply with Florida Building Code requirements for guardrails, or minimum*
26 *required landscape barrier height. [Ord. 2016-016] [Relocated from Art. 7.F.10.C.1, Fences*
27 *and Walls]*

2. Hedges

28
29 *The height of a hedge abutting a retaining wall setback a minimum of ten feet from the*
30 *outer edge of the perimeter buffer may be increased by the difference in grade, up to a maximum*
31 *height of 16 feet, whichever is less. A guardrail shall be installed on the retaining wall if required*
32 *by Florida Building Code, subject to the height limitations for fences and walls. [Ord. 2016-*
33 *016] [Relocated from Art. 7.F.10.C.2, Hedges]*

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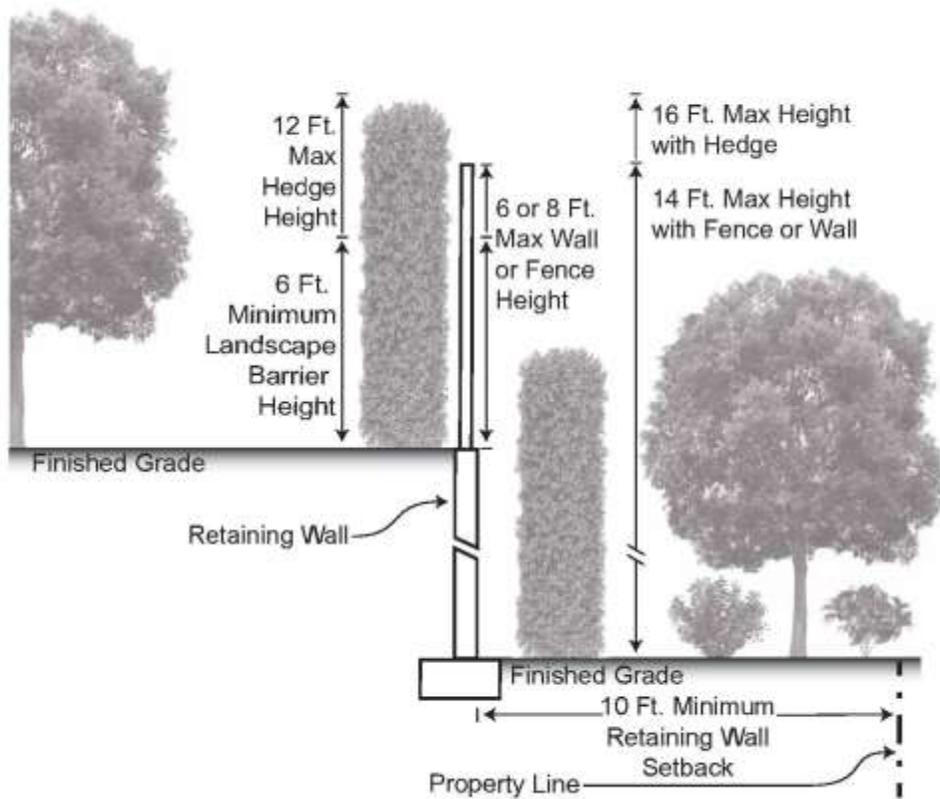
EXHIBIT N

ARTICLE 7, LANDSCAPING

(Updated 10/18/17)

1

Figure 7.D.5.C - Height Requirement for Incompatibility or R-O-W Buffers With Grade Changes Using Retaining Walls



[Ord. 2016-016]

2 [Relocated from Figure 7.F.10.C - Height Requirement for Incompatibility or R-O-W Buffers With
3 Grade Changes Using Retaining Walls]

4 **Section 5** — Existing Native Trees and Vegetation

5 *Existing native trees and vegetation may satisfy the landscape buffer requirements in this Article, in total or*
6 *in part. Existing native trees and vegetation may be relocated from areas of the site to be used as or in a*
7 *landscape buffer. In determining whether native trees and vegetation satisfy the requirements of this Article,*
8 *the following shall be considered:* [Partially relocated to Art. 7.E.1, Purpose related to Chapter E]

9 *A. The effectiveness of the visual screening. If adequate screening is provided, then no additional*
10 *trees and vegetation will be required.* [Partially relocated to Art. 7.E.1.A, related to Purpose of
11 Chapter E]

12 *B. The quality and kind of the trees and vegetation being preserved.* [Partially relocated to Art.
13 7.E.1.B, related to Purpose of Chapter E]

14 **Section 6** — Prohibited Plant Species

15 *The planting or installation of the following plant species is prohibited. Each planting plan, landscape plan*
16 *or ALP shall include a program to eradicate and prevent the reestablishment of these species.* [Relocated
17 to Art. 7.E.4, Prohibited Plant Species]

18 *A. Prohibited plant species listed in Article 14.C, VEGETATION PRESERVATION AND*
19 *PROTECTION.* [Relocated to Art. 7.E.4.A, related to Prohibited Plant Species]

20 *B. Any plant species classified in Article 14.C, VEGETATION PRESERVATION AND PROTECTION,*
21 *as an "invasive non-native species".* [Relocated to Art. 7.E.4.B, related to Prohibited Plant
22 Species]

23
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25

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EXHIBIT N

ARTICLE 7, LANDSCAPING

(Updated 10/18/17)

~~Section 7 — Controlled Plant Species~~

~~The following species may be planted or maintained under controlled conditions:~~ [Relocated to Art. 7.E.5, Controlled Plant Species]

~~A. Black Olives~~

~~Black olives shall not be installed within 15 feet of any vehicular use area, sidewalk, paved pathway, or bike lane.~~ [Relocated to Art. 7.E.5,A, Black Olives and Mahogany]

~~B. Ficus Species~~

~~Ficus species may be planted under the following conditions but shall not exceed a maximum of ten percent of the total number of required trees.~~ [Relocated to Art. 7.E.5,B, Ficus Species]

~~1. Planted as individual trees provided they are no closer than 30 feet from any structure or utility;~~ [Relocated to Art. 7.E.5,B.1, related to Ficus Species]

~~2. Contained in a planter or root barrier; or~~ [Relocated to Art. 7.E.5,B.2, related to Ficus Species]

~~3. Maintained in accordance with the restrictions for hedges pursuant to Art. 7.D.3.B, Hedges. Ficus hedges in interior landscape areas shall not exceed a maximum of 12 feet in height, measured from the lowest grade adjacent to the hedge. [Ord. 2005-002]~~ [Relocated to Art. 7.E.5,B.3, related to Ficus Species]

~~Photo 7.D.7.B — Controlled Plant Species~~



~~Black Olive Tree: May not be installed within 15 feet of any vehicular use area, sidewalk, pathway, or lane.~~



~~Ficus Tree: May be used in landscaping only under controlled conditions.~~

~~C. Silk Oak, Rosewood~~

~~Silk Oak and Rosewood trees shall not be planted within 500 feet of a preserve area.~~ [Relocated to Art. 7.E.5,C, Silk Oak, Rosewood]

~~D. Citrus Trees~~

~~Citrus trees shall not qualify as a required tree, except for single family lots.~~ [Relocated to Art. 7.E.5,D, Trees]

~~Section 8 — Artificial Plants~~

~~No artificial plants or vegetation shall be used to meet any standard of this Section.~~ [Relocated to Art. 7.E.6, Artificial Plants]

Reason for amendments: [Zoning]
20. Relocate Art. 7.D.9 to Section 6. Also eliminate redundant language under Art.7.F.9.D, Incompatibility – Berms.
21. Allow berms in all Tiers.

~~Section 9-6 Berms~~

Berms may be used as non-living landscape barriers only when used in conjunction with plant materials and where existing natural vegetation is not disturbed. Berms may be used in conjunction with fences, walls or hedges to meet the total height requirements ~~of incompatibility landscape buffers, as illustrated in Figure 7.D.9.C-4, Berm Elevation and Drainage Requirements, provided that hedges are installed at the height necessary to provide the total six foot screen at the time of planting.~~ [Relocated to Art. 7.D.9.D, Incompatibility Buffer, below] ~~Berms may be installed in preservation areas only where they will not affect the viability of preserved trees and vegetation.~~ [Relocated to Art. 7.D.9.E, Preservation Areas, below] ~~Runoff from berms shall be contained within the property, as illustrated in Figure 7.D.9.C-4, Berm Elevation and Drainage Requirements, or in a manner approved by the County Engineer.~~ [Ord. 2016-016]

[Relocated below under Art. 7.D.9.B, Maximum Slope, below]

~~A. Tier Restrictions~~

~~Landscape berms are not allowed within the Exurban, Rural, Agricultural Preserve, or Glades Tiers, unless approved through a Type I Waiver or located along a Rural Parkway. [Ord. 2016-042]~~

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(Updated 10/18/17)

B. Maximum Slope

The slope of a berm shall not exceed three-to-one. *Runoff from berms shall be contained within the property, as illustrated in Figure 7.D.9.C, Berm Elevation and Drainage Requirements, or in a manner approved by the County Engineer.* [Relocated from Art. 7.D.9, Berms, above]

C. Height Measurement

Berm height shall be measured from the nearest adjacent top of the curb (parking lot) or the nearest adjacent crown of the road or the nearest adjacent finished floor elevation, whichever is higher. [Ord. 2005 – 002]

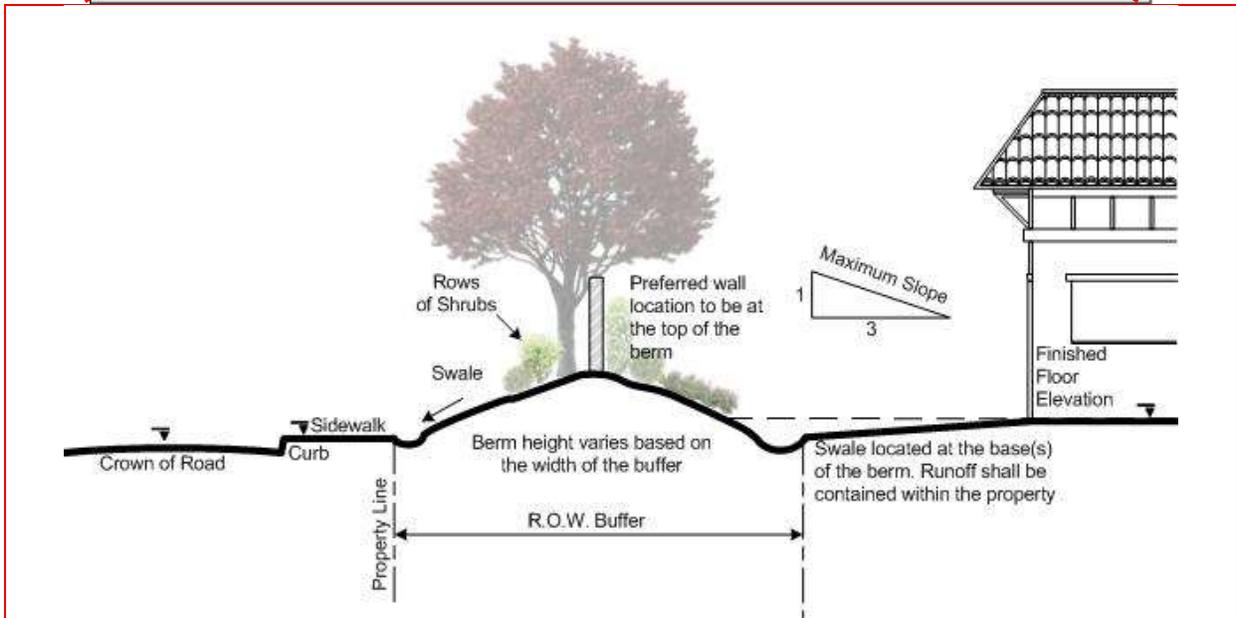
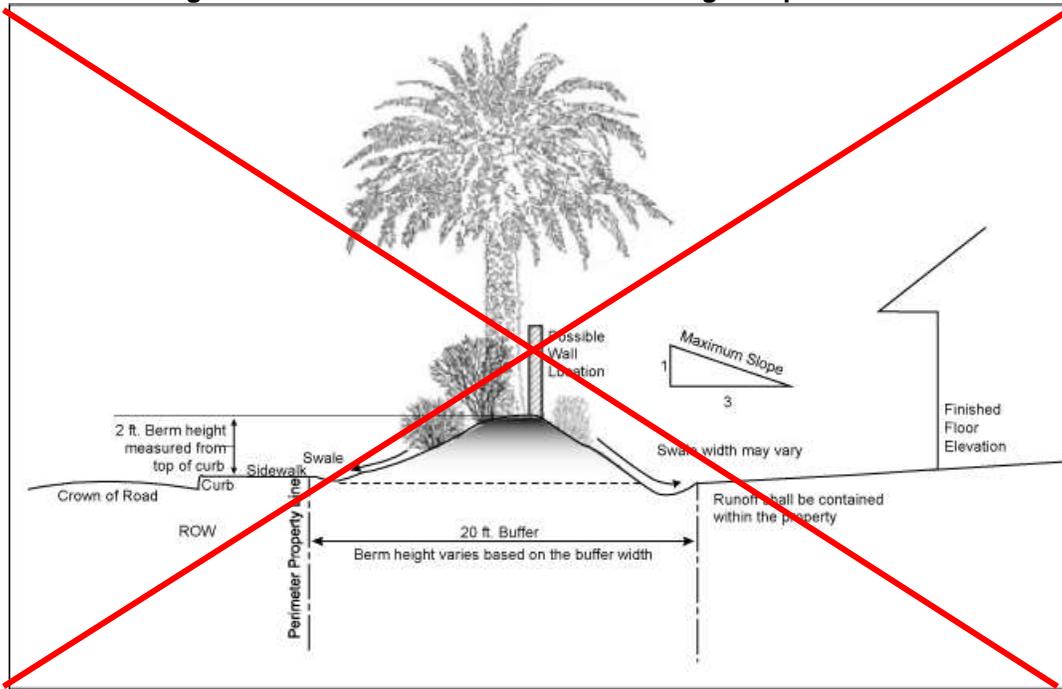
D. Incompatibility Buffer

Incompatibility buffers, as illustrated in Figure 7.D.9.C, Berm Elevation and Drainage Requirements, provided that hedges and shrubs are installed at the height necessary to provide the total six foot screen at the time of planting. [Relocated from Art. 7.D.9, Berms, above]

E. Preservation Areas

Berms may be installed in preservation areas only where they will not affect the viability of preserved trees and vegetation. [Partially relocated from Art. 7.D.9, Berms, above]

Figure 7.D.9.C - Berm Elevation and Drainage Requirements



[Ord. 2005-002]

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(Updated 10/18/17)

Reason for amendments: [Zoning]

22. Relocate Art. 7.D.4, Ground Treatment to the new Chapter D. This Section was updated under Ordinance 2016-042.

Section 7 Ground Treatment

The ground within required landscaped areas shall receive appropriate ground treatment at installation. Ground treatment shall not be required in preservation areas. Mulch that originated from a plant specie that will create an environmental impact shall be discouraged for application. Sand, gravel, shellrock, or pavement is not considered appropriate ground treatment. The following standards shall apply to the installation of ground treatment: **[Ord. 2016-042]** [Relocated from Art. 7.D.4, Ground Treatment]

A. Ground Cover

Containerized Ground cover shall provide a minimum of 50 percent coverage immediately upon planting and 100 percent coverage within six months. Seeded ground cover such as native wildflowers, shall provide a minimum of 50 percent coverage after six month of planting and 50 percent coverage within one year. 100 percent coverage shall be achieved at the second year of planting. **[Ord. 2016-042]** [Relocated from Art. 7.D.4.A, Ground Cover]

B. Mulch

Mulch shall be installed and maintained at all times in all planted areas not containing ground cover. All mulch material shall be free of seeds and weeds to prevent tree sprouting and regrowth. **[Ord. 2016-042]** The application of Cypress mulch shall be discouraged. [Relocated from Art. 7.D.4.B, Mulch]

C. Alternative Materials

Alternative materials such as pebbles, egg rocks, or decorative sand may be used up to a maximum of ten percent of ground coverage and only in areas needed to accommodate limited roof water runoff. [Relocated from Art. 7.D.4.C, Alternative Materials]

D. Lawn and Turf

Grassed areas shall be planted with species suitable as permanent lawns and shall reach 100 percent coverage within six months of planting. Grassed areas may be sodded, plugged, sprigged, or seeded. However, grass shall be required between landscape buffers and swales and in other areas subject to erosion. In areas where grass seed is used, millet or rye shall also be sown. These areas shall be properly maintained to ensure complete coverage. Because of their drought resistant characteristics, it is recommended that Bahia grass species be used. Use of drought-tolerant ground cover instead of lawn and turf grass is encouraged. Undeveloped parcels shall be planted as required in Art. 5.L, Property and Vegetation Maintenance. **[Ord. 2016-042]** [Relocated from Art. 7.D.4. D, Lawn and Turf]

E. Artificial Turf

Artificial turf may be installed in the interior, terminal or divider medians of a bull pen vehicle storage area. The Applicant shall receive product approval from the Zoning Director, prior to indicating in on the Landscape Plan or installation. **[Ord. 2016-042]** [Relocated from Art. 7.D.4.E, Artificial Turf]

Section 10 R-O-W Landscaping

Landscaping in the median or swale of streets may be required by the BCC or the County Engineer pursuant to Article 11.C.1.C.1, Access and Circulation Systems.

Section 11 Foundation Plantings

~~Foundation plantings shall be provided along facades as required by Table 7.C.3, Minimum Tier Requirements, for non-residential structures unless specifically exempted by this Section.~~ [Partially relocated to Art. 7.C.3.B.1, Applicability, related to Foundation Plantings] All required foundation plantings shall include a minimum of one tree or palm for each 20 linear feet of building facade and one shrub or ground cover for every 10 square feet of planting area. [Ord. 2013-021] [Ord. 2014-025] [Ord. 2016-042] [Partially relocated to Table 7.C.3.B - Foundation Planting and Dimensional Requirements]

A. Exemptions

- ~~1. Agricultural or industrial buildings that are not visible from a public street or residential zoning district.~~ [Relocated to Art. 7.C.3.B.2.a, related to Exemptions]
- ~~2. Buildings which are exempt from local building permits or government review pursuant to State or Federal Statutes.~~ [Relocated to Art. 7.C.3.B.2.b, related to Exemptions]
- ~~3. Structures within a TDD, where a build-to-line is established along the sidewalk, except where required in Article 3.F, TRADITIONAL DEVELOPMENT DISTRICTS (TDDs).~~ [Relocated to Art. 7.C.3.B.2.c, related to Exemptions]

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~~4. Properties where the required planting area would overlap a required buffer. [Relocated to Art. 7.C.3.B.2.d, related to Exemptions]~~

~~5. Accessory buildings and structures subject to Zoning approval. [Relocated to Art. 7.C.3.B.2.e, related to Exemptions]~~

~~B. WCRAO Deviations~~

~~Parcels located in the WCRAO may deviate from foundation planting requirements pursuant to Article 3.B.14.J, WCRAO Landscape Deviations. [Ord. 2010-022] [Partially relocated to Art. 3.B.14, WCRAO]~~

~~C. Minimum Length~~

~~The combined length of the required foundation planting shall be as required by Table 7.C.3, Minimum Tier Requirements. The minimum length shall be calculated by the total length of the applicable side of the structure, excluding garage doors and loading bays. [Partially relocated to Table 7.C.3.B – Foundation Planting and Dimensional Requirements, note #1]~~

~~D. Planting around signs~~

~~A three foot wide planting area shall be required around the base of all ground-mounted signs. One shrub for each ten square foot of planting area shall be installed within the planting area and maintained at a minimum height of 18 inches. Monument signs six feet in height or less may be surrounded by ground cover on all sides instead of shrubs. Landscaping and trees that interfere with the visibility of signage may be relocated to the rear of the sign planting area, subject to approval by the Zoning Division. [Relocated to Art. 7.C.3.C, Planting Around Signs]~~

~~E. Large Scale Commercial Development~~

~~In addition to the requirements of this Code, developments with single tenants occupying 65,000 gross square feet or more shall be subject to the following foundation planting standards: [Ord. 2005-002]~~

~~1. Dimensional Requirements~~

~~a. Planting areas shall be in accordance with Table 5.C.1.I, Large Scale Commercial Development, or Table 7.C.3, Minimum Tier Requirements whichever is greater. [Ord. 2005-002]~~

~~b. Foundation planting shall meander along building facade, and shall not be entirely located at the base of the building. [Ord. 2005-002] [Relocated to Art. 7.C.7.B, Foundation Planting]~~

~~2. Easements~~

~~No easement encroachment shall be permitted, except for bisecting utility easements and pedestrian walkways. [Ord. 2005-002]~~

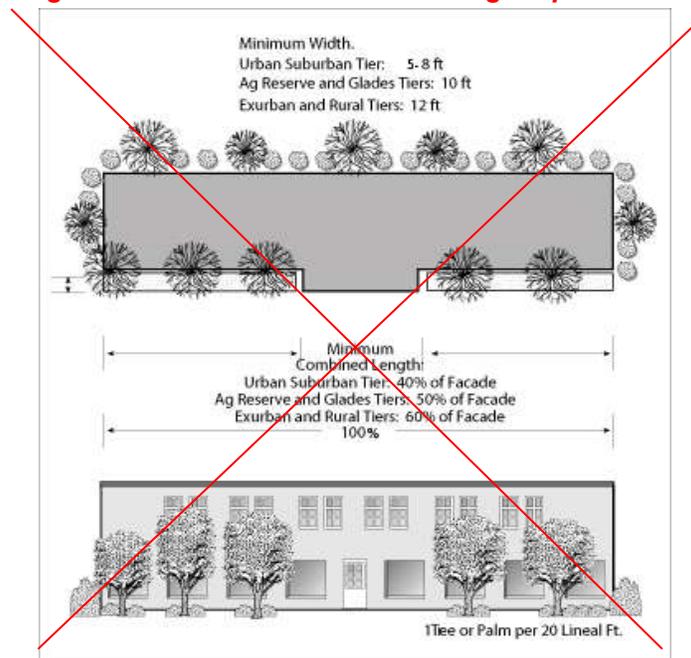
~~3. Planting Requirements~~

~~a. One tree or palm for every 15 feet of facade. [Ord. 2005-002]~~

~~b. Trees/palms shall be evenly distributed along the facade. [Ord. 2005-002]~~

~~c. The height of plant material shall be in relation to the height of the adjacent facade or wall. The height of 50 percent of required trees or palms shall be a minimum of two-thirds of the height of the building. [Ord. 2005-002]~~

