

PLACES OF WORSHIP
CODE REQUIREMENTS AND FREQUENTLY ASKED QUESTIONS (FAQ)

**PREPARED BY
PBC ZONING DIVISION**

OCTOBER 2009

Use Matrix - Where Can I establish a Place of Worship?

The following tables summarize what Zoning districts a Place of Worship would be allowed in, noting that where permitted – “uses may be further limited by the development order, concurrency reservation, or other applicable requirement.” Please see next page for additional information.

Table 3.E.1.B – PDD Use Matrix cont’d

Use Type	PUD					MUPD							MXPD			PIPD			M	R	N	
	Pods					Land Use Designations							Land Use Designations			Use Zone						
	R	C	R	C	A	C	C	C	C	C	I	I		C		C	I	C				I
Place Of Worship		P		P		P	P	P	P	P		P		P		P		P				29
[Ord. 2005-002] [Ord. 2006-004] [Ord. 2006-013] [Ord. 2008-037]																						
Notes:																						
P Permitted by right																						
D Permitted subject to approval by the DRO																						
S Permitted in the district only if approved by Special Permit																						
R Permitted in the district only if approved by the Board of County Commissioners (BCC) as a requested use.																						

Table 3.E.1.B (above) indicates where Places of Worship can be located as a primary use in a Planned Development District (PDD). For example, a Place of Worship can only be located in a commercial or civic pod of a Planned Unit Development (PUD).

Table 4.A.3.A-1 – Use Matrix Continued

Use Type	Zoning District/Overlay															N	O	T	E	
	Agriculture/Conservation			Residential					Commercial					Industry/ Public						
	P	A	A	AR	R	R	R	R	C	C	C	C	C	C	I					I
Place of Worship		P		P	P	P	P	P	P	P	P	P	P	P	P				P	29
[Ord. 2005 – 002] [Ord. 2006-013][Ord. 2008-037]																				
Key:																				
P Permitted by right																				
D Permitted subject to approval by the DRO																				
S Permitted in the district only if approved by Special Permit																				
B Permitted in the district only if approved by the Zoning Commission (ZC)																				
A Permitted in the district only if approved by the Board of County Commissioners (BCC)																				

Table 4.A.3.A-1 (above) indicates where Places of Worship can be located as a primary use in a Standard Zoning District.

WHAT ZONING REQUIREMENTS MUST BE COMPLIED WITH AT TIME OF PERMITTING? A PLACE OF WORSHIP MUST COMPLY WITH ALL APPLICABLE ZONING REQUIREMENTS, INCLUDING BUT NOT LIMITED TO THE FOLLOWING EXAMPLES:

- property development regulations such as minimum lot dimensions, building setbacks and height limitations;
- supplementary use standards (see amendment text below);
- supplemental standards for accessory uses, fences and architectural requirements;
- parking standards including number of spaces (for example 1 space for each 3 seats in the sanctuary), loading zones, and all related dimensions for parking areas;
- landscaping, including incompatibility buffer requirements;
- signage, including limits on location, height, number and type.

2009-01 AMENDMENTS FOR PLACES OF WORSHIP:

CHAPTER B SUPPLEMENTARY USE STANDARDS

Section 1 Uses

A. Definitions and Supplementary Standards for Specific Uses

29. Place of Worship

A sanctuary ~~which may include a retreat, convent, seminary or other similar use~~, owned or operated by a tax-exempt religious group that is used periodically, primarily or exclusively for religious worship, activities and related services. A place of worship may include collocated facilities ~~that require additional approval~~, such as a day care, school, cemetery, or CLF ~~that may require approval through an additional process~~. [Ord. 2005-041] [Ord. 2006-013]

a. Requirements

~~A place of worship shall be permitted pursuant to the requirements of Table 4.A.3.A-1, Use Matrix and Table 3.E.1.B-21, PDD Use Matrix of the ULDC. In addition to the applicable provisions of the ULDC, the facility shall comply with the following additional articles:~~

- ~~1) Art. 5, Supplementary Standards;~~
- ~~2) Art. 6, Parking;~~
- ~~3) Art. 7, Landscaping;~~
- ~~4) Art. 8, Signage, including Table 8.G.2.A-7, Freestanding Signs; and,~~
- ~~5) All other applicable articles of the ULDC.~~

~~The use shall be subject to review by the Building Division and other applicable agencies.~~

~~**ab. Frontage and Access**~~

~~....~~

~~**bc. Use Limitations**~~

~~**1) DRO Approval**~~

~~A place of worship not exceeding 3,000 square feet of GFA or 150 seats, including collocated or accessory uses, shall be permitted in the CN, CC, CG, MUPD, MXPDP, TMD districts, and a commercial pod in a PDD or TDD subject to DRO approval. [Ord. 2005-002] [Ord. 2006-013]~~

~~**2) Accessory/Collocated Use**~~

~~A place of worship not exceeding 3,000 square feet of GFA or 150 seats shall be permitted as an accessory use to an assembly, civic, educational or recreational use in any non-residential district, except IL, IG or a PDD with an IND FLU designation,~~

subject to approval by the DRO. Religious services may be conducted as an accessory use to an existing single-family dwelling that is also utilized for residential purposes. A place of worship may include collocated uses such as but not limited to a retreat, convent, seminary or other similar use. [Ord. 2006-013] [Relocated from A.29 above]

32) Temporary Sales

43) Limited Day Care

A limited day care shall be permitted as a collocated use to a place of worship ~~with a minimum of 3,000 square feet of GFA or 150 seats~~ subject to ~~DRO the~~ approval criteria of Table 4.A.3.A-1, Use Matrix and Table and Table 3.E.1.B-21, PDD Use Matrix. [Ord. 2005 – 002] [Ord. 2006-013]

54) INST

....