~~Figure 7.D.11.D – Foundation Planting Requirements~~



42 [Relocated to Figure 7.C.3 – Foundation Planting Requirements]

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~~F. Freestanding ATM's and Unmanned Retail Structures~~

~~Required foundation plantings may be modified as follows: [Ord. 2013-021] [Relocated to Art. 7.C.3.B.3, Establishments with Drive-Through, Freestanding ATMs and unmanned Retail Structure]~~

~~1. Walk-Up~~

~~Foundation planting areas may be relocated up to a maximum of ten feet away from the applicable façade to accommodate pedestrian walkways, access to the ATM or Unmanned Retail Structure; or, as needed to comply with F.S. 655.960, security lighting, or Crime Prevention Through Environmental Design (CPTED) guidelines. [Ord. 2013-21] [Ord. 2017-007] [Relocated to Art. 7.C.3.B.3.a, Walk Up]~~

~~2. Drive-Through~~

~~Foundation planting areas may be relocated in accordance with similar provisions for other drive-through establishments, except that required foundation planting areas shall not be relocated to the façade of any adjacent building or structure other than the Freestanding ATM or the Unmanned Retail Structure. [Ord. 2013-21] [Ord. 2017-007] [Relocated to Art. 7.C.3.B.3.b, Drive Thru]~~

~~Section 12 — Landscape in Easements~~

~~Easements may overlap a required landscape buffer by a maximum of five feet, provided there remains a minimum of five clear feet for planting. If a wall with a continuous footer is used, a minimum of ten clear feet for planting is required. The landscape buffer may be traversed by easements or access ways as necessary to comply with the standards of this Article, and Article 11, SUBDIVISION, PLATTING, AND REQUIRED IMPROVEMENTS, and other PBC codes. Easements shall be identified prior to the preparation of site or subdivision plans and any proposed overlap shall be approved by the DRO or Zoning Division. [Relocated to Art. 7.C.5, Easement in Landscape Buffers]~~

~~A. Infill Development~~

~~Required landscape buffers for infill development may overlap easements by more than five feet, provided that there remains a minimum of five clear feet for planting or ten clear feet if a wall with a continuous footer is used. [Relocated to Art. 7.C.5.A, Infill Development]~~

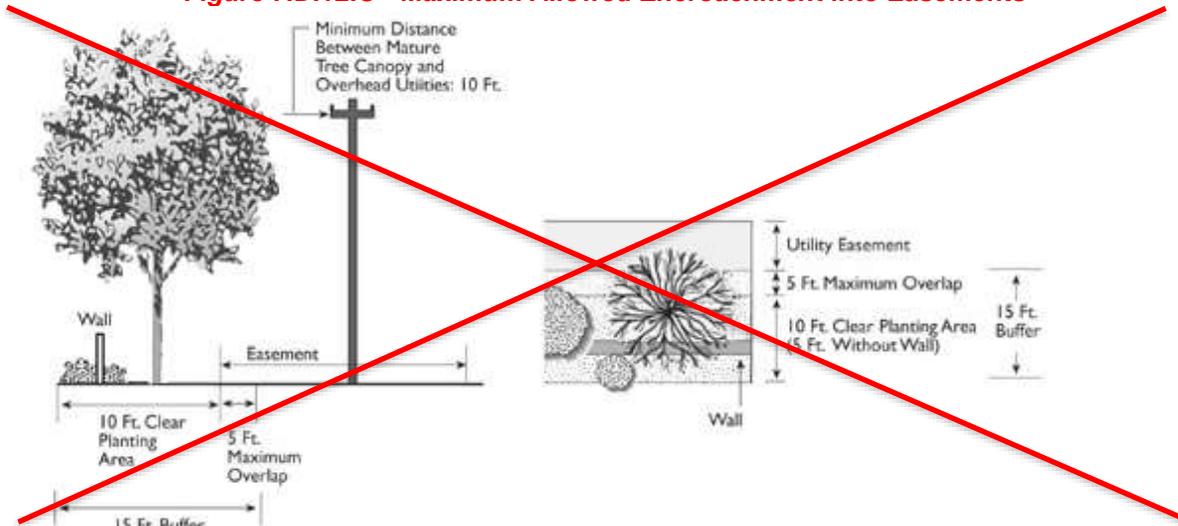
~~B. Overhead Utilities~~

~~Trees planted within any easement with overhead utilities shall comply with the placement and maintenance requirements in the latest edition of FP&L's publication "Plant the Right Tree in the Right Place," available from the Zoning Division, and take into consideration the mature height and spread of the species beneath or adjacent to overhead utilities. Where overhead utilities exist, trees shall be maintained so that the mature tree canopy is a minimum of ten feet from overhead lines. Plants required in the easement area may be planted elsewhere on site, in the vicinity of the required location. In order to maintain tree and plant spacing when a landscape buffer is traversed by a utility easement, a larger overlap may be allowed with the written approval of the relevant utility service company. Where a utility easement crosses a R-O-W buffer, plant material spacing may be adjusted, provided there is no reduction in the amount of required plant material. [Relocated to Art. 7.C.5.B, Overhead Utilitiex]~~

~~C. Detention/Retention Areas, Swales, and Drainage Easements~~

~~Detention/retention areas, drainage easements, and sloped, directional swales greater than one foot below finished grade, may overlap required landscape buffers provided a minimum of five feet remains for planting. [Ord. 2006-004] [Ord. 2016-042] [Relocated to Art. 7.C.5.C, Detention/Retention Areas, Swales, and Drainage Easements]~~

~~Figure 7.D.12.C - Maximum Allowed Encroachment into Easements~~



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(Updated 10/18/17)

[Relocated to Figure 7.C.5 – Maximum Allowed Encroachment into Easements]

~~1. Planting may be allowed in the dry detention area if approved by the Land Development Division. [Ord. 2016-042] [Relocated to Art. 7.C.5.C 1, Related to Detention/Retention Areas, Swales, and Drainage Easements]~~

~~D. Lake Maintenance Easements (LME)~~

~~Planting of new trees or relocation of native, non-prohibited or specimen vegetation may occur in the LME subject to the approval by the Land Development Division. [Ord. 2016-042] [Relocated to Art. 7.C.5.D, Lake Maintenance Easement (LME)]~~

~~Section 13 – Corner Clips~~

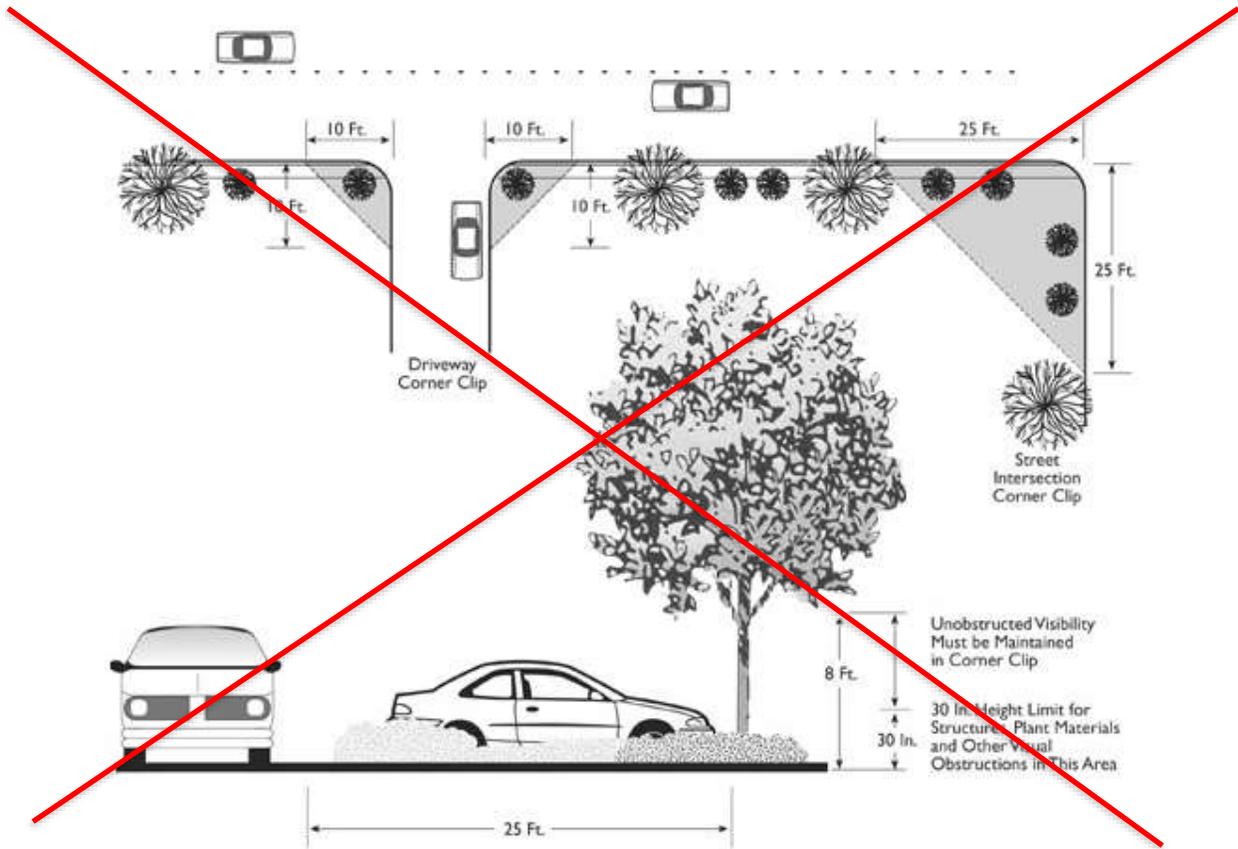
~~Landscaping within corner clip and visibility triangles required by Article 11, SUBDIVISION, PLATTING, AND REQUIRED IMPROVEMENTS, shall be subject to the following limitations. [Relocated to Art. 7.C.6, Corner Clips and Safe Sight Corners]~~

~~A. An area of unobstructed visibility shall be maintained between 30 inches and eight feet above the crown of the adjacent roadway. [Relocated to Art. 7.C.6.A, related to Corner Clips and Safe Sight Corners]~~

~~B. Vegetation located adjacent to and within corner clip areas shall be trimmed so that limbs or foliage do not extend into the required visibility area. [Relocated to Art. 7.C.6.B, related to Corner Clips and Safe Sight Corners]~~

~~C. All landscaping in a corner clip shall be planted and perpetually maintained by the property owner, except where maintained by another entity such as a Homeowner’s Association (HOA). [Relocated to Art. 7.C.6.C, related to Corner Clips and Safe Sight Corners]~~

~~Figure 7.D.13 – Corner Clip Visibility Requirements~~



[Relocated to Figure 7.C.5 – Corner Clip and Safe Sight Corner Visibility Requirements]

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EXHIBIT N

ARTICLE 7, LANDSCAPING

(Updated 10/18/17)

1 Part 5. ULDC Art. 7.D.5, Existing Native Trees and Vegetation (page 20-32 of 49), are hereby
2 amended as follows:
3

Reason for amendments: [Zoning]
1. Clarify that existing native trees and vegetation can be used to satisfy both buffer and interior landscape requirements for a site.
2. Traditionally, the preservation of existing native vegetation is under the authority of Environment Resources Management. In 2016, Art. 7.D was amended to give the Zoning Director the authority to address native individual trees that are outside of ERM's goals for preservation. This allows the opportunity for staff and applicant to proactively address design layout opportunities prior to the approval or certification of a development order.
3. This amendment incorporates part of the Zoning PPM ZO-060, Preservation of Vegetation and clarifies submittal, review and approval procedures pertinent to the preserving of native vegetation.

4 **CHAPTER E EXISTING NATIVE VEGETATION, PROHIBITED AND CONTROLLED PLANT SPECIES**

5 **Section 51 Existing Native Trees and Vegetation Purpose**

6 To establish standards and requirements for the preservation of existing native vegetation; removal of
7 prohibited species, and reduction of controlled species, For the purpose of Article 7, existing native
8 vegetation includes native trees, palms, and pines and are required to be incorporated in the site for any
9 application that is subject to a DO. Existing native vegetation may satisfy the landscape requirements in
10 this Article, in total or in part. In determining whether native vegetation satisfies the requirements of this
11 Article and the goals of Art. 14.C, Vegetation Preservation and Protection, either one or both of the following
12 shall be considered: [Partially relocated from Art. 7.D.5.A, related to Existing Native Trees and
13 Vegetation]

- 14 A. The effectiveness of utilizing the existing vegetation as visual screening and re-establish a natural
15 habitat for the existing vegetation; or [Partially relocated from Art. 7.D.5.A, related to Existing
16 Native Trees and Vegetation]
17 B. The quality and species of the vegetation being preserved. [Partially relocated from Art. 7.D.5.B,
18 related to Existing Native Trees and Vegetation]

19 **Section 2 Authority and Review Procedures**

20 The Zoning Director shall have the authority to require the preservation of vegetation on-site that is not
21 covered under Article 14.C, Vegetation Preservation and Protection, subject to the following: [Ord. 2016-
22 016] [Partially relocated from Art. 7.D.2.E, Preservation of Trees]

23 **A. Pre-application Appointment (PAA)**

24 The Applicant shall meet with the Zoning Division and the Department of Environmental Resources
25 Management (ERM) prior to the submittal of the application. Staff shall coordinate with the
26 Applicant to address the preservation of native vegetation in the early stage of development review,
27 and to resolve design issues without impacting the timeline for certification or approval of the
28 application. Staff may request a site visit with the Applicant to determine whether the existing
29 vegetation is worthy of preservation, and inform the Applicant of the necessary application
30 requirements, including a Vegetation Survey to be submitted as part of the Zoning application.

31 **B. Review and Permit Procedures**

32 Zoning Division and ERM shall collaborate on the review of all applications that require preservation
33 of existing vegetation through: PAA, site visits, site design to maximize preservation, and when
34 appropriate, conditions of approval shall be imposed to ensure the requirements are being
35 monitored at land development review and building permit stages.

36 **1. Application Submittal**

- 37 a. In addition to all the required forms and related documents pursuant to Art. 2, Application
38 Processes and Procedures, the applicant shall include a description of the proposed site
39 development, and indicate any proposal for preservation of existing native vegetation in
40 the Justification Statement;
41 b. The Applicant shall submit a Vegetation Survey with estimated preliminary finished grade
42 of the areas where the proposed preservation of vegetation is located; and
43 c. Any preservation or relocation of vegetation shall be shown on the applicable Zoning
44 Plan(s) with a Vegetation Disposition Chart pursuant to Title 4, Landscaping, Chapter C of
45 the Zoning Technical Manual for the template and notes.

46 **2. Site Visit**

47 If a PAA is not requested by the Applicant prior to the submittal of the Zoning application, Staff
48 shall conduct a site visit to determine if a Vegetation Survey and a Vegetation Disposition Chart
49 are required. If necessary, the requirement shall be listed as a certification issue at the issuance
50 of the first set of DRO comments.

51 **3. Agreement on Preservation**

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ARTICLE 7, LANDSCAPING

(Updated 10/18/17)

- 1 a. Staff shall set up an appointment with the Applicant to discuss the recommendations
2 related to the site design and preservation. If the recommendations require a redesign of
3 the site layout, the Applicant shall address issues related to the preservation and relocation
4 of vegetation before certification of the application for public hearings or Final Approval by
5 the DRO.
6 b. Prior to the certification or approval of an application, the Applicant shall agree to the
7 specific requirements which includes, preservation, relocation, mitigation, replacement of
8 the existing native vegetation, and shall be shown on the Plan(s) and Vegetation
9 Disposition Chart.
10 c. The Zoning Director shall have the authority to impose conditions of approval on the
11 development order to require the incorporation of existing vegetation into the site design.
12 **[Ord. 2016-016] [Relocated from Art. 7.D.2.E.2, Preservation of Trees]**

4. **ERM Vegetation Protection**

13 For applications that are approved by the ZC or BCC, the Applicant shall submit a Protection
14 of Native Vegetation application to ERM prior to Final Approval by the DRO. For applications
15 that are approved by the DRO, the Applicant shall submit the Protection of Native Vegetation
16 Approval application concurrent with the Vegetation Barricade Permit. A Vegetation Permit
17 shall be issued by ERM if the requirements are consistent with the approved Zoning Plans,
18 conditions of approval or in compliance with Code.

5. **Vegetation Barricade Permit**

- 19 a. Prior to any land clearing activity; removal of vegetation; or issuance of any other Building
20 Permits for the site, the Applicant shall:
21 1) Submit a Vegetation Barricade Permit application to the Building Division;
22 2) Tag all existing vegetation as identified on the approved plans and Vegetation
23 Disposition Chart to ensure there are no discrepancies between the approved
24 documents and the site situations; and,
25 3) Install all barricades around tagged vegetation that is to be preserved or relocated on
26 the site.
27 b. The Vegetation Barricade Permit application shall be reviewed by the Zoning Division and
28 ERM. Staff shall schedule inspections for the installation of the tags and barricades prior
29 to the approval of the Permit.
30 c. PZB shall inspect the site for compliance with the Vegetation Barricade Permit to ensure
31 all barricades are properly installed around the vegetation to be preserved or relocated.
32 Once the final inspection for the Vegetation Barricade Permit is signed off by the Zoning
33 Division, other permits for the property may be issued.
34
35
36

Reason for amendments: [Zoning]
4. Relocate Tree Credit which is currently under Art. 7.D to the new Chapter E.
5. Eliminate Spread of Crown as one of the two methods for tree credit or replacement. The size of the trunk provides a more accurate measurement.

37 **Section 3 Tree Credit and Replacement**

38 *A preserved upland or drought-tolerant tree or palm meeting the standards in this Article may be substituted*
39 *for required trees, subject to the following:* [Relocated from Art. 7.D.2.F, Tree Credit]

40 **A. Vegetation Survey**

41 *Credit shall be granted for on-site preservation of existing vegetation when accompanied by a tree*
42 *survey.* [Relocated from Art. 7.D.2.F.1, Tree Survey]

43 **B. Trees Excluded from Credit**

44 *Credits shall not be permitted for ~~trees-vegetation-that are:~~* [Relocated from Art. 7.D.2.F.2, Trees
45 **Excluded from Credit]**

- 46 1. *Required for preservation by Article 14.C, Vegetation Preservation and Protection (i.e. located*
47 *in required preservation areas, heritage or champion trees);* [Relocated from Art. 7.D.2.F.2.a,
48 **related to Trees Excluded from Credit]**
49 2. *Not properly protected from damage during the construction process, as required in Article*
50 *14.C, Vegetation Preservation and Protection;* [Relocated from Art. 7.D.2.F.2.b, **related to**
51 **Trees Excluded from Credit]**
52 3. *Classified as prohibited or invasive non-native species as defined in Article 14.C, Vegetation*
53 *Preservation and Protection;* [Relocated from Art. 7.D.2.F.2.c, **related to Trees Excluded**
54 **from Credit]**
55 4. *Dead, dying, diseased, or infested with harmful insects;* or [Relocated from Art. 7.D.2.F.2.d,
56 **related to Trees Excluded from Credit]**
57 5. *Located on a subarea of a planned development that is not intended to be developed for*
58 *residential, commercial, or industrial use, such as a golf course on an adjacent open space*
59 *parcel.* [Relocated from Art. 7.D.2.F.2.e, **related to Trees Excluded from Credit]**

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ARTICLE 7, LANDSCAPING
(Updated 10/18/17)

C. Tree Credit Formula

All existing vegetation to be preserved, mitigated on or off site, replaced on or off site shall be credited pursuant to Table 7.E.3, Tree Credit and Replacement. Pines with a caliper of two inch or more shall be subject to preservation, mitigation or replacement. [Ord. 2016-042] [Relocated from Art. 7.D.2.F.3, Tree Credit Formula]

Table 7.E.3.C - Tree Credit and Replacement

Diameter at 4.5 Feet Above Grade (1)	=	Credits or Replacements
Less than 2 in.	=	0
2-6 in.	=	1
7-11 in.	=	2
12-16 in.	=	3
17-21 in.	=	4
22-26 in.	=	5
27-31 in.	=	6
32-36 in.	=	7
37 in. or more	=	8
[Ord. 2014-025] [Ord. 2016-042]		
Notes:		
(1) Fractional measurements shall be rounded down.		

[Partially relocated from Art. 7.D.2.F, Tree Credit]

Reason for amendments: [Zoning]
6. Relocate Prohibited Plant Species currently under Art.7.D.6 and Controlled Plant Species currently under Art. 7.D.7 to the new Chapter E.4 and 5.
7. Add Mahogany to the Controlled Species list, as it has a tendency to drop seeds that may create a pedestrian safety issue.

Section 4 Prohibited Plant Species

The planting or installation of the following plant species is prohibited. Each planting plan, landscape plan or ALP shall include a program to eradicate and prevent the reestablishment of these species. [Relocated from Art. 7.D.6, Prohibited Plant Species]

- A. Prohibited plant species listed in Article 14.C, Vegetation Preservation and Protection. [Relocated from Art. 7.D.6.B, related to Prohibited Plant Species]
- B. Any plant species classified in Article 14.C, Vegetation Preservation and Protection, as an "invasive non-native species". [Relocated from Art. 7.D.6.B, related to Prohibited Plant Species]

Section 5 Controlled Plant Species

The following species may be planted or maintained under controlled conditions: [Relocated from Art. 7.D.7, Controlled Plant Species]

A. Black Olives and Mahogany

Black Olives and Mahogany shall not be installed within 15 feet of any vehicular use area, sidewalk, paved pathway, or bike lane. [Relocated from Art. 7.D.7.A, Black Olives]

B. Ficus Species

Ficus species may be planted under the following conditions but shall not exceed a maximum of ten percent of the total number of required trees. [Relocated from Art. 7.D.7.B, Ficus Species]

- 1. Planted as individual trees provided they are no closer than 30 feet from any structure or utility; [Relocated from Art. 7.D.7.B.1, related to Ficus Species]
- 2. Contained in a planter or root barrier; or [Relocated from Art. 7.D.7.B.2, related to Ficus Species]
- 3. Maintained in accordance with the restrictions for hedges pursuant to Art. 7.D.3.B, Hedges. Ficus hedges in interior landscape areas shall not exceed a maximum of 12 feet in height, measured from the lowest grade adjacent to the hedge. [Ord. 2005 – 002] [Relocated from Art. 7.D.7.B.3, related to Ficus Species]

C. Silk Oak, Rosewood

Silk Oak and Rosewood trees shall not be planted within 500 feet of a preserve area. [Relocated from Art. 7.D.7.C, Silk Oak, Rosewood]

D. Trees

Citrus trees shall not qualify as a required tree, except for single-family lots. [Relocated from Art. 7.D.7.D, Citrus Trees]

Section 6 Artificial Plants

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EXHIBIT N

ARTICLE 7, LANDSCAPING

(Updated 10/18/17)

~~No artificial plants or vegetation shall be used to meet any standard of this Article.~~ [Relocated from Art. 7.D.8, Artificial Plants]

Part 6. ULDC Art. 7.F, ~~REVIEW, INSTALLATION AND MAINTENANCE~~ (pages 26-46 of 49), are hereby amended as follows:

Reason for amendments: [Zoning]
1. Relocate Chapter E to the new Chapter F. Relocate Art. 7.E.2, Landscape Permit to the new Chapter B, Applicability, and rename the Title of this Chapter to Installation and Maintenance.
2. Clarify that Florida Grades and Standards no longer require guys and stakes for tree installation. The proposed amendment will change the requirement to an option.
3. Clarify that landscape installation must follow the approved phasing for the development. For application without phasing (i.e. develop under one phase), all landscape requirements must be completed prior to the issuance of a Certificate of Occupancy of the facilities.
4. Delete requirements for projects with PO Zoning as they are considered a non-phased development, and conditions of approval can be written to allow sub-phasing of the planting requirements.
5. Delete Suspended Phasing and replace with the heading Time Extension.

CHAPTER ~~E~~ F ~~REVIEW, INSTALLATION AND MAINTENANCE~~

This Chapter establishes standards for the ~~landscape review~~, installation and maintenance of ~~trees and landscape plant~~ material. [Ord. 2009-040]

~~Section 1~~ General

~~Plant material shall:~~

- ~~A. Be planted in soil and conditions appropriate for their growth habits.~~
- ~~B. Be appropriate for the USDA plant hardiness zone and ecological setting in which they are to be planted.~~
- ~~C. Be compatible with existing native plants in the area through similar ornamental properties and physical requirements (e.g. water use, soil conditions).~~

~~Section 2~~ Landscape Permit

~~To ensure compliance with the various requirements associated with a new development permit for installation and maintenance of landscape on site, the applicant shall: [Ord. 2009-040]~~

- ~~A. Submit an application for a Landscape Review on forms prepared by the Zoning Division; [Ord. 2009-040]~~
- ~~B. Comply with Code requirements and any conditions of approval; [Ord. 2009-040]~~
- ~~C. Schedule and receive approval of all required landscape inspections; and, [Ord. 2009-040]~~
- ~~D. Adhere to long-term landscape maintenance obligations and all material associated with the application. [Ord. 2009-040]~~

~~Section 3~~ 1 Plant Quality

Plants installed pursuant to this Article shall conform to or exceed the minimum standards for Florida Number 1, as provided in the most current edition of "~~Grades and Standards for Nursery Plants, Parts I and II~~", Florida Grades and Standards for Nursery Plants, as amended, prepared by the ~~State of Florida~~ Department of Agriculture and Consumer Services, ~~see Appendix B for Examples of Florida Number 1 Quality Plants. A different minimum standard may be approved for native plants installed in accordance with an approved ALP if an applicant demonstrates that sufficient quantities of commercial stock meeting the Florida Number 1 standard are not available.~~ All plants shall be clean and free of noxious pests and/or diseases. [Partially relocated to Art. 7.F.1.A, below]

A. Exception

A different minimum standard may be approved for native plants installed subject to a Type 1 Waiver for Landscaping if an applicant demonstrates that sufficient quantities of commercial stock meeting the Florida Number 1 standard are not available. [Relocated from Art. 7.E.3, Plant Quality]

~~Section 4~~ 2 Installation

All landscaping shall be installed according to acceptable nursery practices in a manner designed to encourage vigorous growth. Soil improvement measures may be required to ensure healthy plant growth. Before planting, a plant or tree's growth characteristics shall be considered to prevent conflicts with views, lighting, infrastructure, utilities, or signage. ~~Proposed infrastructure, lighting, and signage plans shall be submitted concurrent with landscape plans prior to issuance of a building permit.~~

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ARTICLE 7, LANDSCAPING

(Updated 10/18/17)

A. Planting Specifications

Required trees and palms ~~shall~~ may be securely guyed, braced, and/or staked at the time of planting until establishment. All plants shall be installed so that the top of the root ball remains even with the soil grade. The top one-third of burlap shall be removed from the root ball at planting. If used, nylon strapping and wire cages shall be completely removed at installation. All guys and staking material should be removed when the tree is stable and established but in no case more than one year after initial planting of tree. Construction debris shall be kept clear from the planting area.

B. Phasing

Required landscaping may be installed in phases, and if designated on the approved site Zoning plan, as follows:

1. ~~Planned Developments~~ with Phasing

The ~~number of trees~~ required ~~plant materials to be planted or preserved shall be installed in a construction phase~~ accordance with the approved phasing of a planned development. The quantity of the required plant materials for each development phase shall be a proportion of the total number of ~~trees~~ plant materials required to be planted in the overall planned development. This proportion shall be determined by comparing the area of the plan to the area of the entire planned development as shown on the approved plan. Areas of vegetation required to be preserved shall be excluded from this calculation. R-O-W buffers along the development frontage shall be installed under Phase One.

2. ~~Other Developments~~ Without Phasing

The ~~entire~~ perimeter landscaping shall be installed prior to the issuance of the first ~~Certificate of Occupancy (CO) or in accordance with a phasing plan approved by the DRO.~~

a. Developments with Multiple Buildings

R-O-W Buffers along the development frontage shall be installed prior to the issuance of the first CO for the first building.

~~a. PO Zoning District and Public Civic Pods of a PUD~~

~~Installation of a proportionate share of required materials shall be permitted subject to Signature-Only approval of a phasing plan. The phasing plan shall indicate the affected area of each building permit application and general location of plant material that will be installed. [Ord. 2007-013]~~

3. Suspended Phasing

Required installation may be phased into a project for up to one year from the initial occupancy, with subject to the approval of an installation schedule by the DRO. ~~Zoning Division approval of a installation schedule.~~

Section ~~54~~ Maintenance

A. General

~~1. PBC is responsible for the care and maintenance of the trees and vegetation on PBC-owned property, unless provided for otherwise by DO condition of approval. For all other properties, the property owner or successors in interest, contractor, or agent, if any, shall be jointly and severally responsible for the following: [Relocated to Art. 5.L, Property and Vegetation Maintenance]~~

Maintenance of the properties shall be subject to the requirements of Art. 5.L, Property and Vegetation Maintenance and the PBC's Property Maintenance Code.

~~2. Regular maintenance of all landscaping is required. All landscaping shall be free from disease, pests, weeds, and litter. Maintenance shall include weeding, watering, fertilizing, pruning, mowing, edging, mulching, or any other actions needed, consistent with acceptable horticultural practices.~~

~~3. Regular maintenance, repair, or replacement of landscape barriers and focal points, including landscape structures (e.g., walls, fences, fountains, and benches) in order to keep them in a structurally sound condition.~~

~~4. Perpetual maintenance to prohibit the reestablishment of prohibited and non-native invasive species within landscape and preservation areas.~~

~~5. Periodic maintenance to remove diseased or damaged limbs, or remove limbs or foliage that present a hazard. All trees and palms shall be allowed to grow to their natural mature height and to full canopy. No canopy tree shall be pruned until it has reached the minimum 20-foot required height and canopy spread, unless required to address damage by natural causes, such as hurricanes.~~

~~6. Landscape areas which are required to be created or preserved by this Article shall not be used for temporary parking or the storage/display of materials or sale of products or services.~~

B. Maintenance of Vegetation

Required or preserved vegetation that becomes damaged, diseased, removed or is dead shall be immediately replaced with plant material to comply with the approved standards and height requirements of this Article or conditions of approval, whichever is greater. Vegetation that are

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ARTICLE 7, LANDSCAPING

(Updated 10/18/17)

1 removed or damaged, shall be replaced in accordance with Table 7.E.3.C, Tree Credit and
2 Replacement. Landscape trees planted or preserved to meet the minimum landscape code
3 requirements may be removed provided a Tree Removal Permit is approved. **[Ord. 2005-002]**
4 **[Partially relocated from Art. 7.E.8, Restoration and Maintenance]**

B. Vacant Lots

1. Affected Parties

7 ~~Any owner of a vacant lot in a residential neighborhood upon which a home has been~~
8 ~~demolished to the extent that it no longer qualifies for a certificate of occupancy must follow the~~
9 ~~maintenance requirements of Art. 7.E.5.B.5, Vacant Lot Maintenance and Planting~~
10 ~~Requirements, if the vacant lot, by itself or in combination with other vacant lots resulting from~~
11 ~~the demolition of a home or homes, results in significant degradation of the surrounding~~
12 ~~neighborhood as defined in Art. 1.I, Definitions and Acronyms (Significant Degradation). In the~~
13 ~~event significant degradation occurs, all contiguous vacant lots that contribute to the significant~~
14 ~~degradation will be subject to Art. 7.E.5.B.5, Vacant Lot Maintenance and Planting~~
15 ~~Requirements. [Ord. 2005-002] [Ord. 2008-037] [Relocated to Art. 5.L, Property and~~
16 ~~Vegetation Maintenance]~~

2. Applicability

18 ~~Art. 7.E.5.B, Vacant Lot, shall apply to the Urban/Suburban Tier in the unincorporated areas of~~
19 ~~Palm Beach County, as defined in the Plan. [Ord. 2005-002] [Ord. 2008-037] [Relocated to~~
20 ~~Art. 5.L, Property and Vegetation Maintenance]~~

3. Vacant Lot Exemptions

22 ~~The following vacant lots shall be exempt from the requirements of Art. 7.E.5.B, Vacant Lots.~~
23 ~~[Ord. 2008-037] [Relocated to Art. 5.L, Property and Vegetation Maintenance]~~

24 ~~a. Vacant lots resulting from the demolition of a home based on a declaration by the building~~
25 ~~official that the home is unsafe. [Ord. 2005-002] [Ord. 2008-037] [Relocated to Art. 5.L,~~
26 ~~Property and Vegetation Maintenance]~~

27 ~~b. When an owner initiates redevelopment of a vacant lot within 120 days of demolition, as~~
28 ~~evidenced by submittal of a building permit application for site plan approval, or other~~
29 ~~applicable development permit application or good faith effort to redevelop the lot, for so~~
30 ~~long as the permit or good faith effort is active. In order to receive an exemption at the~~
31 ~~time of a demolition permit application, the applicant must submit an affidavit stating that~~
32 ~~the applicant expects to meet the above requirements. The affidavit shall be made on a~~
33 ~~form established by the Zoning Director. If an exemption is granted based on an affidavit,~~
34 ~~the property owner shall submit evidence as required above within 120 days of completion~~
35 ~~of the demolition, or shall submit a planting plan within 30 days of the expiration of the 120-~~
36 ~~day period. [Ord. 2005-002] [Ord. 2008-037] [Partially relocated to Art. 5.L, Property~~
37 ~~and Vegetation Maintenance]~~

38 ~~c. Vacant lots where the home was demolished prior to April 23, 1996. [Ord. 2005-002]~~
39 ~~[Ord. 2008-037] [Relocated to Art. 5.L, Property and Vegetation Maintenance]~~

40 ~~d. Vacant lots resulting from eminent domain proceedings. [Ord. 2005-002] [Ord. 2008-037]~~
41 ~~[Relocated to Art. 5.L, Property and Vegetation Maintenance]~~

42 ~~e. Vacant lots resulting from demolition of a home using funding from a demolition program~~
43 ~~of the Department of Housing and Community Development. [Ord. 2005-002] [Ord. 2008-~~
44 ~~037] [Relocated to Art. 5.L, Property and Vegetation Maintenance]~~

4. Vacant Lot Variance

46 ~~A property owner may apply for a Type 1A Administrative Variance subject to Art. 2.D.3.C.4,~~
47 ~~Vacant Lots, as may be amended. [Ord. 2005-002] [Ord. 2008-037] [Ord. 2010-022]~~
48 ~~[Relocated to Art. 5.L, Property and Vegetation Maintenance]~~

5. Vacant Lot Maintenance and Planting Requirements

a. Ground Treatment

51 ~~Vacant lots regulated by this Section must be cleared of construction materials and debris,~~
52 ~~and must be planted with sufficient ground treatment to cover the entire lot in accordance~~
53 ~~with Art. 7.D.4, Ground Treatment. Existing ground treatment may be used to meet the~~
54 ~~requirements of this Section. The clearing and planting must be completed within 120 days~~
55 ~~of the completion of demolition, within 120 days of the effective date of this section, or~~
56 ~~within thirty days of Department approval of a planting plan, whichever is later. Slab~~
57 ~~foundations or other structural features remaining from demolished houses, or from other~~
58 ~~demolished structures, must be removed from vacant lots regulated by this section. [Ord.~~
59 ~~2005-002] [Ord. 2008-037] [Relocated to Art. 5.L, Property and Vegetation~~
60 ~~Maintenance]~~

b. Trees

62 ~~Trees shall be planted or preserved in accordance with the requirements of Table 7.C.3,~~
63 ~~Minimum Tier Requirements, and Art. 7.D.2, Trees. Trees shall be native or drought~~
64 ~~tolerant. [Ord. 2005-002] [Ord. 2008-037] [Relocated to Art. 5.L, Property and~~
65 ~~Vegetation Maintenance]~~

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ARTICLE 7, LANDSCAPING

(Updated 10/18/17)

1 ~~c. Existing Trees~~

2 ~~Preservation of existing native trees is encouraged and credit shall be given towards the~~
3 ~~above requirements. If existing native trees are removed, they shall be replaced in~~
4 ~~accordance with the standards in Table 7.D.2.D, Tree Credit and Replacement, or Article~~
5 ~~7.E.5.G.5.b, Trees, whichever is greater. The size of replacement trees shall be in~~
6 ~~accordance with Art. 7.D.2, Trees. [Ord. 2005-002] [Ord. 2008-037] [Relocated to Art.~~
7 ~~5.L, Property and Vegetation Maintenance]~~

8 ~~d. Prohibited Plant Species~~

9 ~~Existing prohibited plant species must be removed and trees replaced on a one-to-one~~
10 ~~basis with a native tree. Replacement trees for removed prohibited plant species shall be~~
11 ~~consistent with the interior landscape requirements of Art. 7.D.2, Trees. [Ord. 2005-002]~~
12 ~~[Ord. 2008-037] [Relocated to Art. 5.L, Property and Vegetation Maintenance]~~

13 ~~e. Removal~~

14 ~~Removal shall be consistent with the provisions of Article 14.C, VEGETATION~~
15 ~~PRESERVATION AND PROTECTION. [Ord. 2005-002] [Ord. 2008-037] [Relocated to~~
16 ~~Art. 5.L, Property and Vegetation Maintenance]~~

17 ~~f. Vacant Lot Planting Plan Application and Approval~~

18 ~~1) Planting Plan~~

19 ~~The owner shall submit a planting plan indicating the proposed method of ground~~
20 ~~treatment, existing and replacement trees; and irrigation simultaneously with the~~
21 ~~application for a demolition permit. [Ord. 2005-002] [Ord. 2008-037] [Relocated to~~
22 ~~Art. 5.L, Property and Vegetation Maintenance]~~

23 ~~2) Demolition Permit~~

24 ~~The Building Division shall not issue the demolition permit until a planting plan is~~
25 ~~approved by the Zoning Division unless the applicant signs an affidavit in accordance~~
26 ~~with Art. 7.E.5.G.3.b. [Ord. 2005-002] [Ord. 2008-037] [Relocated to Art. 5.L,~~
27 ~~Property and Vegetation Maintenance]~~

28 ~~3) Review of Planting Plan~~

29 ~~The Zoning Division shall determine if the planting plan is sufficient and includes the~~
30 ~~information necessary to evaluate the plan within five days of receipt. The Zoning~~
31 ~~Division shall approve, approve with conditions, or deny the plan within ten days of the~~
32 ~~determination of sufficiency. If necessary, the Zoning Division or Environmental~~
33 ~~Resources Management Department shall conduct a site visit as part of the plan~~
34 ~~review. [Ord. 2005-002] [Ord. 2008-037] [Relocated to Art. 5.L, Property and~~
35 ~~Vegetation Maintenance]~~

36 ~~4) Standards~~

37 ~~The Zoning Division shall consider the following criteria in reviewing the planting~~
38 ~~plan: 1) whether or not the ground treatment and other landscape materials are~~
39 ~~consistent with the established character of the neighborhood; 2) Whether or not~~
40 ~~alternative or temporary irrigation methods such as hand-watering are acceptable.~~
41 ~~[Ord. 2005-002] [Ord. 2008-037] [Relocated to Art. 5.L, Property and Vegetation~~
42 ~~Maintenance]~~

43 ~~g. Vacant Lot Plant Installation, Maintenance, Pruning and Irrigation~~

44 ~~Native vegetation, drought tolerant vegetation, or ground treatment shall be installed,~~
45 ~~maintained, pruned and irrigated in accordance with the requirements of Art. 7.F,~~
46 ~~Installation, Maintenance, as may be amended from time to time, and conditions of~~
47 ~~approval for the planting plan in Art. 7.E.5.G.5.f.1), above. Temporary irrigation methods~~
48 ~~may be approved for native vegetation only, subject to a maintenance/replacement~~
49 ~~agreement. [Ord. 2005-002] [Ord. 2008-037] [Relocated to Art. 5.L, Property and~~
50 ~~Vegetation Maintenance]~~

51 **Section 65 Pruning After Installation**

52 Pruning is permitted after installation to allow for healthy growth, to promote safety considerations, and
53 enhance the aesthetic value of plant material. Trees that conflict with views, signage, or lighting shall not
54 be pruned more than the maximum allowed. Trees shall not be pruned ~~in a manner that reduces to reduce~~
55 the canopy spread to less than 20 feet ~~or pruned in conflict with the maintenance standards above.~~ Pruning
56 practices shall ~~conform to~~ comply with the guidelines in Tree Care Tips – A Guide to Proper Pruning
57 Techniques, published by the Department of Environmental Resources Management (ERM) ~~and the~~
58 provisions of this Chapter. The Zoning Director may suspend the provisions of this ~~Section~~ Chapter upon
59 recommendation from County Landscape Staff additional pruning is necessary for plant growth, safety, or
60 aesthetics.

61 **A. General Pruning Requirements**

- 62 1. A maximum of one-fourth of the tree canopy may be removed from a tree within a one-year
63 period, provided that the removal conforms to the standards of crown reduction, crown

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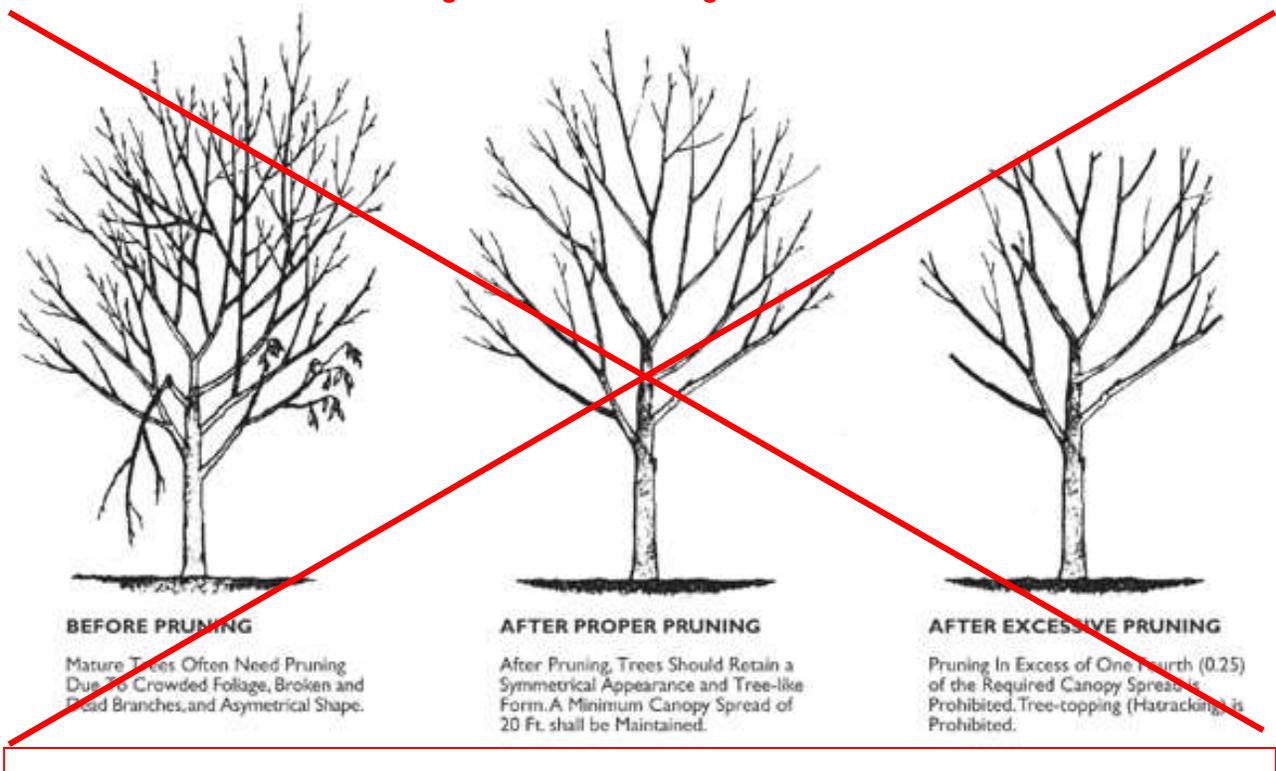
EXHIBIT N

ARTICLE 7, LANDSCAPING

(Updated 10/18/17)

- 1 cleaning, crown thinning, crown raising, vista pruning, and crown restoration pruning
2 techniques. All pruning shall comply with the most recent published version of the American
3 National Standards Institute, ANSI provisions related to tree, shrub and other woody plant
4 maintenance, as amended. The crown of a tree required by this Code or condition of approval
5 shall not be reduced below the minimum spread or height requirements of Article 7.D.2.A,
6 Canopy Trees, or specific conditions of approval. A tree which is pruned in excess of these
7 requirements shall be replaced with a tree that meets the minimum requirements of Article
8 7.D.2.A, Canopy Trees, and Table 7.D.2.E, Tree Credit and Replacement. [Ord. 2014-025]
9
- 10 2. If other than the mature height and spread is desired for any required tree, the size and shape
11 shall be indicated on an approved site plan, planting plan, landscape plan. Shaping of a tree
12 shall be permitted if the tree is to be used as an accent, focal point, or as part of an overall
13 landscape design. A maintenance program shall be clearly outlined on the approved
14 landscape plan to explain the care and upkeep of a shaped tree.
 - 15 3. When cutting back trees, care shall be taken to promote the shape and form typical of the tree's
16 species in similar settings in PBC.
 - 17 4. Tree topping (hatracking) is prohibited.
 - 18 5. No large or medium canopy trees shall be pruned before it has reached a minimum 20 foot
19 canopy height and spread.