65) AGR District

The use shall be limited to that which serves the needs of farm workers or residents of the AGR Tier and shall not be located west of SR 7/US 441. [Ord. 2006-013]

d. Prior Approvals

Previously approved places of worship that are not abandoned shall be subject to the requirements of Art. 1.E, Prior Approvals.

e. Abandonments

Existing places of worship that were previously subject to Class A Conditional Use, Requested Use, or DRO approval may be abandoned pursuant to Art. 2.A.1.Q, Development Order Abandonment.

1. Administrative

The Zoning development order for a place of worship may be abandoned administratively pursuant to the following:

- a) Existing collocated uses must be permitted by right in the zoning district in which they are located; and,
- b) The facility will continue to be utilized as a place of worship.

2. Legislative

The Zoning development order for a place of worship may be abandoned legislatively pursuant to the following:

- a) Existing collocated uses are not permitted by right in the Zoning district in which they are located; or,
- b) The facility will no longer be utilized as a place of worship.

Notes:

Underlined language indicates proposed new language.

Language ~~crossed-out~~ indicates language proposed to be deleted.

.... (ellipses) indicates language not amended which has been omitted to save space.

Relocated language is shown as *italicized* with reference in parenthesis.

Frequently Asked Questions/Answers

1. Existing approval-no changes proposed. Do I have to do anything?

NO. If no changes are proposed to the site plan, conditions or building, then you do not have to do anything. The site will still be regulated by the original approval. If you need a copy of the approved site plan and conditions, please contact the Zoning Division at 561-233-5200 and ask to speak to the On Call Planner. For a copy of the Building Permit, please contact the Building Division at 561-233-5100.

2. Existing approval is for a Place of Worship ONLY and property owner wants to abandon the Special Exception, Conditional Use A or Requested Use. What is the procedure?

If approval was never utilized, an application can be submitted for an Administrative Abandonment. Staff will process the application through the Zoning Director. If the approval has been utilized, then the applications for Abandonment will be processed by Zoning Staff and approved by the Board of County Commissioners (BCC).

3. Existing approval for church and co-located uses such as Daycare - Can I still abandon the church and all related conditions through a DOA?

Yes. A Development Order Amendment (DOA) is required. The BCC will review the request to delete the church approval but only collocated uses (daycare, school, etc.) are still required to have a Conditional Use or Requested Use depending on what Zoning District it is located in.

4. Can I get variances from Place of Worship Supplemental Standards in Article 4 of the ULDC for: parking, landscaping, signage, etc.?

No. The ULDC was amended in 2009-01 Round to allow Places of Worship as permitted uses. In order to allow churches as permitted uses, no deviations from Supplemental Standards are allowed.

5. What if I exceed BCC or DRO Threshold Charts, do I have to get DRO or BCC approval then?

No. The Threshold Charts in ULDC, Article 4.A.3.A do not apply to Places of Worship.

6. What if proposal is to add land area to the site, what process is required?

Depending on whether or not the Place of Assembly is a stand alone use or supporting co-located uses.

Stand alone Place of Worship will require the applicant to comply with any subdivision requirements prior to submitting for building permit.

BCC Approval for co-located uses - the applicant will be required to submit a Development Order Amendment to add land area to the BCC plan.

7. Do I have to rezone property to be consistent with the Comp Plan?

Yes. A rezoning is required for both stand alone and BCC approval (co-located uses). For public hearing, the application will be simply reviewed for zoning consistency with the Comp Plan.

8. When do I require DRO approval?

If a parcel supports co-located uses. The DRO authority and thresholds apply to the entire site and all uses (ie Places of Assembly even though permitted use is still subject to % increase in square footage etc.). A minor modification might qualify for a DRO Administrative Review (Zoning or Agency Review)

9. Can Special Permit for Events still be requested?

Yes. The ability to have a maximum of three Special Events a year is still in effect, subject to a Special Permit.

10. Can a Single Family Dwelling be converted to a Place of Assembly?

Yes, see Supplemental Standards for applicability. The converted structure must comply with all Building and Zoning Code requirements.

11. Can a Single Family Dwelling that is occupied by the property owner provide religious meetings?

Yes. Provided this is simply a get-together and there is no conversion of the unit and it is owner occupied. Private Home Owners Association or Property Association regulations may apply and prohibit the use of a single family residence for religious services.

12. Are there any other regulations applicable to Places of Worship?

Yes. All new development must still comply with Building Code standards; drainage requirements; traffic performance standards; concurrency to reserve needed capacity for water, sewer and other public facilities or services; environmental requirements including preserving wetlands, endangered species or native vegetation; among others.