Figure 7.E.6.A - Pruning Guidelines



- 20
- 21 **B. Palm Pruning Requirements**
- 22 1. No more than one-third of fronds shall be removed.
 - 23 2. No pruning above the horizon line, except for dead or diseased fronds.
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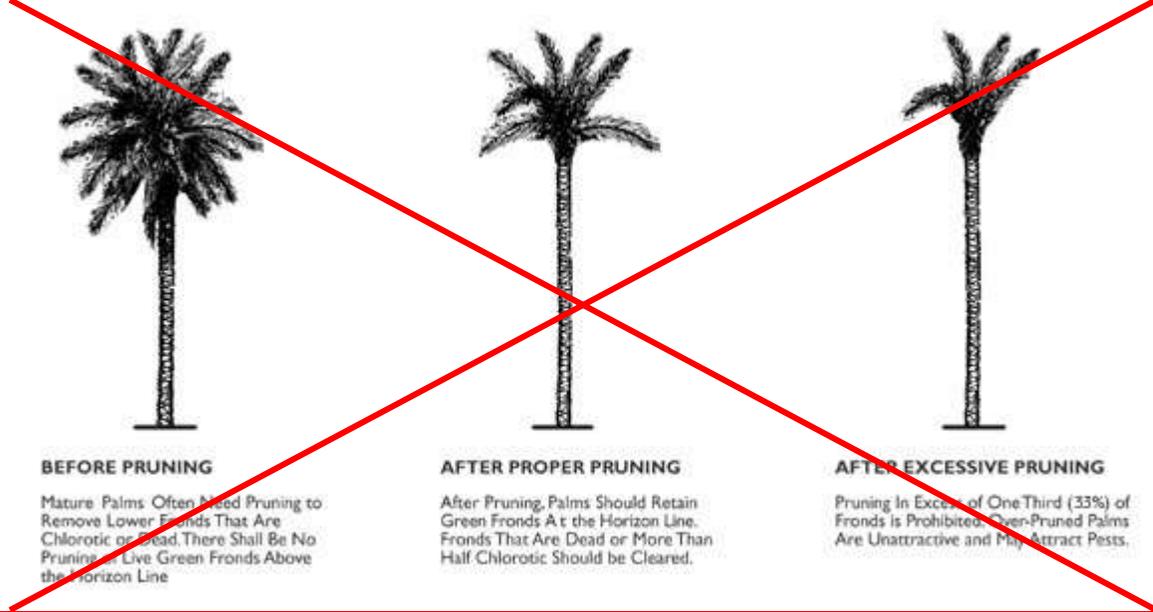
EXHIBIT N

ARTICLE 7, LANDSCAPING

(Updated 10/18/17)

1

Figure ~~7.E.6.B~~ 7.F.5.B – Palm Pruning Guidelines



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C. Pruning Exemptions

The following trees and species are exempt from these pruning standards:

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1. Trees affected by FAA and airport safety regulations, to the extent required to comply with these regulations.
2. Trees that interfere with corner clips, utility lines, or utility structures, to the extent required to comply with regulations for these areas or structures.
3. Trees that have insect or disease damage, crown dieback, or decay greater than one third of the tree canopy.
4. Trees that have suffered damage due to natural or accidental causes.
5. Trees on single-family lots unless pruned by a commercial tree service business, landscape company, lawn service business, or other related businesses.
6. Trees in botanical gardens, or botanical research centers.
7. Trees under DOT, DEPW, and FPL management.

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Section ~~7E~~ Irrigation

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The licensed professional or irrigation contractor responsible for the installation of irrigation shall demonstrate compliance with the ~~following~~ irrigation standards ~~in a form acceptable to the Zoning Division~~. Landscaped areas shall be irrigated to maintain required plant materials in good and healthy condition. Irrigation systems shall comply with the following standards:

~~A. The landscape design and final landscape plan shall incorporate acceptable xeriscape industry standards.~~

~~BA.~~ All landscaped areas requiring irrigation shall be provided with an automated irrigation system that provides 100 percent coverage. Areas requiring minimal irrigation to establish plants shall use drip irrigation.

~~CB.~~ Irrigation systems shall be designed to apply water to shrub and tree areas on a less frequent schedule than lawn areas. A rain-sensor switch shall be installed on systems with automatic controllers.

~~DC.~~ Irrigation systems shall be designed as not to overspray water impervious areas. All irrigation systems shall be continuously maintained in working order.

~~ED.~~ Where feasible, irrigation systems shall not be installed or maintained on areas adjacent to a public street which causes water from the system to spray onto the roadway or strike passing pedestrian or vehicular traffic.

~~FE.~~ The use of irrigation quality or re-used water is encouraged for parks and recreation facilities:

1. Within the Irrigation Quality (IQ) effluent water service area of the PBCWUD; or
2. Where irrigation quality or re-used water is available and where such reuse is approved by the regulatory agencies.

~~GF.~~ Permanent irrigation systems are not required for areas set aside on approved site development plans for preservation of existing native vegetation.

~~HG.~~ Temporary irrigation systems installed pursuant to acceptable xeriscape practices may be used to meet the standards of this Section, upon approval of the Zoning Division.

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EXHIBIT N

ARTICLE 7, LANDSCAPING

(Updated 10/18/17)

~~Section 8 — Restoration and Maintenance~~

~~Required or preserved vegetation that becomes damaged, diseased, removed or is dead shall be immediately replaced with plant material to comply with the approved standards and height requirements of this Article or conditions of approval, whichever is greater. Trees that are removed or damaged, shall be replaced in accordance with the tree replacement credit standards of Table 7.D.2.D, Tree Credit and Replacement. Landscape trees planted or preserved to meet the minimum landscape code requirements may be removed provided a Tree Removal Permit is approved. [Ord. 2005-002] [Partially relocated to Art. 7.F.4.B, Maintenance of Vegetation]~~

~~CHAPTER F — PERIMETER BUFFER LANDSCAPE REQUIREMENTS~~ [Relocated to Art. 7.C, Landscape Buffer and Interior Landscape Requirements]

~~Landscape buffers shall be installed and maintained in accordance with the following standards.~~

~~Section 1 — Buffer Types~~

~~A. R-O-W~~

~~R-O-W buffers shall be provided along all street R-O-W. [Ord. 2016-042] [Relocated to Art. 7.C.2.A.1, Applicability]~~

~~1. Exemptions~~

~~R-O-W buffers are not required for individual single-family residential, ZLL, townhouse lots, or lots that abut the Intercoastal Waterway, private street right-of-ways internal to a PDD, and alleys. [Ord. 2016-042] [Partially relocated to Art. 7.C.2.A.2, Exemptions]~~

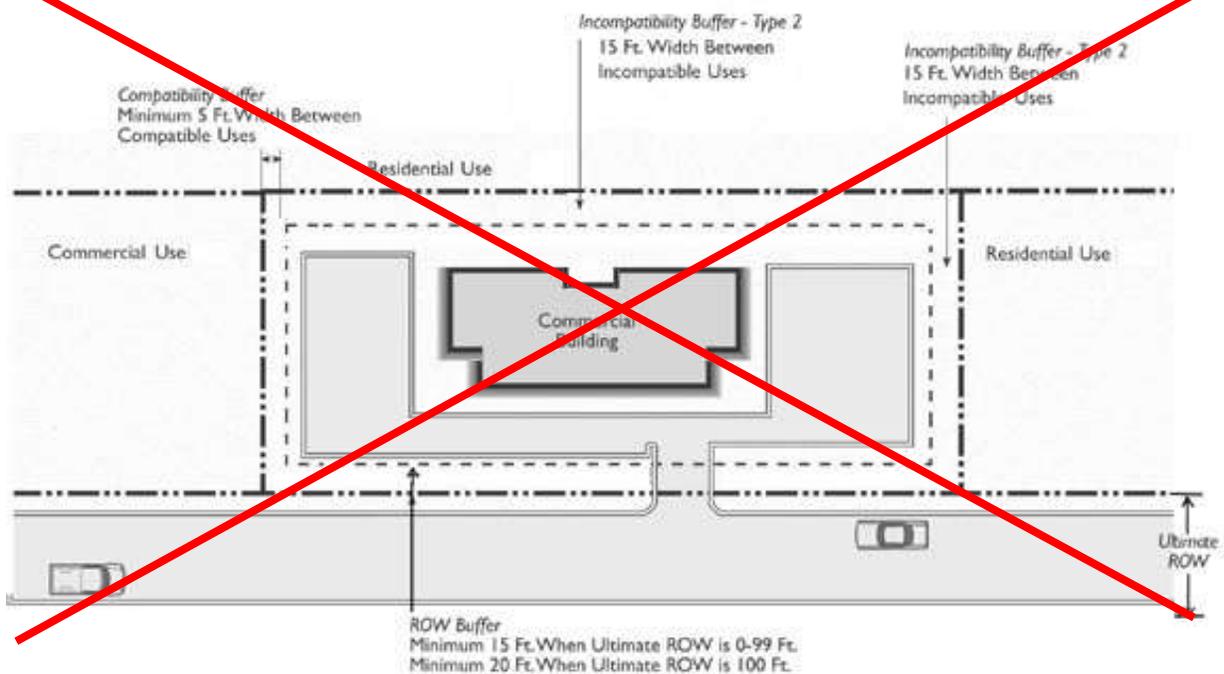
~~B. Compatibility~~

~~Compatibility buffers shall be provided between all compatible use [Relocated to Art. 7.C.2.B.1, Applicability] types, excluding: single family residential subdivisions or pods adjacent to single family residential subdivisions or pods; [Relocated to Art. 7.C.2.B.2.a, related to Exemptions] internal buffers within TDD's unless specifically stated otherwise; [Relocated to Art. 7.C.2.B.2.b, related to Exemptions] —or where residential uses are not adjacent to other incompatible design elements such as roadways, useable open space areas, or where residential setbacks are less than adjacent residential development. [Ord. 2006-055] [[Relocated to Art. 7.C.2.B.2.c, related to Exemptions]~~

~~C. Incompatibility~~

~~Incompatibility buffers shall be provided between all incompatible use types or incompatible pods.~~

Figure 7.F.1.C - Buffer Type Detail



[Relocated to Art. 7.C.2, Types of Landscape Buffer]

~~Section 2 — Trees, Shrubs, and Hedges~~

~~Trees, shrubs, and hedges shall be provided in all perimeter buffers in accordance with the following standards:~~

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(Updated 10/18/17)

~~A. Trees~~

~~1. Minimum Tree Quantities~~

~~a. R-O-W Buffers~~

~~One canopy tree per 25 lineal feet.~~

~~b. Compatibility Buffers~~

~~One canopy tree per 25 lineal feet. [Relocated to Table 7.C.2.B, Compatibility Buffer Landscape Requirements]~~

~~c. Incompatibility Buffers~~

~~One canopy tree per 20 lineal feet.~~

~~2. Palms~~

~~Palms planted in groups of three or more may be counted as one required canopy tree, up to a maximum of 25 percent of all trees required in each buffer. In the case of palm species that characteristically grow in clumps, each clump may be counted as one canopy tree. [Relocated to Art. 7.D.2.B.1, Canopy Tree Substitute]~~

~~a. Exception~~

~~In R-O-W buffers only, Royal, Bismarck, Phoenix, Canary, Date or similar palm species determined to be acceptable by the Zoning Division may be counted as one required canopy tree. These palms shall be spaced a maximum of 20 feet on center and have a minimum of 12 feet of clear trunk, except Royals which shall require a six foot minimum Grey Wood. [Partially relocated to Art. 7.D.2.B.1.a, Exception, related to Canopy Tree Substitute]~~

~~3. Slash Pines~~

~~Slash pines planted in groups of three or more may be counted as one required canopy tree. Each group of slash pines shall be staggered in height and average a minimum of ten feet in height.~~

~~B. Shrubs~~

~~Shrubs shall be installed according to Table 7.F.7.B, Shrub Planting Requirements. [Ord. 2009-040] [Relocated to Art. 7.D.3.B, Shrubs]~~

~~C. Hedges~~

~~Hedges may be used in place of required shrubs in compatibility and incompatibility buffers. Hedges, in combination with a berm, shall be installed in a manner that provides the minimum height required for continuous solid opaque screen at time of planting. [Partially relocated to Art. 7.D.4.A.4, Hedge and Berm Combination] It is recommended that hedges collocated in a buffer with berm be located at the top of berm. Hedges shall be setback from the property line a sufficient distance to allow for maintenance, or additional landscape material if required. [Ord. 2016-016] [Relocated to Art. 7.D.4.A.4, Setback]~~

~~Section 3 — Walls and Fences~~

~~If a wall or fence is used, the following shall apply: [Ord. 2007-001] [Ord. 2007-013]~~

~~A. Location of Wall or Fence~~

~~It is recommended that walls and fences collocated in a buffer with a berm be located at the top of berm. Walls and fences with a continuous footer shall be setback a minimum of ten feet from the edge of the property line. [Partially relocated to Table 7.D.4.D, Location of Wall or Fence in a Landscape Buffer – Incompatibility – Setback for the wall or fence] Fences may be permitted adjacent to a property line only when used in compatibility buffers. Fences or walls located in Incompatibility or R-O-W Buffers shall be located a minimum of seven and one-half feet from the outside buffer edge, or the minimum necessary to provide for required trees and shrubs. [Ord. 2007-001] [Ord. 2007-013] [Ord. 2016-016]~~

~~B. Location of Planting~~

~~A minimum of 75 percent of required trees shall be located between the exterior of the wall or fence along a R-O-W, or facing adjacent property, except when a fence is used in a compatibility buffer and located along the property line. [Partially relocated to Table 7.D.4.D, Location of Wall or Fence in a Landscape Buffer – R-O-W / Incompatibility – Canopy Tree Planting] Shrubs or hedges shall be installed on both sides of the wall or fence along a R-O-W, or facing adjacent property, except when a fence is used in a compatibility buffer and located along the property line. [Ord. 2007-013] [Partially relocated to Table 7.D.4.D, Location of Wall or Fence in a Landscape Buffer – R-O-W / Incompatibility – Shrub Planting]~~

~~1. Exception~~

~~Electrified fencing in accordance with Art. 5.B.1.A.2.e.2), Electrified Fence — Exceptions and Regulations, shall not be required to provide shrubs or hedges on the inside of the electrified fencing or on the inside of the non-electrified fencing or wall which the electrified fencing is adjacent to. [2013-018] [Relocated to Art. 7.D.4.D., Exception, related to Location of Wall or Fence in a Landscape Buffer]~~

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~~C. Conflict with Easements~~

~~If the placement of the wall or fence conflicts with an easement, the wall or fence shall not encroach upon the easement unless consistent with Article 3.D, PROPERTY DEVELOPMENT REGULATIONS (PDRs). [Ord. 2007-013]~~ [Relocated to Art. 7.D.4.E, Conflict with Easements]

~~D. Architectural Treatment~~

~~If a wall is used in a compatibility or incompatibility buffer, both sides of a wall shall be given a finished architectural treatment that is compatible and harmonious with adjacent development. [Ord. 2007-013]~~ [Partially relocated to At. 7.D.4.B.1, Architectural Treatment]

~~E. Chain Link Fences~~

~~Chain link fences are prohibited in Incompatibility or R-O-W buffers unless vinyl coated. Vinyl coated chain link fences are only permitted in a R-O-W or Incompatibility buffer, when installed behind an opaque six foot high hedge, unless approved as a Type II Waiver. [Ord. 2007-001] [Ord. 2007-013] [Ord. 2016-016]~~ [Partially relocated to Art. 7.D.4.C.1, Chain Link Fences]

~~1. Exception~~

~~An electrified fence in accordance with Art. 5.B.1.A.2.e.2), Electrified Fence — Exceptions and Regulations, shall not be required to be vinyl coated. [Ord. 2013-018]~~ [Partially relocated to Art. 7.D.4.C.1.a, related to Chain Link Fences]

Reason for amendments: [Zoning]

6. Relocate Art. 7.F.6 to the new Chapter C.

7. Delete Section 4 from this Chapter and relocate to Art.3.E, Planned Development Districts because the requirements are specific to a PUD.

8. Delete Section 5- Area Measurement because this has been clarified under the new Table 7. C.2.B, R-O-W Buffer, footnote 2: Width of pedestrian walkway and access points shall be deducted from the length of the property line when calculating the quantity of the plant materials.

~~Section 4 — Dedications~~

~~Required landscape buffers within or around residential pods of Planned Developments shall be platted and dedicated as separate tracts of land.~~

~~Section 5 — Area Measurement~~

~~The width of access ways that traverse required perimeter landscape buffers shall be excluded in the calculation of linear dimension. [Ord. 2016-042]~~

~~Section 6 — Buffer Width Reduction~~

~~The required buffer width may be reduced by 50 percent where a project is separated from a R-O-W by a canal, lake, open space, or combination thereof, with a minimum width of 80 feet subject to DRO approval. [Partially relocated to Art. 7.C.2.A.3.a, Width Reduction, related to R-O-W buffer] The DRO may reduce the required incompatibility buffer width by 50 percent for pods adjacent to a canal, lake, or open space area 100 feet in width or if the same type of buffer exists on the adjacent property. The width of compatibility buffers shall not be reduced. The required number of canopy trees or palms shall not be reduced. The required quantity of shrubs may be reduced in proportion to the reduction in the buffer width, a maximum of 50 percent, to ensure the viability of the material. A minimum of five clear feet for planting, or ten feet if a wall with a continuous footer is used, shall be maintained. [Ord. 2014-025]~~

~~Section 7 — R-O-W Buffer~~

~~A. Width~~

~~The total width of the buffer along streets, thoroughfares, or other means of vehicular access shall depend on the width of the street's ultimate R-O-W as indicated in Table 7.F.7.A-5, Width of R-O-W Buffer. The width of the ultimate R-O-W shall be determined by reference to the Thoroughfare R-O-W Identification Map in the Plan, or as determined by the County Engineer. R-O-W widths for non-thoroughfare plan streets shall be determined by reference to Article 11.C.1.C.1, Access and Circulation Systems. [Partially relocated to Art. 7.C.2.A.3, Width]~~

Table 7.F.7.A-5 - Width of R-O-W Buffer (Feet)

Width of Ultimate R-O-W (Feet)	Minimum Width of Buffer (Feet)
100+	20
0-99	15

~~B. Shrub Hierarchy~~

~~R-O-W buffers shall include each of the shrub types listed in Table 7.F.7.B, Shrub Planting Requirements.~~

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(Updated 10/18/17)

1

Table 7.F.7.B - Shrub Planting Requirements

Shrub Type	Minimum Height at Installation (Size)	Minimum Number of Shrubs Per Linear Foot ² of Buffer Length	Maximum Spacing at Installation	Maximum [†] Maintained Height
Ground Cover	6 inches	2 per 1 linear foot	6 inches	N/A
Small Shrubs	18 inches	1 per 2 linear feet	24 inches	36 inches
Medium Shrubs	24 inches	1 per 4 linear feet	48 inches	48 inches
Large Shrubs	36 inches	1 per 4 linear feet	48 inches	N/A

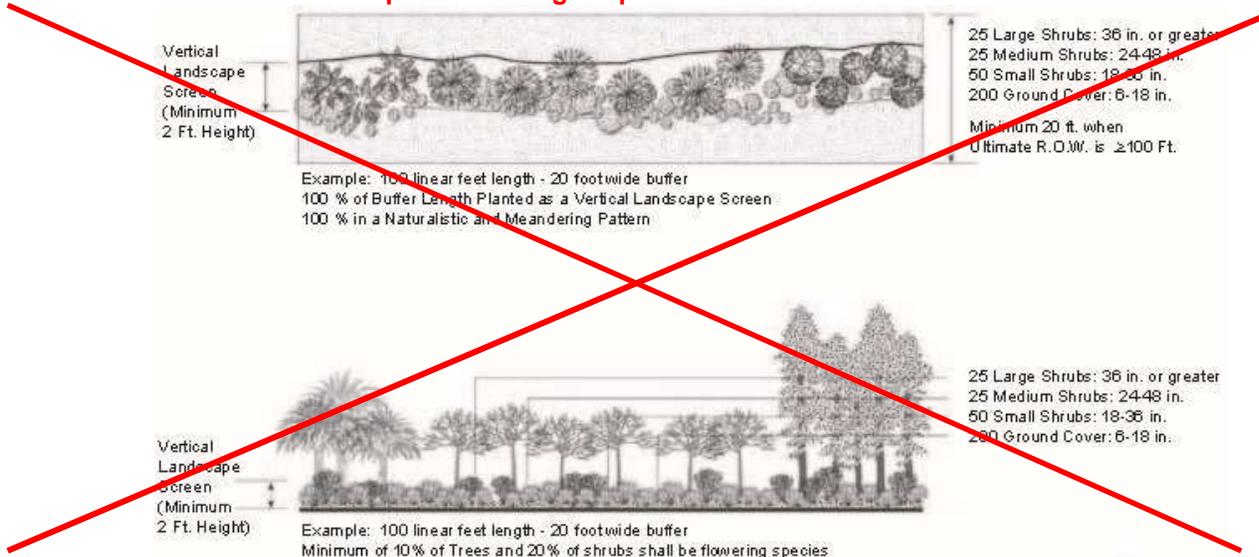
[Ord. 2009-040]

Notes

1. ~~Maximum maintained height is established to maintain the hierarchical visual effect for Perimeter R-O-W buffer.~~ [Ord. 2009-040]

2

Figure 7.F.7.B - Buffer Width, Trees and Shrub Layers
An Example of Planting Requirements for a Perimeter R-O-W Buffer



[Ord. 2009-040]

3

C. ~~Planting Pattern for a Perimeter R-O-W Buffer~~

~~One hundred percent of the buffer length shall be composed of a continuous opaque vertical landscape screen at least two feet in height, [Relocated to Table 7.C.2.A- ROW Buffer Landscaping Requirements note #6] planted in a meandering pattern as illustrated in Figure 7.F.7.B, Buffer Width, Trees and Shrub Layers, and composed of the shrub types listed in Table 7.F.7.B, Shrub Planting Requirements. The area of the buffer not planted with trees and shrubs shall be landscaped with ground treatment. [Ord. 2009-040] [Partially relocated to Table 7.C.2.A- ROW Buffer Landscaping Requirements note #5]~~

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D. ~~Clustering~~

~~Canopy trees and same species palms may be clustered in R-O-W buffers for non-residential development, subject to the following standards: [Partially relocated to Art. 7.C.2.A.6, Clustering]~~

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- ~~1. Clusters shall be spaced no more than 40 feet on center.~~
- ~~2. Clusters shall consist of trees of varied height, which when averaged, equal the minimum tree height requirements of Article 7.D.2.A, Canopy Trees.~~
- ~~3. Created visible openings to the site shall only be permitted on properties with a minimum of 300 feet of lot frontage. [Ord. 2016-042]~~
- ~~4. A maximum of two visible openings to the site are allowed for a frontage that is 300 feet. A maximum of three openings are allowed for a frontage that is 301 feet to 1,000 feet. A maximum of four openings for frontage that is over 1,001 feet. [Ord. 2016-042]~~
- ~~5. The minimum distance between visible openings to the site created by clusters shall be 100 feet. [Ord. 2016-042]~~

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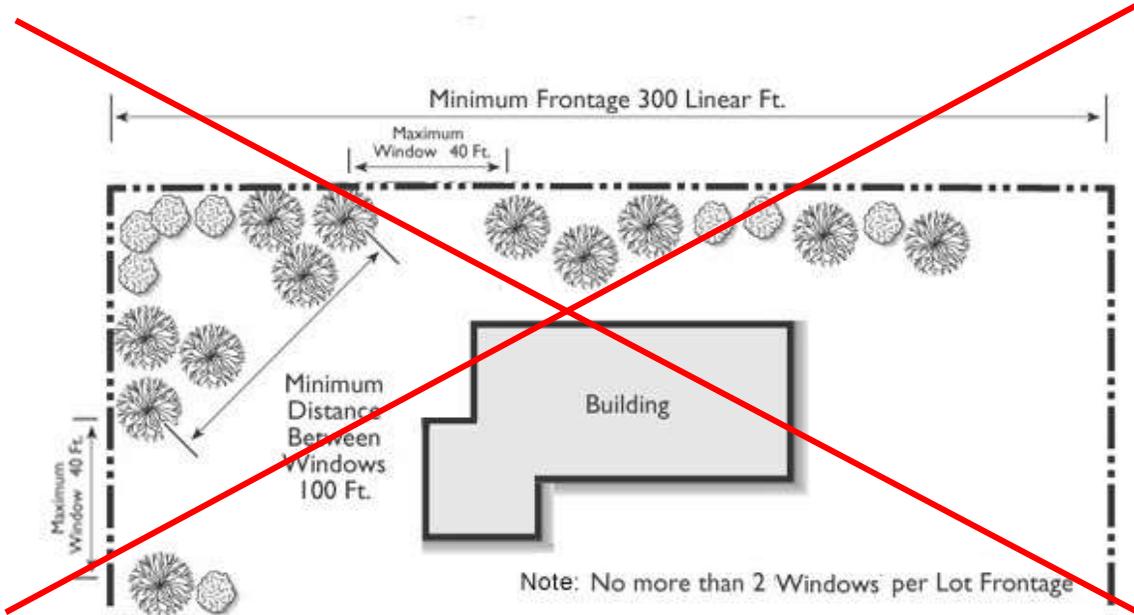
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(Updated 10/18/17)

~~Figure 7.F.7.D—Clustering in R-O-W Buffer~~



~~6.—In the WCRAO, clustering is not permitted in conjunction with the R-O-W buffer in the NRM, NG, and NC Sub-areas. [Ord. 2006-004] [Relocated to Art. 3.B.14, Westgate Community Redevelopment Area Overlay]~~

~~E.—Walls and Fences~~

~~Walls or fences shall be setback a minimum of ten feet from the edge of the ultimate R-O-W, unless waived or reduced by the County Engineer, provided there remains a minimum of five clear feet for planting, or if a wall with a continuous footer is used, a minimum of ten clear feet for planting. [Partially relocated to Table 7.D.4.D, Location of Wall or Fence in a Landscape Buffer: R-O-W - Setback for the Wall or Fence; and, Note 1]~~

~~Section 8—Compatibility Buffer~~

~~The minimum width of a compatibility buffer is five feet. Compatibility buffers shall provide a continuous solid opaque visual screen at least three feet in height composed of hedges or shrubs, either alone or in combination with a wall, fence or berm. Hedges and shrubs shall reach the required height within two years of installation. [Partially relocated to Art. 7.C.2.B.3, Width]~~

~~Section 9—Incompatibility Buffer~~

~~An incompatibility buffer shall be required between all incompatible use types located on adjacent parcels, or incompatible pods in a Planned Development. [Ord. 2009-040] [Ord. 2016-016]~~

~~A.—Determining Incompatibility Buffer Type~~

~~Incompatibility buffers shall be one of the types listed in, Table 7.F.9.A, Required Incompatibility Buffer Types.—The type of incompatibility buffer required shall be the most restrictive buffer type based on the use difference between adjacent uses.—Where required between pods in a PDD, only one incompatibility Buffer shall be required. [Ord. 2016-016] [Partially relocated to Art. 7.C.2.C.2, Types and Width of Incompatibility Buffers]~~

~~Table 7.F.9.A—Required Incompatibility Buffer Types~~

Difference Between Adjacent Uses (1)			
Use Classification	Abutting	Use Classification	Required Buffer Type
Single-Family Residential	↔	Multi-Family, Type II-CLF Commercial	Type 1
Residential	↔	Recreational	Type 2
Residential	↔	Institutional, Public and Civic	Type 2
Residential	↔	Agricultural	Type 3
Residential	↔	Industrial	Type 3
Residential	↔	Utility (2)	Type 3
[Ord. 2008-003] [Ord. 2016-016]			
Notes:			
1. Determination of use classification shall be consistent with Art. 4, Use Regulations.—Where proposed development abuts vacant parcels, use classification shall be based upon Future Land Use (FLU) designation.			
2. Buffer for Minor Utilities or Electric Distribution Substation shall be determined by the DRO. [Ord. 2017-007]			

~~[Relocated to Table 7.C.2.C – Incompatibility Buffer Types]~~

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~~B. Incompatibility Buffer Standards~~

~~1. Landscape Requirements~~

~~An Incompatibility buffer shall consist of a continuous opaque landscape barrier in accordance with Table 7.F.9.B, Incompatibility Buffer Standards. The landscape barrier shall either be a hedge, fence or a wall. Berms may be used in conjunction with fences, walls or hedges to meet total height requirements where permitted by Art. 7.D.9, Berms. [Ord. 2009-040] [Ord. 2016-016] [Partially relocated to Art. 7.C.2.C, Incompatibility]~~

~~Table 7.F.9.B – Incompatibility Buffer Standards~~

Buffer Type	Minimum Width (in feet)	Minimum Landscape Barrier Height (in feet) (1)	Walls Required	Minimum Row of Shrubs	Maximum Tree Spacing (in feet, on center)
Type 1	10	6	No	2	20
Type 2	15	6	No	2	20
Type 3	20	6	Yes (2)	3	20

~~[Ord. 2008-003] [Ord. 2009-040] [Ord. 2016-016]~~

~~Note:~~

~~1. Minimum required landscape barrier height shall be measured on the subject site from the nearest adjacent top of curb (parking lot), nearest adjacent crown of road, or nearest adjacent finished floor elevation.~~

~~2. The wall requirement does not apply where a Type 3 Incompatibility Buffer is required in an AGR PUD in accordance with Art. 3.E.2.F.4.d, Landscape Buffer. [Ord. 2008-003] [Partially relocated to Table 7.C.2.C – Incompatibility buffer Landscape Requirements note #5]~~

~~2. Required Shrub Mix~~

- ~~a. Groundcover is not allowed to substitute for shrubs. [Ord. 2009-040]~~
- ~~b. Type 1 shall have a mix of small and medium shrubs to complete the required rows of shrubs. [Ord. 2009-040] [Ord. 2016-016]~~
- ~~c. Types 2 and 3 shall have a mix of small, medium and large shrubs to complete the required minimum rows of shrubs. [Ord. 2009-040] [Ord. 2016-016]~~
- ~~d. Refer to Table 7.F.7.B, Shrub Planting Requirements. [Ord. 2009-040] [Ord. 2016-016]~~

~~C. Berms~~

~~Landscape berms may be used in conjunction with shrubs, hedges, walls or fences to meet minimum visual screen height requirements.~~

~~Section 10 – Perimeter Buffers with Grade Changes~~

~~The height of a fence, wall or hedge may be increased when located in a perimeter buffer where a retaining wall is used, subject to the following: [Ord. 2016-016] [Relocated to Art. 7.D.5, Landscape Buffers with Grade Changes]~~

~~A. Grade Measurement~~

~~The difference in grade shall be determined by measuring the elevation of the retaining wall and the elevation of the abutting lot at the property line. [Ord. 2016-016] [Relocated to Art. 7.D.5.A, Grade Measurements]~~

~~B. Compatibility Buffer – Maximum Height Increase~~

~~1. Fences~~

~~The height of a fence located on a retaining wall in a Compatibility Buffer may be increased by the difference in grade up to a maximum of four feet, whichever is less, as illustrated in Figure 7.F.10, Height Requirements for Compatibility Buffers with Grade Changes Using Retaining Walls. The fence shall be of the minimum height necessary to comply with Florida Building Code requirements for guardrails. [Ord. 2016-016] [Relocated from Art. 7.D.5.B.1, Fences]~~

~~2. Hedges~~

~~Maximum permitted hedge height abutting a retaining wall may only be increased subject to the requirements of Art. 7.F.10.C, Incompatibility or R-O-W Buffer – Maximum Height. A guardrail shall be installed on the retaining wall if required by Florida Building Code, subject to the height limitations for fences and walls. [Ord. 2016-016] [Relocated from Art. 7.D.5.B.2, Hedges]~~

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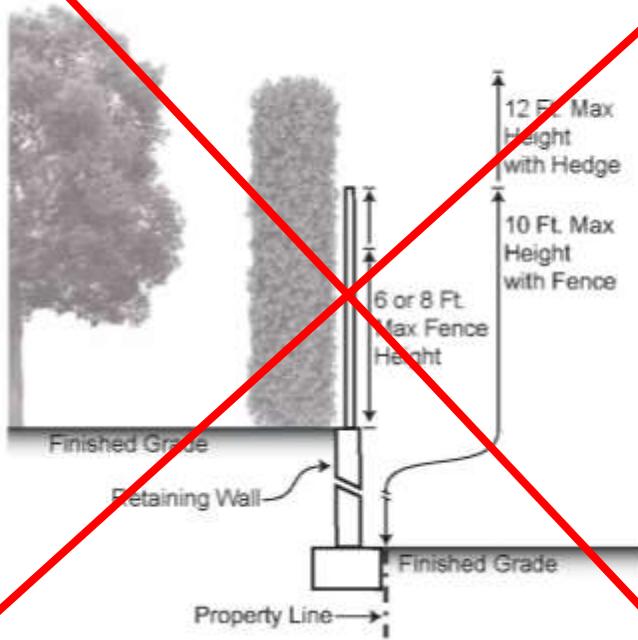
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ARTICLE 7, LANDSCAPING

(Updated 10/18/17)

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Figure 7.F.10.B – Height Requirements for Compatibility Buffers With Grade Changes Using Retaining Walls



[Ord. 20016-016]

[Relocated to Figure 7.D.5.B - Height Requirement for Compatibility Buffers With Grade Changes Using Retaining Walls]

C. Incompatibility or R-O-W Buffer – Maximum Height Increase

The height of a fence, wall or hedge located in an Incompatibility or R-O-W Buffer with a retaining wall may be increased by the difference in grade in accordance with Figure 7.F.10 Height Requirements for Incompatibility or R-O-W Buffers with Grade Changes Using Retaining Walls, and the following: [Ord. 2016-016] [Relocated to Art. 7.D.5.C, Incompatibility or ROW Buffer – Maximum Height Increase]

1. Fences and Walls

The height of a fence or wall located on a retaining wall setback a minimum of ten feet from the outer edge of the perimeter buffer may be increased by the difference in grade, up to a maximum overall height of 14 feet, whichever is less. The fence or wall shall be of the minimum height necessary to comply with Florida Building Code requirements for guardrails, or minimum required landscape barrier height. [Ord. 2016-016] [Relocated to Art. 7.D.5.C.1, Fences and Walls]

2. Hedges

The height of a hedge abutting a retaining wall setback a minimum of ten feet from the outer edge of the perimeter buffer may be increased by the difference in grade, up to a maximum height of 16 feet, whichever is less. A guardrail shall be installed on the retaining wall if required by Florida Building Code, subject to the height limitations for fences and walls. [Ord. 2016-016] [Relocated to Art. 7.D.5.C.2, Hedge]

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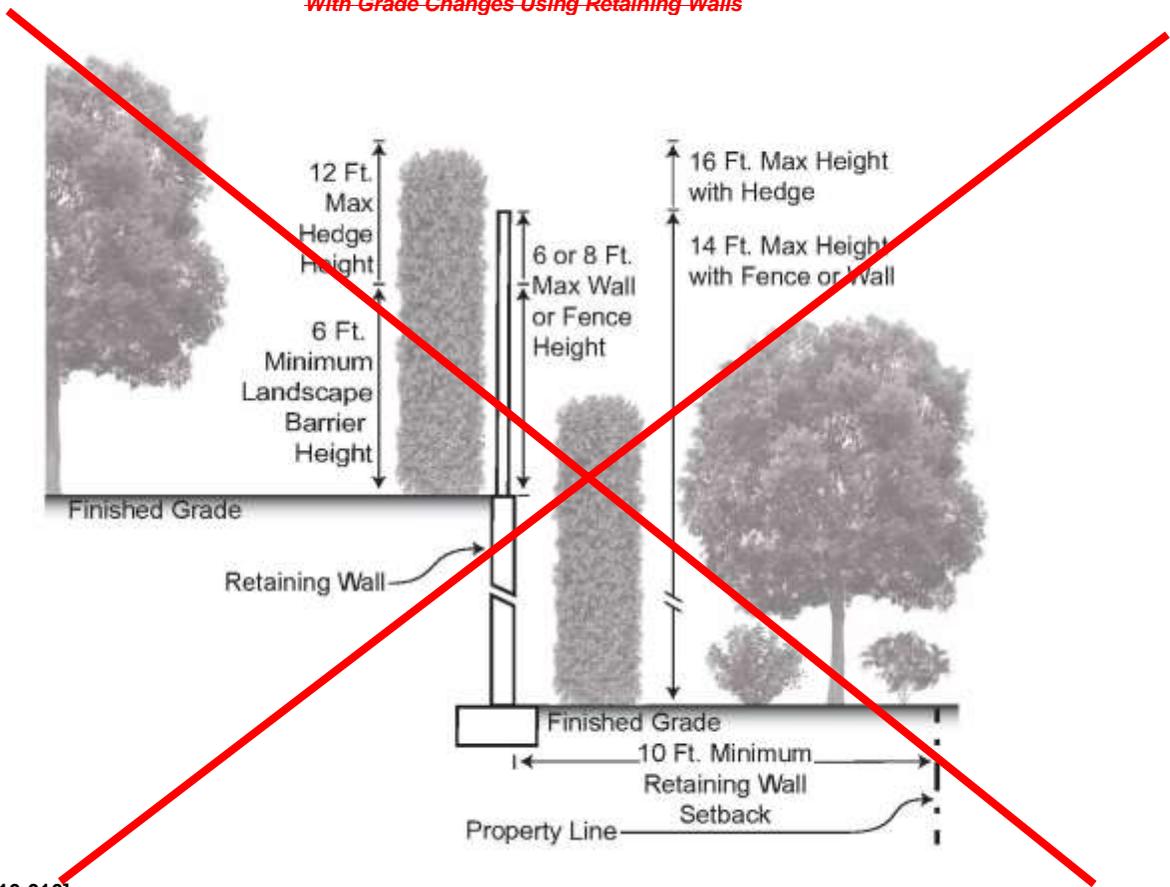
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ARTICLE 7, LANDSCAPING

(Updated 10/18/17)

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Figure 7.F.10.C – Height Requirement for Incompatibility or R-O-W Buffers With Grade Changes Using Retaining Walls



[Ord. 2016-016]

2 [Relocated to Figure 7.D.5.C - Height Requirement for Incompatibility or R-O-W Buffers With Grade
3 Changes Using Retaining Walls]

4

Reason for amendments: [Zoning]

1. ~~Relocate requirements under Art. 7.F.11 to Delete duplication provision as Art. 3.B.14.J, already establishes Landscape Deviations in~~ the Westgate Community Redevelopment Area Overlay.

5 ~~Section 11 – WCRAO Deviations~~

6 ~~Parcels located in the WCRAO may deviate from perimeter landscape requirements pursuant to Art.~~
7 ~~3.B.14.J, WCRAO Landscape Deviations. [Ord. 2010-022] [Ord. 2016-016]~~

8 ~~Section 12 – Large Scale Commercial Development~~ [Relocated to Art. 7.C.7, Large Scale 9 Commercial Development]

10 ~~A. – Perimeter Buffer~~

11 ~~In addition to the requirements of this Code, developments with single tenants 65,000 gross square~~
12 ~~foot or more shall be subject to the following standards: [Ord. 2005 – 002] [Relocated to Art.~~
13 ~~7.C.7.A, Perimeter Buffer]~~

14 ~~1. – R-O-W Buffers~~

15 ~~The width, berm and planting requirements along streets, thoroughfares and/or other means~~
16 ~~of vehicular access shall be upgraded as follows: [Ord. 2005 – 002] [Relocated to Art.~~
17 ~~7.C.7.A.1, R-O-W Buffers]~~

18 ~~a. – U/S Tier~~

19 ~~1) A minimum 25-foot wide buffer. [Ord. 2005 – 002] [Relocated to Art. 7.C.7.A.1.a.1),~~
20 ~~related to U/S Tier]~~

21 ~~2) A three-foot high berm. [Ord. 2005 – 002] [Relocated to Art. 7.C.7.A.1.a.2), related~~
22 ~~to U/S Tier]~~

23 ~~b. – Glades and Rural/Ex Tiers~~

24 ~~1) A minimum 50-foot wide buffer. If a lake/retention area is located along a R-O-W, the~~
25 ~~buffer may be split to border the perimeter of the lake, 25 feet along the street and 25~~
26 ~~feet along the interior side of the lake. [Ord. 2005 – 002] [Relocated to Art.~~
27 ~~7.C.7.A.1.b.1), related to Glades and Rural/Ex Tiers]~~

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EXHIBIT N

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(Updated 10/18/17)

1 ~~2) Required trees, palms and shrubs shall be double the quantities required under Art.~~
2 ~~7.F.2, Trees, Shrubs and Hedges. [Ord. 2005-002]~~ [Relocated to Art. 7.C.7.A.1.b.2),
3 related to Glades and Rural/Ex Tiers]

2. ~~Compatibility Buffers~~

4 ~~The width, berm and planting requirements along property lines adjacent to compatible uses~~
5 ~~shall be upgraded as follows: [Ord. 2005-002]~~ [Relocated to Art. 7.C.7.A.2, Compatibility
6 Buffers]

a. ~~U/S Tier~~

7
8
9 ~~1) A minimum 25 foot wide buffer. [Ord. 2005-002]~~ [Relocated to Art. 7.C.7.A.2.a,
10 related to U/S Tier]

11 ~~2) A three foot high berm. [Ord. 2005-002]~~ [Relocated to Art. 7.C.7.A.2.a, related to
12 U/S Tier]

b. ~~Glades and Rural/Ex Tiers~~

13
14 ~~1) A minimum 50 foot wide buffer. [Ord. 2005-002]~~ [Relocated to Art. 7.C.7.A.2.b.1),
15 related to Glades and Rural/Exurban Tiers]

16 ~~2) Required trees, palms and shrubs shall be double the quantities required under Art.~~
17 ~~7.F.2, Trees, Shrubs and Hedges. [Ord. 2005-002]~~ [Relocated to Art. 7.C.7.A.2.b.2),
18 related to Glades and Rural/Exurban Tiers]

3. ~~Incompatibility Buffers~~

19
20 ~~The width, berm and planting requirements along property lines adjacent to residential and~~
21 ~~other incompatible uses, and vacant properties with a residential FLU designation, shall be~~
22 ~~upgraded as follows: [Ord. 2005-002]~~ [Relocated to Art. 7.C.7.A.3, , Incompatibility
23 Buffers]

a. ~~U/S Tier~~

24
25 ~~1) A minimum 50 foot wide buffer. [Ord. 2005-002]~~ [Relocated to Art. 7.C.7.A.3.a.1),
26 related to U/S Tier]

27 ~~2) A four foot high berm. [Ord. 2005-002]~~ [Relocated to Art. 7.C.7.A.2.a.2), related to
28 U/S Tier]

29 ~~3) Required trees, palms and shrubs shall be double the quantities required under Art.~~
30 ~~7.F.2, Trees, Shrubs and Hedges. [Ord. 2005-002]~~ [Relocated to Art. 7.C.7.A.2.a.3),
31 related to U/S Tier]

b. ~~Glades and Rural/Ex Tiers~~

32
33 ~~1) A minimum 50 foot wide buffer. [Ord. 2005-002]~~ [Relocated to Art. 7.C.7.A.3.b.1),
34 related to Glades and Rural/Exurban Tiers]

35 ~~2) Required trees, palms and shrubs shall be double the quantities required under Art.~~
36 ~~7.F.2, Trees, Shrubs and Hedges. [Ord. 2005-002]~~ [Relocated to Art. 7.C.7.A.3.b.2),
37 related to Glades and Rural/Exurban Tiers]

4. ~~Encroachment~~

38
39 ~~No easement encroachment shall be permitted in required perimeter buffers, except for~~
40 ~~bisecting utility easements and required safe sight distance easements not to exceed a~~
41 ~~maximum of fifty percent of the required buffer width. [Ord. 2005-002]~~ [Relocated to Art.
42 7.C.7.C, Encroachment]

5. ~~Perimeter Sidewalk~~

43
44 ~~A perimeter sidewalk a minimum of shall be required in all R-O-W buffers 50 feet in width, and~~
45 ~~shall meander through the buffer. [Ord. 2005-002]~~ [Relocated to Art. 7.C.7.D, Perimeter
46 Sidewalk]

6. ~~Berm~~

47
48 ~~Berms shall be staggered, rolling or offset, as indicated in Figure 7.F.11.A, Typical Example of~~
49 ~~Staggered, Rolling or Offset Berm. [Ord. 2005-002]~~ [Relocated to Art. 7.C.7.E, Berm]

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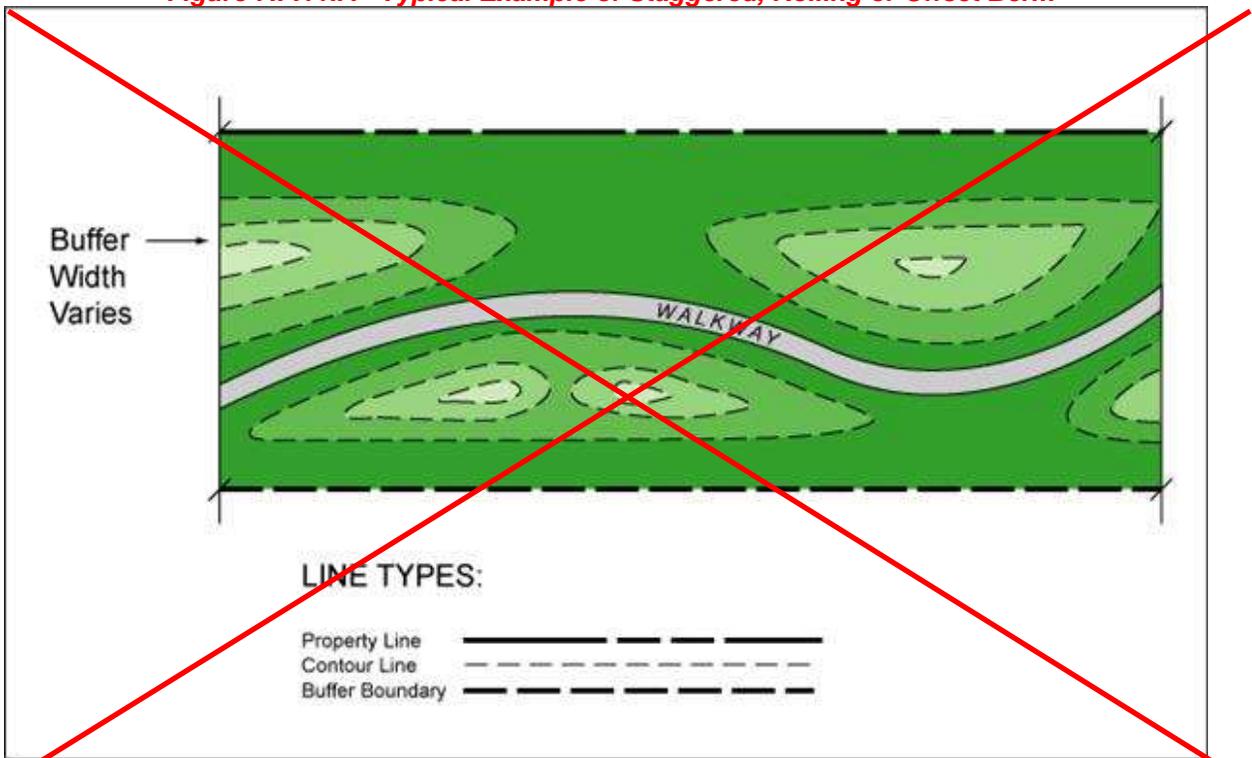
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(Updated 10/18/17)

~~Figure 7.F.11.A – Typical Example of Staggered, Rolling or Offset Berm~~



~~[Ord. 2005-002]~~

~~CHAPTER G – OFF-STREET PARKING REQUIREMENTS~~

~~Off-street parking and interior vehicular use areas shall be subject to the following landscaping requirements. Planting within perimeter buffers required by Article 7.F, PERIMETER BUFFER LANDSCAPE REQUIREMENTS, shall not be used to satisfy these requirements. [Partially relocated to Art. 7.C.4, Landscaping Requirements for Off-Street Parking]~~

~~Section 1 – Trees~~

~~A minimum of 75 percent of all trees required in the interior of vehicular use areas shall be canopy trees. Palms may count as one required tree, not to exceed 25 percent of the total required trees. [Relocated to Art. 7.C.4, Landscape Island and Divider Median – Planting and Dimensional Requirements]~~

~~Section 2 – Landscape Islands~~

~~A. Terminal Islands~~

~~Each row of parking spaces in excess of three spaces, or four spaces in industrial zoning districts, shall be terminated by a landscape island. Terminal islands shall have a minimum length of 15 feet and include a minimum of one tree per island. The minimum width of terminal islands, exclusive of sidewalks or utilities, shall be subject to the standards in Figure 7.G.2.A, Terminal and Interior Landscape Islands. For non-residential planned development, terminal islands facing major internal driveways shall be landscaped on both sides with a minimum two foot high continuous opaque hedge for a minimum of 60 percent of the island length. Terminal islands shall not overlap perimeter or other required buffers.~~

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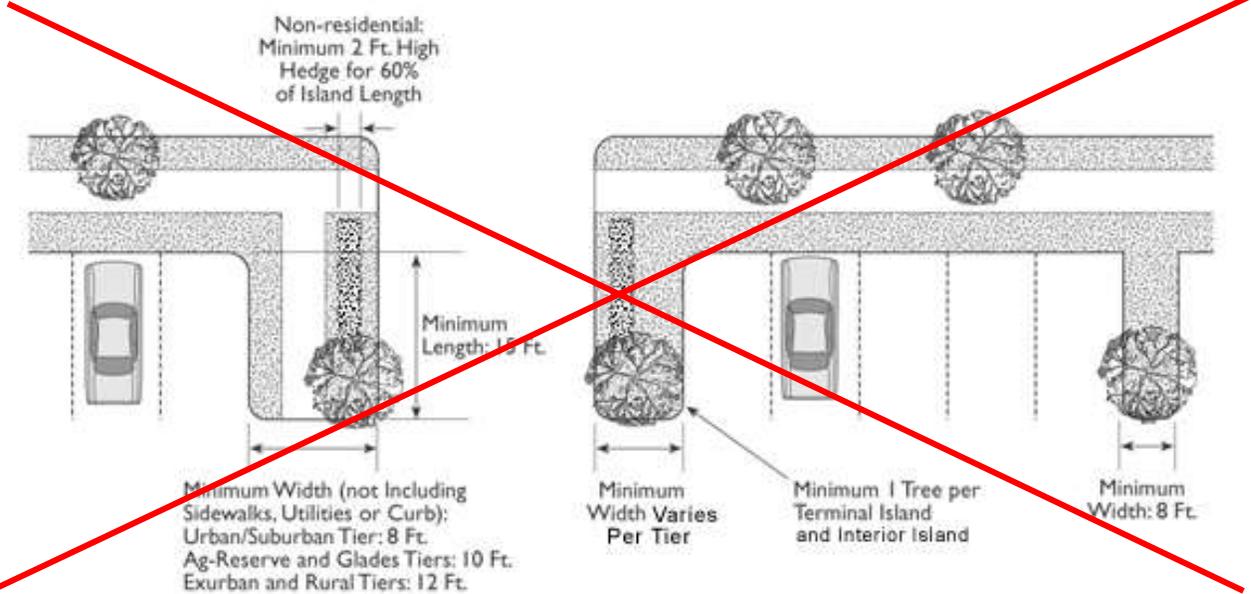
EXHIBIT N

ARTICLE 7, LANDSCAPING

(Updated 10/18/17)

1

~~Figure 7.G.2.A – Terminal and Interior Landscape Islands~~



2 [Relocated to Figure 7.C.4, Landscape Islands]

3 ~~B. Interior Islands~~

4 ~~Interior landscape islands shall have a minimum length of 15 feet and a minimum width of eight~~
5 ~~feet landscape area. If an interior island includes a sidewalk or utilities, the minimum width shall~~
6 ~~increase by the minimum amount necessary to meet the needs of the utility providers or sidewalk.~~
7 ~~Interior islands shall contain one tree and appropriate ground coverage.~~

8 ~~1. Maximum Spacing~~

9 ~~a. U/S Tier~~

10 ~~One per ten spaces (maximum 100 feet apart).~~ [Relocated to Art. 7.C.4.A.1.a, U/S Tier]

11 ~~b. AGR and Glades Tiers~~

12 ~~One per eight spaces (maximum 80 feet apart).~~ [Relocated to Art. 7.C.4.A.1.b, AGR and

13 ~~c. Rural and Exurban Tiers~~

14 ~~One per six spaces (maximum 60 feet apart).~~ [Relocated from Art. 7.C.4.A.1.c, Rural

15 ~~and Exurban Tiers]~~

16 ~~C. Divider Median~~

17 ~~Divider medians with a minimum width of eight feet shall be required for parking lots with at least~~
18 ~~two or more vehicular parking aisles in the U/S, AGR, and Glades Tiers. Divider medians shall be~~
19 ~~installed between every third row of parking and between all parking/vehicular use areas. Divider~~
20 ~~medians shall contain a minimum of one canopy tree for every 30 linear feet with a maximum~~
21 ~~spacing of 30 feet on center, shrubs with a minimum height of three feet and a maximum spacing~~
22 ~~of 30 inches, and appropriate ground coverage.~~

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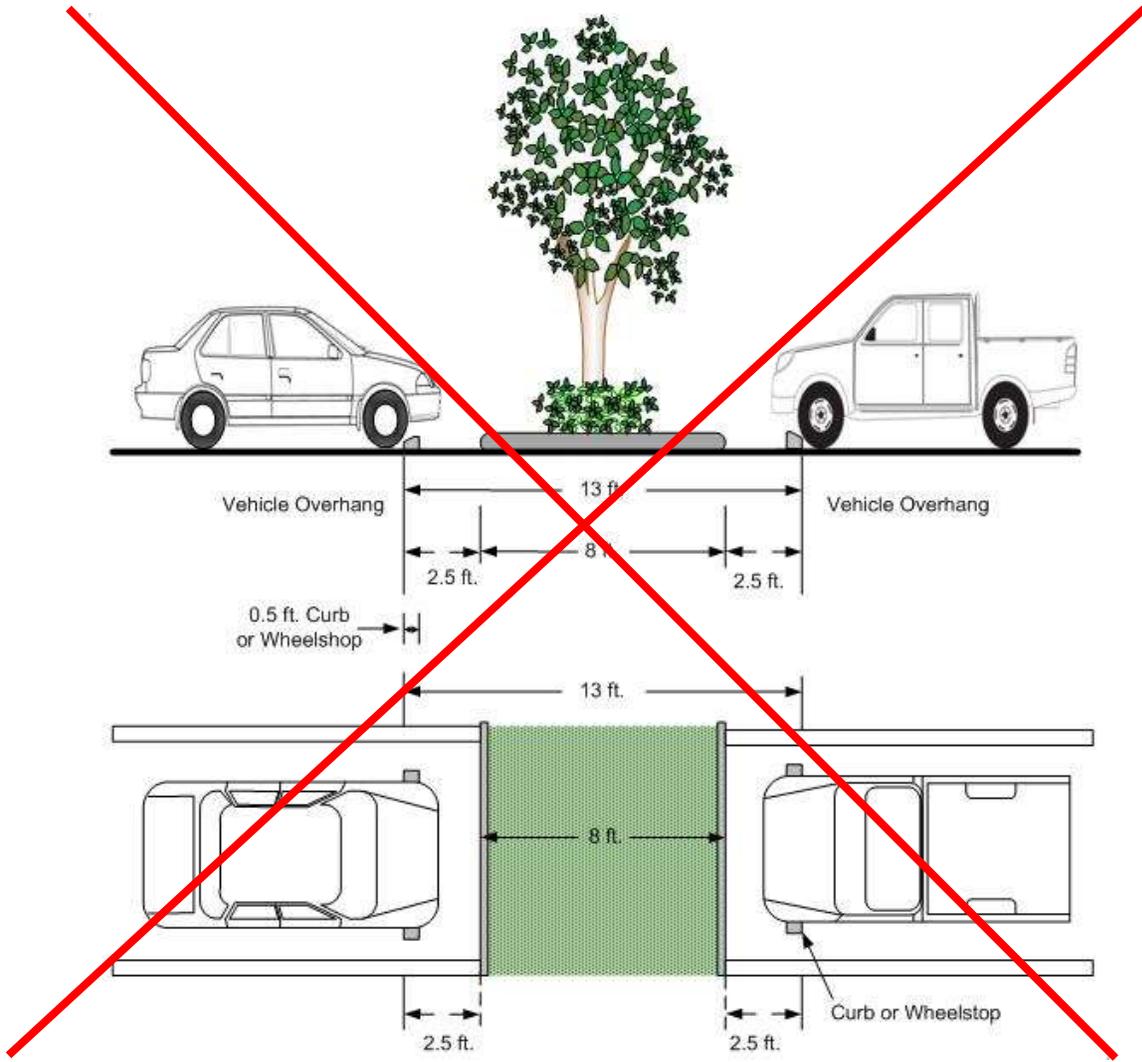
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~~Figure 7.G.2.C – Divider Median Requirements~~



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~~[Ord. 2015-031]~~
[Relocated to Figure 7.C.4.B – Divider Median Requirements]

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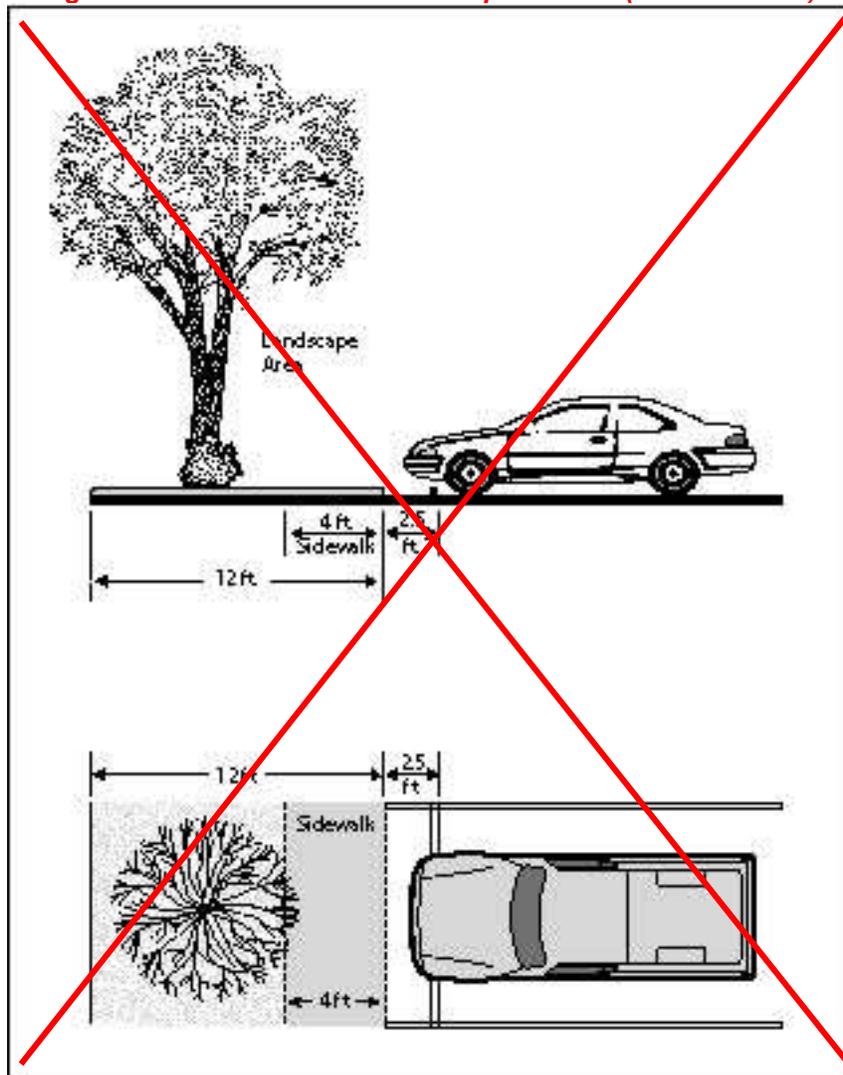
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(Updated 10/18/17)

~~Figure 7.G.2.C – Divider Median Requirements (with Sidewalk)~~



[Partially relocated to Figure 7.C.4.B – Divider Median Requirements (with sidewalk)]

~~D. Landscape Diamonds~~

~~Landscape diamonds containing one tree and appropriate ground cover may be distributed throughout the interior of an off-street parking area as an alternative to median islands. Grade-level tree planting areas shall be located only at the common intersection of four parking spaces and spaced a maximum of four parking spaces apart. The minimum tree planting area shall be 25 square feet with minimum dimension of five feet by five feet. [Relocated to Art. 7.C.4.C, Landscape Diamond Detail]~~

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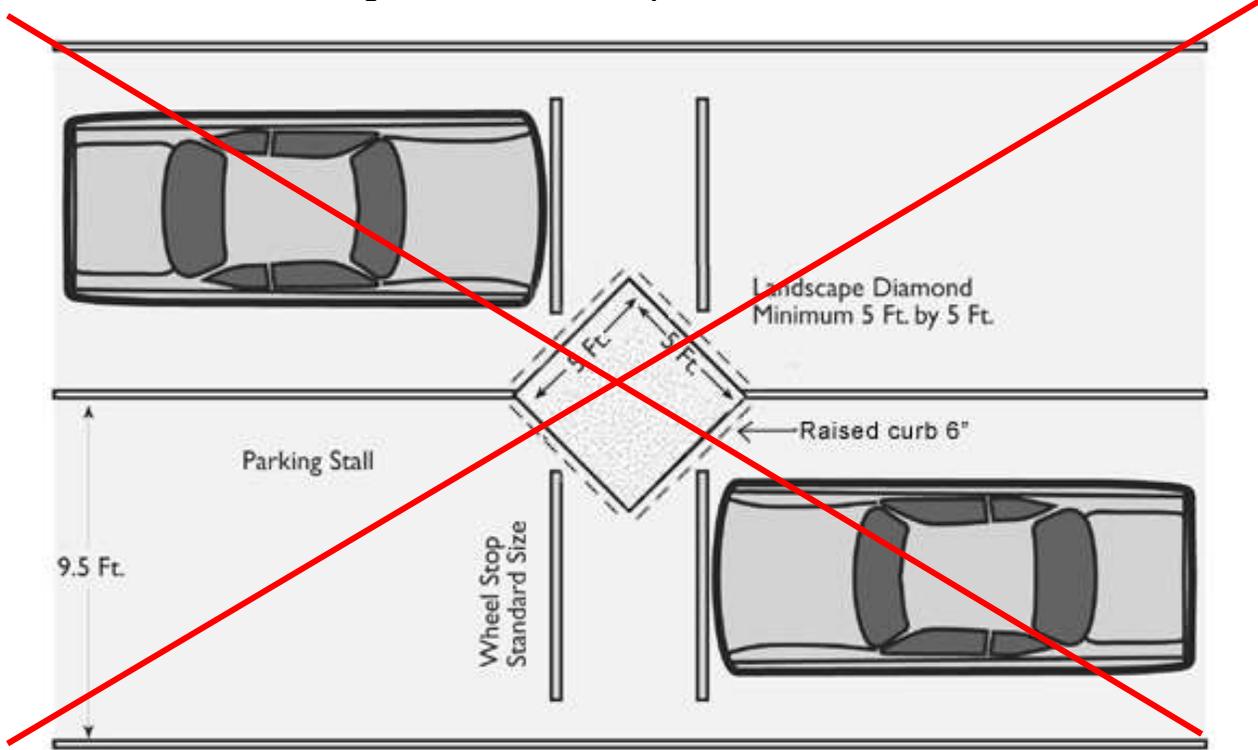
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Figure 7.G.2.D - Landscape Diamond Detail



A raised curb is required around the entire landscape diamond when wheel stops are not used

1 [Partially relocated to Figure 7.C.4.C – Landscape Diamond Detail]

2 **~~E. Landscape Protection Measures~~**

3 ~~The landscape area adjacent to any off-street parking space or vehicular use area shall be~~
4 ~~protected from vehicular encroachment by the use of wheel stops or continuous concrete curbing.~~
5 ~~Alternative protection may be allowed in the AGR, Exurban, Glades and Rural Tiers by the Zoning~~
6 ~~Division. [Partially relocated to Art. 7.C.4.E, Landscape Protection Measures]~~

7 **~~1. Curbing~~**

8 ~~All landscape areas subject to vehicular encroachment shall be separated from vehicular use~~
9 ~~areas by six-inch, non-mountable, FDOT-type “D” or FDOT-type “F”, concrete curbing. Curbing~~
10 ~~shall be machine-laid, formed-in-place or integrally installed with the pavement. Landscaped~~
11 ~~areas adjacent to vehicular use areas shall be surrounded with a continuous raised curb. [Ord.~~
12 ~~2010-022] [Relocated to Art. 7.C.4.E.1, Curbing]~~

13 **~~a. Exemptions~~**

- 14 1) ~~Divider medians that abut parking spaces with wheel stops; or, [Ord. 2010-~~
15 ~~022] [Relocated to Art. 7.C.4.E.1.a.1), related to Curbing Exemptions]~~
16 2) ~~Properties located in the AGR, AP, or AR zoning districts that support bona fide~~
17 ~~agricultural uses. [Ord. 2010-022] [Relocated to Art. 7.C.4.E.1.a.2), related to~~
18 ~~Curbing Exemptions]~~

19 **~~b. Alternative~~**

- 20 1) ~~For properties located in the PO zoning district, alternative landscape protection~~
21 ~~measures may be allowed when it can be demonstrated to the Zoning Director that the~~
22 ~~curbing will interfere with the traffic circulation of the proposed use. [Ord. 2010-022]~~
23 ~~[Relocated to Art. 7.C.4.E.3, Alternative Landscape Protection]~~

24 ~~c. Properties located in the AGR, AP, AR, and PO zoning districts. [Partially relocated to~~
25 ~~Art. 7.C.4.E.2.a and b, related to Alternative to Curbing]~~

26 ~~d. Alternative landscape protection measures approved by the Zoning Division.~~

27 **~~2. Wheel Stops~~**

28 ~~Wheel stops shall have a minimum height of six inches above the finished grade of the parking~~
29 ~~area, properly anchored, and continuously maintained in good condition. The space between~~
30 ~~the wheel stop and the front end of the parking space may be paved for anchoring and~~
31 ~~maintenance purposes. Wheel stop anchor rods shall be set through the wheelstop and the~~
32 ~~pavement. The bottom of the wheel stop must rest fully on the pavement to prevent rocking.~~
33 ~~Public parks in the PO District that are exempt from curbing requirements shall also be exempt~~
34 ~~from wheel stop requirements. [Ord. 2006-004] [Relocated from Art. 7.C.4.E.4, Wheel~~
35 ~~Stops]~~

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F. ~~Parking Structures~~

~~Perimeter planters shall be provided along the exterior of parking structures located within 500 feet of a public R-O-W or residential zoning district. Planters shall provide a total of one-half square foot of planting area for each linear foot of facade per parking level. Planting areas may be arranged in linear fashion or clustered at intervals or on levels, and shall be provided with permanent irrigation to permit watering of plant materials. The perimeter planter requirement may be altered if in conflict with the architectural character of the structure, subject to approval of an ALP. [Relocated to Art. 7.C.4.F, Parking Structures]~~

Part 7. ULDC Art. 7.H, ENFORCEMENT (page 46-47 of 49), are hereby amended as follows:

Reason for amendments: [Zoning]
1. Relocate Chapter H to the new Chapter G. 2) Relocate Art.H.2, Administration to the new Chapter B, which contains all the approval processes.
2. Increase the violation fees from triple to quadruple the amount to be consistent with the Building permit Violation fees.
3. Add reference to the Tree Credit and Replacement Table and Landscape Standards that can be found in Chapters D and E.

CHAPTER ~~HG~~ ENFORCEMENT

Section 1 Temporary Suspension of Landscape Standards

The Executive Director of PZB may temporarily suspend the standards of this Article and establish timeframes and guidelines to replace destroyed or damaged landscape material through a Departmental PPM in the following situations: a hurricane; a freeze resulting in unavailability of landscape materials; a period of drought resulting in restrictions on water usage imposed by a governmental authority; or a similar event. [Ord. 2005-041]

A. Performance Surety

If the landscape standards of this Article are suspended pursuant to this Article, the property owner may enter into an agreement with PBC to allow issuance of the permit or CO or Certificate of Completion provided the property owner includes as part of this agreement adequate guarantee or surety that the terms of this Article will be met after the suspension period has been lifted. The guarantee shall consist of a performance bond or other surety agreement approved by the County Attorney in an amount equal to 110 percent of the direct costs of materials and labor and other costs incidental to the installation of the required landscaping completion agreement. Performance bonds or other guarantees required pursuant to this subsection shall name PBC as a beneficiary and specify the time-frame for the completion of the landscape standards of this Article. [Ord. 2005-041]

B. Application Requirements

An application for a temporary suspension of landscape standards shall be accompanied by a landscape plan identifying the plantings that have been postponed, the proposed planting schedule, and the costs of the suspended planting. Planting cost estimates may be independently verified by PBC.

~~Section 2 Administration~~

~~A. Landscape Permit~~

~~Landscape Plan applications for review shall be submitted in compliance with the provisions of this Chapter. When all requirements are satisfied, the appropriate staff shall issue a Landscape Permit that shall reference the approved Landscape Plan associated with the permit in addition to any necessary inspections, conditions and maintenance obligations. The Permit shall be maintained on site until the final landscape inspection is signed off by the PBC Inspector. A copy of the landscape permit shall be maintained in the associated official Building Permit record, as well as the Zoning Division file. [Ord. 2009-040] [Partially relocated to Art. 7.B.3.B, Review of Landscape Plans and Art. 7.B.3.C, Issuance of Landscape Plans]~~

~~B. Field Inspections~~

~~Unless otherwise provided in this Article, all development subject to this Article may be inspected by PZB prior to and after installation of required landscaping. Required landscaping shall be approved by PZB prior to the issuance of a paving permit, CO, or Certificate of Completion, whichever occurs first. Partially relocated to Art. 7.B.3.D, Landscape Inspections]~~

~~1. Types of Landscape Inspection~~

~~a. Preliminary Inspection — required to verify existing grades, vegetation and necessary site preparation has been completed prior to any plant material being installed on the site to~~

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(Updated 10/18/17)

~~comply with the Landscape Permit; [Ord. 2009-040] [Relocated to Art. 7.B.3.D.1,a, related to Types of Landscape Inspection]~~

~~b. Final Inspection required as part of the typical building permit process to ensure landscape material, irrigation and conditions of approval on a development order are in compliance prior to final sign off that the landscape is completed and installed in accordance to the Landscape Permit. [Ord. 2009-040] [Relocated to Art. 7.B.3.D.1,b, related to Types of Landscape Inspection]~~

~~c. Annual Inspection scheduled on the one year anniversary date from the date of the Final Inspection noted on the Landscape Permit. Inspection shall be performed to ensure all landscape and irrigation continually complies with the Landscape Permit. If material or irrigation is missing, dead or damaged the property owner shall be provided with a Notice to Correct, pursuant to Article 10, ENFORCEMENT. [Ord. 2009-040] [Relocated to Art. 7.B.3.D.1,c, related to Types of Landscape Inspection]~~

~~d. Monitoring Inspection performed to respond to complaint of missing or damaged plant material or changes to the landscape not approved in accordance with the Landscape Permit. [Ord. 2009-040] [Relocated to Art. 7.B.3.D.1,d, related to Types of Landscape Inspection]~~

~~C. Certification of Compliance~~

~~In addition to Final Inspection and certification by PZB, the land owner shall submit a Certificate of Compliance, in a form approved by the Zoning Director, to the County Landscape Section as a condition of issuance of a CO or Certificate of Completion. This certificate shall be prepared and signed by a landscape architect licensed by the State of Florida and demonstrate that all of the provisions of this Article have been met. The certification statement, included in Art. 7, LANDSCAPING, as Appendix C, Certification of Compliance, shall be made part of the documentation in the official building permit file. [Ord. 2009-040] [Partially relocated to Art. 7.B.3.E, Certification of Compliance]~~

~~1. Field Verification of Certification~~

~~PZB may elect to conduct a field inspection to verify the Certificate of Compliance. [Relocated to Art. 7.B.3.E.1, Field Verification of Certification]~~

~~2. Acceptance of Certification~~

~~If no field verification is conducted by PZB within 30 days, the Certificate of Compliance shall be deemed to have been accepted provided it is complete with all the required information. Upon acceptance, the Certificate of Compliance shall be filed and maintained with the official records of the development. [Relocated to Art. 7.B.3.E.2, Acceptance Certification]~~

Section 32 Enforcement

Failure to install or maintain landscaping according to the terms of this Article or any approved plan or permit shall constitute a violation of this Article. PZB may issue a Cease and Desist Order or withhold a CO or Certification of Completion until the provisions of this Article have been met. In the alternative, PZB may refer any violation of this Article to Code Enforcement for corrective action or penalties set forth in Article 10, Enforcement.

A. Fines

Violations of the provisions of this Section shall be subject to the following fines or requirements:

- Such fines, site improvements and replacement landscaping as may be required by Article 10, Code Enforcement, or the PBC Code Enforcement Citation Ordinance. [Ord. 2005 – 002]
- Such fines and imprisonment as provided for in F.S. §125.69; or
- A ~~triple~~ quadruple permit fee for removal of trees without a valid tree removal and replacement permit.

B. Violations

The following deficiencies shall be considered a separate and continuing violation of this Article:

- Each tree or shrub that is not properly installed or properly maintained on site as required by this Section;
- Each day in which landscaping is not properly installed or properly maintained on site as required by this Section or by the order of the Special Magistrate; and
- Each tree removed without a permit.

C. Additional Sanctions

PBC may take any appropriate legal action, including, but not limited to requiring replacement of landscape material which has been hatracked, damaged and rendered unable to achieve its natural and intended form, administrative action, requests for temporary and permanent injunctions, and other sanctions to enforce the provisions of this Section. [Ord. 2005-002]

1. Replacement of Landscaping

- Canopy trees shall be replaced pursuant to Art. 7.E.3.C, Tree Credit and Replacement.
- Any other landscape materials shall be replaced pursuant to Art. 7.D, Landscape Standards.

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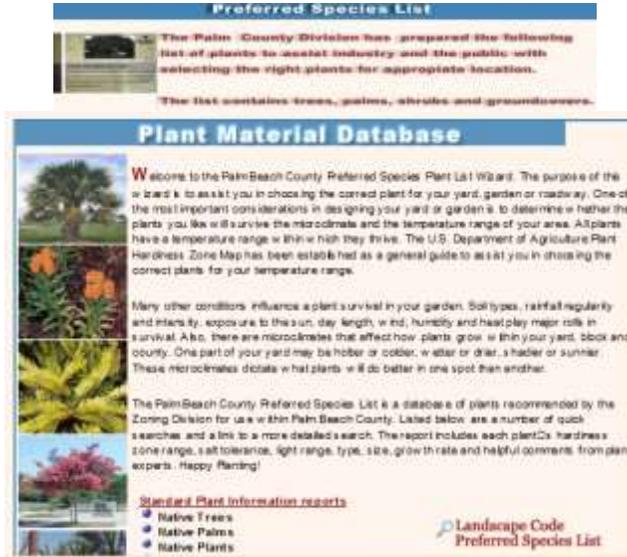
ARTICLE 7, LANDSCAPING

(Updated 10/18/17)

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APPENDIX A – PBCS Preferred Species List, as amended

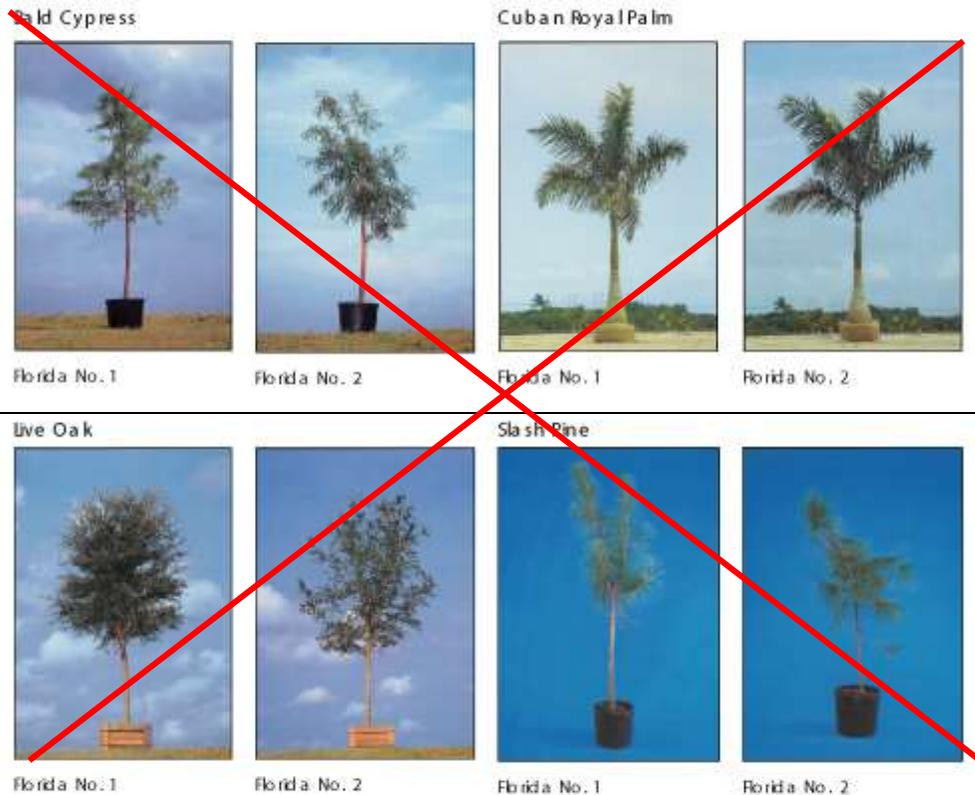
PBCs Preferred Species List available at PZB Zoning Division or on-line at PBC PZB Web Page at: http://www.pbcgov.com/epzbcommon/asp_html/epzbgateway.aspx?ReferrerID=einfo&FROM=EZ&TargetMenuItem=Plant%20Material%20Database



APPENDIX B – Examples of Florida Number 1 Quality Plants

The following two pages include photographic examples of Florida Number 1 and Florida Number 2 for selected plant types from the 1998 Edition of the "Grades and Standards for Nursery Plants, Parts I and II", prepared by the State of Florida Department of Agriculture and Consumer Services. Plants installed pursuant to this Section shall conform to or exceed the minimum standards for Florida Number 1.

~~Figure 7.A.1.N – Examples of Florida's Quality Plants~~



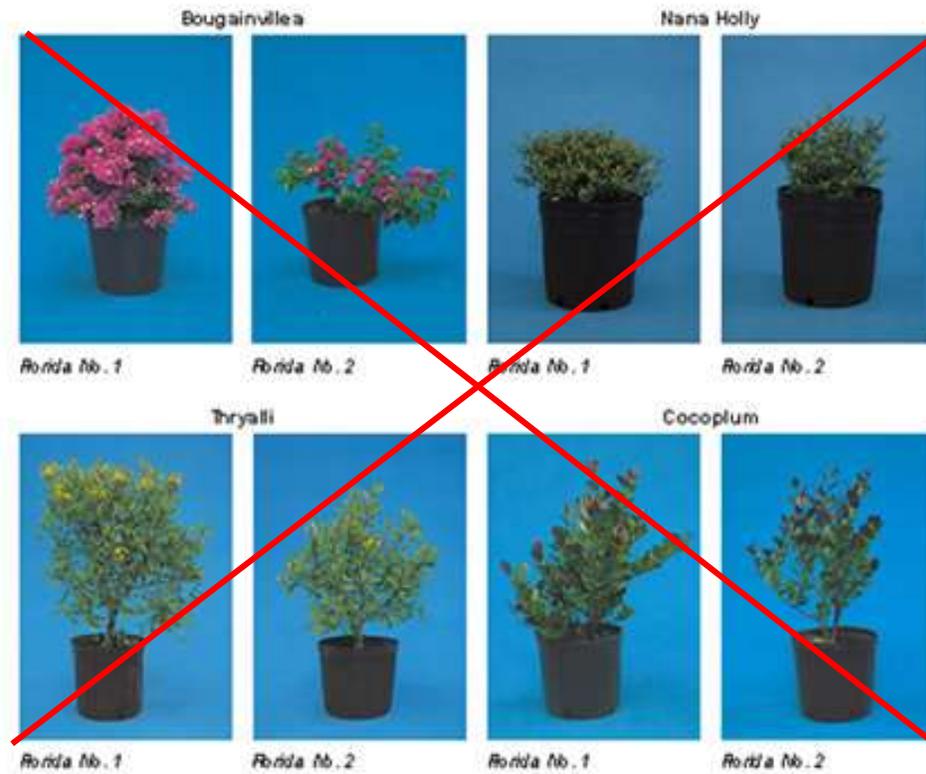
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ARTICLE 7, LANDSCAPING

(Updated 10/18/17)



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Appendix ~~CB~~ – Certification of Compliance

The following certification statement must appear on the Certification of Compliance required by Art. ~~7.3.H.2.B~~ 7.B.3.E, *Certification of Compliance*.

I HEREBY NOTIFY THE PALM BEACH COUNTY DEPARTMENT OF PLANNING, ZONING, AND BUILDING OF THE COMPLETION OF THE INSTALLATION OF LANDSCAPING FOR THE REFERENCED PROJECT AND CERTIFY THAT THE INSTALLATION OF PLANT MATERIAL AND IRRIGATION COVERAGE ARE IN SUBSTANTIAL CONFORMANCE WITH THE PLANS AND SPECIFICATIONS PERMITTED BY THE COUNTY. (A COPY OF THE APPROVED PROJECT DRAWINGS IS ATTACHED, WITH DEVIATIONS, IF APPLICABLE). SEAL, THIS DAY OF _____, 20__.

Signature and seal: _____ Date: _____

Name: _____

Registration Number: _____

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EXHIBIT N

ARTICLE 7, LANDSCAPING

(Updated 10/18/17)

1
2 Part 8. ULDC Art. 1.1.2, (page 56, 77 and 85 of 110), is hereby amended as follows:
3

Reason for amendments: [Zoning]
1. Clarify front facades for the purposes of applying architectural features and treatments per Article 5.C Design Guidelines, and Art. 7.C.3.B, Foundation Planting. The main entrance of a building may not be located on the same facade where the building fronts on a street.
2. Art. 7.C, Interior Landscaping has been amended to allow calculation of planting based on pervious surface, this is in addition of the landscape buffers, foundation planting and landscape islands.

4
5 **CHAPTER I DEFINITIONS & ACRONYMS**

6 **Section 2 Definitions**

7
8 F. Terms defined herein or referenced Article shall have the following meanings:
9

10 **52. Front Facade –**

- 11 a. For the purposes of Art. 3, the wall of a building parallel with and facing a frontage line.
12 b. For the purposes of Art. 5.C, Design Guidelines and Art. 7.C.3.B, Foundation Planting, the
13 main pedestrian entrance of a building or structure shall be designated as the front façade.

14
15 P. Terms defined herein or referenced Article shall have the following meanings:
16

17 **36. Pervious Surface –**

- 18 a. ground cover through which water can penetrate at a rate comparable to that of water
19 through undisturbed soils.
20 b. For the purposes of Art. 7, Landscaping, pervious surface is the area that can be utilized
21 for planting that is covered by permeable material.
22

23
24
25 Part 9. ULDC Art. 2.D.1.G.2.c.3.), Administrative Process (page 41 of 87), is hereby amended as
26 follows:
27

Reason for amendments: [Zoning]
1. Replace terminal and interior islands with Landscape islands.

28 **CHAPTER D ADMINISTRATIVE PROCESS**

29 **Section 1 Development Review Officer (DRO)**

30 **G. Modifications to Prior Development Orders**

31 **2. Administrative Modifications**
32 **c. Zoning Review**

- 33
34 3) Relocation of ~~terminal landscape~~ islands to accommodate trees or utility lines; [Ord.
35 2008-003]
36
37

38 Part 10. ULDC Art. 3.B, OVERLAYS (page 85 of 216), is hereby amended as follows:
39

Reason for amendments: [Zoning]
1. Replace terminal and interior islands with Landscape islands for all the Overlays.
2. Add Safe sight distance to the WCRAO.
3. Relocate landscaping modifications from Art. 7, Landscaping to Art.3.B.14, WCRAO.

40
41 **CHAPTER B OVERLAYS**

42
43 **Section 4 GAO, Glades Area Overlay**

44
45 **F. Planned Industrial Park Development (PIPD)**

46 **1. Development Standard Exceptions**

Notes:

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EXHIBIT N

ARTICLE 7, LANDSCAPING

(Updated 10/18/17)

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....
f. Landscaping in Industrial Pods

1) Foundation Planting

Industrial buildings visible from a public street or residential zoning district may be exempt from the foundation planting requirements of Art. 7. ~~D.14~~ C.3.B, Foundation Plantings if the adjacent perimeter ROW or incompatibility buffer is increased in width by eight feet and the foundation planting requirements are relocated to the buffer. For those parcels that use this exemption, only that portion of the building facade with the main public and employee entrances, and extending along the facade a minimum of 100 feet in each direction from each entrance, including around corners unless interfering with a loading area/space/dock/bay, are subject to the provisions. If the distance between foundation planting treatments is less than 10 percent of the overall length of the building facade, the treatment shall be extended. If the Architectural Review exemption in Art. 3.B.4.F.1.d, Architectural Review is utilized, the additional buffer width and planting is not required to utilize the Foundation Planting exemption. **[Ord. 2014-025]**

2) Interior Landscaping Exceptions

b) Interior Vehicular Use Areas not used for parking of passenger vehicles are not required to provide ~~terminal or interior~~ landscape islands. **[Ord. 2014-025]**

Section 14 WCRAO, Westgate Community Redevelopment Area Overlay

....
F. Property Development Regulations (PDRs)

2. Build to Line and Frontages

a. Build to Line

The build to line may be adjusted by the DRO , or at Building Permit review for projects Permitted by Right, to accommodate requirements such as, increased R-O-W buffers due to location of existing utility easements, or required safe sight distance or corner clips. The first three floors of all main structures, excluding parking garages, shall be constructed at the build to line, unless specified otherwise. An additional ten or 12 foot setback is permitted where a gallery is used in lieu of an arcade. Up to 25 percent of the building frontage or footprint that is required to be on the build to line may be either setback or projected beyond the build to line to accommodate requirements for balconies, stoops, porches, or other architectural features designed to enhance the pedestrian streetscape environment, provided that ground floor improvements do not conflict with the placement of street trees. Recesses and projections of the building façade up to a maximum of three feet shall be permitted. Maximum encroachments for balconies, and entryways shall comply with Table 3.B.14.G – WCRAO Supplementary Standards by Sub-Area. **[Ord. 2006-004] [Ord. 2011-001]**

....
G. Supplementary Standards

In addition to the requirements of Art. 5, Supplementary Standards, and Table 3.B.14.G, WCRAO Supplementary Standards by Sub-Area, the following shall apply: **[Ord. 2006-004]**

Table 3.B.14.G - WCRAO Supplementary Standards by Sub-Area

Sub-areas	NR	NRM	NG	NC	UG	UH	UI
....							
Landscaping:							
See <u>Article 7, Art.3.B.14.J, WCRAO Landscaping Modifications</u> <u>Landscaping for provisions</u> allowing for reduction in Perimeter and foundation planting requirements.							
Min. Pervious Surface Area	-	20%	20%	20%	-	-	-
....							

J. WCRAO Landscape ~~Deviations~~ Modifications

1. Foundation Planting

....
b. Foundation Planting Deviations

The following deviations modifications shall be permitted subject to DRO approval of an ALP: **[Ord. 2010-022]**

....
2. Perimeter Buffer Width Reductions

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EXHIBIT N

ARTICLE 7, LANDSCAPING

(Updated 10/18/17)

1 A required R-O-W or ~~incompatibility~~ Incompatibility buffer width may be reduced by up to 50
2 percent in the NRM, NG, NC, UG and UI Sub-areas for commercial or mixed use projects,
3 provided that a minimum five foot wide planting areas is provided with no encroachments, and
4 that all other code requirements are met, unless indicated otherwise. A side interior perimeter
5 buffer shall not be required when a zero side setback is used. [Ord. 2010-022]

6 3. R-O-W Planting Reductions

7 Shrubs and hedges shall not be required for any R-O-W buffer along the Westgate Avenue
8 corridor from Congress Avenue to the L-10 Canal, provided that required trees are planted 20
9 feet on center. This provision may also be used along the frontage of any mixed use project in
10 the NRM, NC, NG and UG Sub-areas. [Ord. 2010-022]

11 a. Clustering

12 *In the WCRAO, clustering is not permitted in conjunction with the R-O-W buffer in the NRM,*
13 *NG, and NC Sub-areas. [Ord. 2006-004] [Relocated from Art. 7.F.7.D.6, Clustering]*
14

15 Section 15 INFILL REDEVELOPMENT OVERLAY (IRO)

16 F. Design and Development Standards

17 **Table 3.B.15.F - Block Building Configuration PDRs**

18
Notes:
1. Required maximum build to line may be increased, where necessary, to accommodate utility easements, landscape buffer, slip street, safe sight lines distance , corner clips, or other similar need as may be required by the County Engineer. [Ord. 2010-005]

19 **Table 3.B.15.F - Liner Building Configuration PDRs**

20
Notes
1. Required maximum build to line may be increased, where necessary, to accommodate utility easements, landscape buffer, slip street, safe sight lines distance , corner clips, or other similar need as may be required by the County Engineer. [Ord. 2010-005]

21 **Table 3.B.15.F - Courtyard Building Configuration PDRs**

22
Notes:
1. Required maximum build to line may be increased, where necessary, to accommodate utility easements, landscape buffer, slip street, safe sight lines distance , corner clips, or other similar need as may be required by the County Engineer. [Ord. 2010-005]

23 **Table 3.B.15.F. - Townhouse Lot and Building Configuration PDRs**

24
Notes:
1. Required maximum build to line may be increased, where necessary, to accommodate utility easements, landscape buffer, slip street, safe sight lines distance , corner clips, or other similar need as may be required by the County Engineer. [Ord. 2010-005]

25 11. Landscape Standards

26 c. Alternative Parking Lot Design Options

27 1) Option 1

28 Projects that are one-half acre or less in size, with 20 or fewer parking spaces may
29 consolidate all required ~~interior~~ landscape island areas and planting materials into one
30 or more locations anywhere within the project; [Ord. 2010-005] [Ord. 2014-025]

31 2) Option 2

32 Projects that are two acres or less in size may reduce required ~~terminal-landscape~~
33 island ~~landscape~~ width to a minimum of five feet in width of landscape area. This
34 option may not be used in conjunction with any option relocating these landscape
35 areas; [Ord. 2010-005] [Ord. 2014-025]

36 3) Option 3

37 Landscape shrub or groundcover requirements for ~~terminal, interior landscape islands~~
38 and divider median islands may be replaced with bio-swales and appropriate
39 landscaping, provided that required canopy trees can be accommodated. Alterations
40 to required curbing may be permitted subject to demonstration that vegetated areas
41 are protected from vehicles; [Ord. 2010-005] [Ord. 2014-025]

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EXHIBIT N

ARTICLE 7, LANDSCAPING

(Updated 10/18/17)

....
F. AGR PUD

....
4. Development Area

....
~~d. Landscape Buffer~~

~~A Type 3 incompatibility buffer shall be required between the Development Area and all adjacent properties zoned AGR, AP, SA, or AR, including Preservation Areas. The buffer shall be a minimum of 50 feet in width and installed in accordance with Article 7, LANDSCAPING, except that a wall shall not be required. [Ord. 2006-004] [Ord. 2008-003] [Partially relocated to Art. 7.C.2.C.4, AGR PUD Landscape Buffer]~~

~~1) Buffer Width Reduction~~

~~The minimum 50 foot buffer width required along the perimeter of an AGR-PUD Development Area may be reduced for the following: [Ord. 2013-001] [Relocated to Art. 7.C.2.C.4.a, Buffer Width Reduction]~~

~~a) Abutting R-O-W, Open Space or Another Buffer~~

~~A 50 percent reduction (minimum of 25 feet in width) shall be permitted if: [Ord. 2013-001] [Relocated to Art. 7.C.2.C.4.a.1), Abutting R-O-W, Open Space or Another Buffer]~~

~~(1) the buffer is within a nonresidential pod and adjacent to a R-O-W greater than 50 feet in width; [Relocated to Art. 7.C.2.C.4.a.1).a), related to Abutting R-O-W, Open Space or Another Buffer]~~

~~(2) the buffer is adjacent to another platted PUD buffer a minimum of 20 feet in width; or [Relocated to Art. 7.C.2.C.4.a.1).b), related to Abutting R-O-W, Open Space or Another Buffer]~~

~~(3) the buffer is adjacent to open space (e.g. lake, canal, etc.) greater than 50 feet in width [Relocated to Art. 7.C.2.C.4.a.1).c), related to Abutting R-O-W, Open Space or Another Buffer]~~

~~b) Abutting a Rural Parkway~~

~~A reduction to a minimum of 15 feet in width shall be permitted if the buffer is abutting a Rural Parkway a minimum of 100 feet in width. [Ord. 2013-001] [Relocated to Art. 7.C.2.C.4.a.2), Abutting a rural Parkway]~~

[Renumber Accordingly]

Section 3 Multiple Use Planned Development (MUPD)

....
B. Objectives and Standards

....
2. Performance Standards

....
c. Landscape Buffers

A Type 3 incompatibility buffer shall be provided in any area of an MUPD adjacent to a residential use type or undeveloped land with a residential FLU designation. The applicant may request for an alternative buffer subject to a Type 2 Waiver process BCC may allow an alternative buffer as a condition of approval.

....
e. Parking

Off street parking areas shall comply with Article 6, PARKING, Article 7, LANDSCAPING, and the following:

1) Parking Areas

a) Groundcover or small shrubs 18 to 24 inches in height at installation, and maintained to achieve a maximum of 30 inches in height shall be planted in all ~~terminal-landscape~~ islands and divider medians.

b) Where pedestrian access ways cross ~~terminal-landscape~~ islands or are provided within divider medians, they shall consist of brick, decorative concrete, or similar

Part 12. ULDC Art. 3.F.2.A.4.c.2), Terminal Islands [Related to Off Street Parking Areas] (page 192 of 216), is hereby amended as follows:

Reason for amendments: [Zoning]
1. Replace terminal and interior islands with Landscape island.

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EXHIBIT N

ARTICLE 7, LANDSCAPING

(Updated 10/18/17)

1 CHAPTER F TRADITIONAL DEVELOPMENT DISTRICTS (TDDs)

2 Section 2 General Standards

3 A. Applicability

4 4. Landscaping and Buffering

5 c. Off-Street Parking Areas

6
7 2) ~~Terminal Landscape~~ Islands

8 ~~Terminal~~ landscape islands, subject to the requirements of Art. 7.G, Off-Street
9 Parking Requirements. ~~Terminal and interior~~ landscape islands shall be provided on
10 both sides of all vehicular access points.

11

12
13
14 Part 13. ULDC Art. 5.D.2.G.3.a., Interior Islands [Related to Off Street Parking Requirements]
15 (page 58 of 107), is hereby amended as follows:
16

Reason for amendments: [Zoning]

1. Replace terminal and interior islands with Landscape island.

17 CHAPTER D PARKS & RECREATION – RULES AND RECREATION STANDARDS

18 Section 2 Types of Parks

19 G. Public Park Landscape Standards

20 3. Off Street Parking Requirements

21 a. ~~Interior Islands Landscape~~ Islands

22 One ~~interior~~ landscape island a minimum of ten feet in width shall be required per ten
23 spaces, in all Tiers (maximum 100 feet apart). [Ord. 2006-004]

24
25
26 Part 14. ULDC Art. 5.L, Property and Vegetation Maintenance (page of), is hereby amended as
27 follows:
28

Reason for amendments: [Zoning]

1. Relocate Maintenance of Vacant Property (Single family residential only) from Art. 7, Landscaping to Art. 5.L and rename the title to Property and Vegetation Maintenance.

2. Replace the words, lots, parcels of land to premises to be consistent with the definition of the County's Property Maintenance Code. Premises means a lot, plot or parcel of land including any structures thereon, regardless of whether vacant or occupied.
--

3. Expand the Code language to include maintenance of both residential and non-residential premises.
--

29 CHAPTER L PROPERTY AND VEGETATION MAINTENANCE

30 Section 1 Purpose

31 To establish procedures for maintenance of vegetation and landscaping requirements that are existing on
32 vacant premises.

33 A. Applicability

34 All landscaping shall be maintained. PBC is responsible for the care and maintenance of the
35 vegetation on PBC-owned property, unless provided for otherwise by DO condition(s) of approval.
36 For all other properties, the property owner or successors in interest, contractor, or agent, if any,
37 shall be jointly and severally responsible for the maintenance of the property.. [Partially relocated
38 from Art. 7.E.5.A.1, General]

39 B. Exemptions for Single Family Residential Vacant Premises

40 Single family residential premises shall be exempt from the requirements of this Section under the
41 following circumstances:

42 1. Demolition of a home based on a declaration by the building official that the home is unsafe.
43 [Ord. 2005-002] [Ord. 2008-037] [Relocated from Art. 7.E.5.B.3.a, Vacant Lot Exemptions]

44 2. Initiation of redevelopment within 120 days of demolition, as evidenced by submittal of a
45 building permit application, or other applicable development permit application or good faith
46 effort to redevelop the premises, for so long as the permit or good faith effort is active. In order
47 to receive an exemption at the time of a demolition permit application, the applicant must submit
48 an affidavit, on a form established by the Zoning Director, stating that the above requirements
49 will be met. The property owner shall submit evidence as required above within 120 days of

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EXHIBIT N

ARTICLE 7, LANDSCAPING

(Updated 10/18/17)

- 1 completion of the demolition, or shall submit a planting plan within 30 days of the expiration of
2 the 120-day period. [Ord. 2005-002] [Ord. 2008-037] [Partially relocated from Art.
3 7.E.5.B.3.b, related to Vacant Lot Exemptions]
4 3. Demolition of the home was prior to April 23, 1996. [Ord. 2005 – 002] [Ord. 2008-037]
5 [Relocated from Art. 7.E.5.B.3.c, Vacant Lot Exemptions]
6 4. Vacant premises resulting from eminent domain proceedings. [Ord. 2005-002] [Ord. 2008-
7 037] [Relocated from Art. 7.E.5.B.3.d, Vacant Lot Exemptions]
8 5. Vacant premises resulting from demolition funded by the Department of Housing and
9 Community Development. [Ord. 2005-002] [Ord. 2008-037] [Relocated from Art.
10 7.E.5.B.3.e, Vacant Lot Exemptions]

C. Single Family Residential

11 A property owner may apply for a Type 1 Waiver requesting modifications of required planting.
12

Section 2 Maintenance for Developed Premises

13
14 Premises that are either partially or fully developed shall be maintained on a regular and perpetual basis,
15 as follows:

A. Regular Maintenance

16 Maintenance shall include, but not limited to:

- 17 1. Free from disease, pests, weeds, and litter;
18 2. Weeding, watering, fertilizing, pruning, mowing, edging, mulching, or any other actions needed,
19 consistent with acceptable horticultural practices. [Partially relocated from Art. 7.E.5.A.2,
20 General]
21 3. Removal of diseased, damaged limbs, or foliage that present a hazard. All trees and palms
22 shall be allowed to grow to their natural mature height and to full canopy. [Partially relocated
23 from Art. 7.E.5.A.5, related to Maintenance]
24 4. No canopy tree shall be pruned until it has reached the minimum 20 foot required height and
25 canopy spread, unless required to address damage by natural causes, such as hurricanes.
26 [Partially relocated from Art. 7.D.5.A.5, General]
27 5. Repair or replacement of landscape barriers and focal points, including but not limited to:
28 fences, walls, fountains, benches, in order to keep them in a structurally sound condition.
29

B. Perpetual Maintenance

- 30 1. Perpetual maintenance to prohibit the re-establishment of prohibited and non-native invasive
31 species within landscape and preservation areas. [Relocated from Art. 7.D.5.A.4, General]
32 2. Landscape areas which are required to be created or preserved by this Article 7, Landscaping
33 shall not be used for temporary parking or the storage/display of materials or sale of products
34 or services. [Relocated from Art. 7.D.5.A.6, General]
35

Section 3 Maintenance for Vacant Premises

36
37 Premises that are vacant shall be maintained on a regular basis until the premises are ready for
38 redevelopment:

A. Regular Maintenance

39 Maintenance shall include, but not limited to:

- 40 1. Removal of construction materials and debris from the premise;
41 2. The premise shall be planted with sufficient ground treatment to cover the entire premise or the
42 affected area of the premise. All newly planted or existing ground treatment shall comply with
43 Art. 7.D.7, Ground Treatment. [Partially relocated from Art. 7.E.5.B.5.a, Vacant Lot
44 Maintenance and Planting Requirements –Ground Treatment]
45 3. Ground Treatment shall be maintained in accordance with the following maximum height:
46 a. For premises that are one acre or less – seven inches;
47 b. For premises that exceed one acre in size – seven inches for the first 25 feet measuring
48 from the property line, tract line or pod line pursuant to Art. 1.C.4.M, Measurement-
49 Maintenance of Vacant Premises; and 18 inches thereafter.
50 4. The clearing and if applicable, planting must be completed within 120 days of the completion
51 of demolition, within 120 days of the effective date of this section, or within thirty days of
52 Department approval of a planting plan, whichever is later. Slab foundations or other structural
53 features remaining from demolished houses, or from other demolished structures, must be
54 removed from vacant lots regulated by this Chapter. [Ord. 2005-002] [Ord. 2008-037]
55 [Partially relocated from Art. 7.E.5.B.a Vacant Lot Maintenance and Planting
56 Requirements –Ground Treatment]
57

B. Existing Vegetation

58 Existing Vegetation, whether they are subject to preservation, elimination of prohibited plant
59 species and reduction of controlled species shall be in compliance with Art. 7.E, Existing Native
60 Vegetation, Prohibited and Controlled Plant Species, and Art. 14.C, Vegetation Preservation and
61 Protection.
62

Notes:

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EXHIBIT N

ARTICLE 7, LANDSCAPING

(Updated 10/18/17)

1 **1. Protection of Existing Vegetation**

2 All existing vegetation that is required to be preserved by the Zoning Division or by ERM shall
3 be subject to the Vegetation Barricade Permit process pursuant to Art. 7.E.2.5, Vegetation
4 Barricade Permit.

5 **2. Existing Vegetation Replacement**

6 Preserved vegetation that is damaged or removed during the demolition activities shall be
7 replaced in accordance with Art. 7.E.3, Tree Credit and Replacement.

8 **C. Optional Planting of Vacant Lot**

9 The property owner may submit a Planting Plan to the DRO indicating the following:

10 1. The method of ground treatment, existing and replacement trees, and irrigation simultaneously
11 with the application for a demolition permit. [Ord. 2005-002] [Ord. 2008-037] [Relocated from
12 Art. 7.E.5.f.1), Planting Plan, page 29]

13 2. The Building Division shall not issue the demolition permit until a planting plan is approved by
14 the Zoning Division unless the applicant signs an affidavit in accordance with Art. 7.E.5.G.3.b.
15 [Ord. 2005-002] [Ord. 2008-037] [Relocated from Art. 7.E.5.f.2), Demolition Permit]

16 3. The DRO shall determine if the planting plan is sufficient and includes the information necessary
17 to evaluate the plan within five days of receipt. The DRO shall approve, approve with
18 conditions, or deny the plan within ten days of the determination of sufficiency. [Ord. 2005-
19 002] [Ord. 2008-037] [Relocated from Art. 7.E.5.f.3), Review of Planting Plan]

20 **a. Standards**

21 The DRO shall consider the following criteria in reviewing the Planting Plan:

22 1) whether or not the ground treatment and other landscape materials are consistent with
23 the established character of the neighborhood; and

24 2) whether or not the proposed planting is consistent with the applicable Crime Prevention
25 Through Environmental Design principles contained in Art. 3.B.7.E.2.C, Crime
26 Prevention Through Environmental Design (CPTED). Whether or not alternative or
27 temporary irrigation methods such as hand-watering are acceptable. [Ord. 2005-002]
28 [Ord.2008-037] [Partially relocated from Art. 7.E.5.B.5..f.4), Standards]

29 **D. Plant Installation, Maintenance and Irrigation**

30 Native vegetation, drought tolerant vegetation, or ground treatment shall be installed, maintained,
31 pruned and irrigated in accordance with the requirements of Art. 7.F, Installation and Maintenance,
32 and conditions of approval for the Planting Plan. Temporary irrigation methods may be approved
33 for native vegetation only, subject to a Maintenance and Replacement Agreement. [Ord. 2005-
34 002] [Ord. 2008-037] [Relocated from Art. 7.E.5.B.5.g, Vacant Lot Plant Installation,
35 Maintenance, Pruning and Irrigation]

36
37
38 **Part 15. ULDC Art. 8.C.8., Obstructions to Driver Visibility (page 12-13 of 42), is hereby amended**
39 **as follows:**
40

Reason for amendments: [Zoning]
--

1. Add safe sight triangles to Art.8.C.9, Signage – Obstruction to Driver Visibility.

41
42 **CHAPTER C PROHIBITIONS**

43 **Section 8 Obstructions to Driver Visibility**

44 Signs in corner clips and ~~line-of-sight~~ safe sight distance in accordance with PBC standards that do not
45 meet the visibility requirements in accordance with PBC standards.

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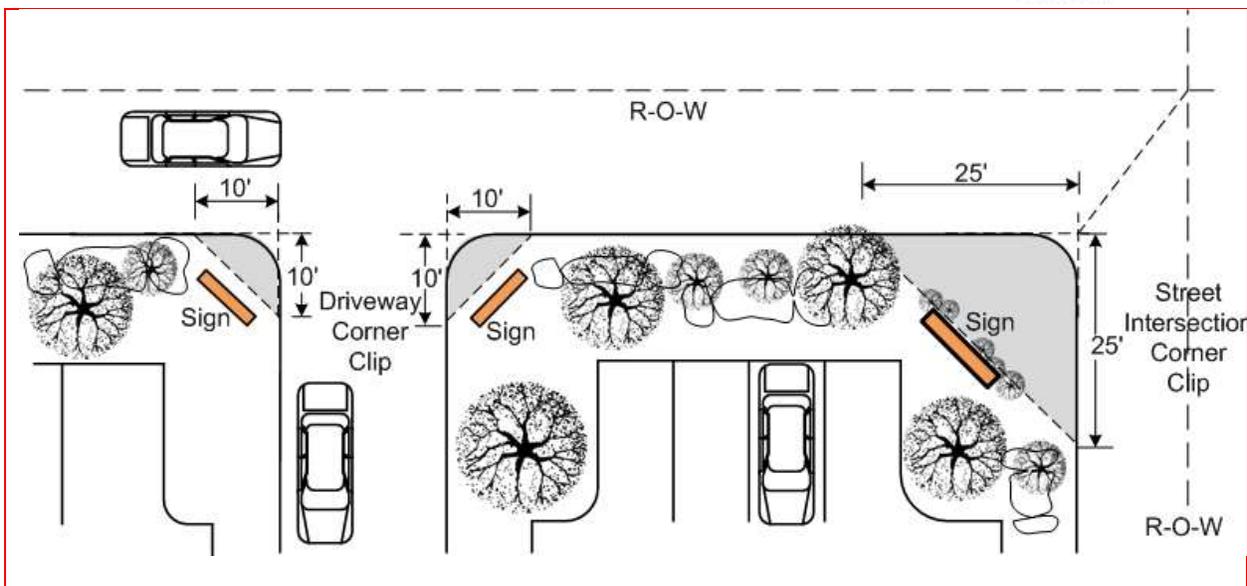
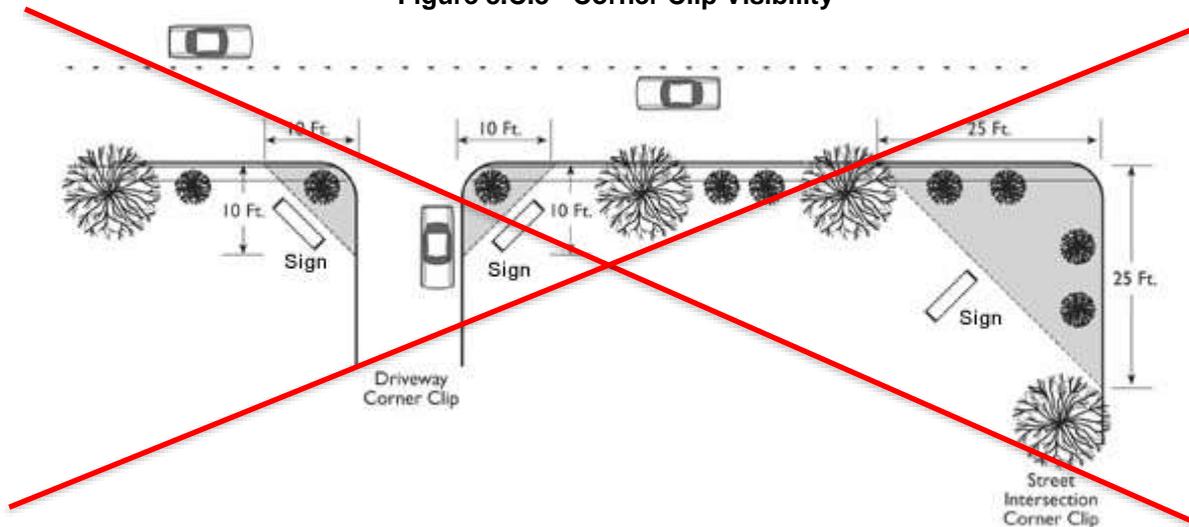
EXHIBIT N

ARTICLE 7, LANDSCAPING

(Updated 10/18/17)

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Figure 8.C.8 - Corner Clip Visibility



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Part 16. ULDC Art. 8.G.2.A.3, Limitations in Median [Related to Freestanding Signs] (page 28 of 42), is hereby amended as follows:

CHAPTER G STANDARDS FOR SPECIFIC SIGN TYPES

Section 2 Ground Mounted Signs

A. Freestanding Signs

3. Limitations in Median

Freestanding signs erected in a median within a driveway to a development shall not be located in corner clips or ~~visibility areas~~ safe sight distance unless they are less than 30 inches high and shall be set back a minimum of five feet from the face of curb, or from the edge of adjacent pavement where no curb exists. Signs that overhang a driveway shall be a minimum of 13.5 feet above the adjacent pavement

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Notes:

- Underlined indicates **new** text.
- ~~Stricken~~ indicates text to be **deleted**. If being relocated, or partially relocated, destination is noted in bolded brackets [**Relocated to:**] or [**Partially relocated to:**].
- *Italicized* indicates relocated text. Source is noted in bolded brackets [**Relocated from:**].
- A series of four bolded ellipses indicates language omitted to save space. Language shown in blue indicates changes after LDRAB meeting.