

LAND DEVELOPMENT REGULATION ADVISORY BOARD (LDRAB)
SEPTEMBER 25, 2019 MEETING

AMENDMENTS TO THE AGENDA
(Updated 09/24/2019)

Amend – Part 1 Exhibit E Monitoring, ULDC Art. 1.1.2.C Definitions and Acronyms, Definitions page 10 lines 10-16 to amend the Community Development District and refer to Chapter 190 of the Florida Statutes.

Part 1. ULDC Art. 1.1.2.C Definitions and Acronyms, Definitions ~~ULDC Art 2.E Application Processes and Procedures, Monitoring~~ (Page 44 of 111, Supplement 25), is hereby amended as follows:

1 CHAPTER I DEFINITIONS AND ACRONYMS

2

3 Section 2 Definitions

4

5 C. Terms defined herein or referenced in this Article shall have the following meanings:

6

10 **46. Community Development District** – Refer to F.S. ch. 190 for applicability ~~a local unit of~~
11 ~~special purpose government which is created pursuant to F.S. and is limited to the performance~~
12 ~~of these specialized functions authorized by the F.S. and the Plan; the governing head of which~~
13 ~~is a body created, organized, and constituted and authorized to function specifically as~~
14 ~~prescribed in this act for the purpose of the delivery of urban community development services;~~
15 ~~and, the formation, powers, governing body, operation, duration, accountability, requirements~~
16 ~~for disclosure, and termination of which are as required by general law.~~

Amend – Part 3 Exhibit G, HB 7103 Legislation to Modify Timeline for Review of Development Orders pages 39-40, lines 16 and 32, to modify terminology from shall to may.

1 CHAPTER B PUBLIC HEARING PROCESSES

2

3 Section 4 Review, Resubmittal, and Certification

16 **AB. Review**

17

10 **2.** If the DRO determines that the revised requests and documents are significantly modified from
11 the original request that was determined to be sufficient, the DRO shall provide a written
12 notification to the Applicant describing what changes significantly modify the application. The
13 Applicant shall:

14

15 b. provide a written request for a time extension to the Zoning Director to determine if the
16 applications is still sufficient or if a new sufficiency review is required. Both parties ~~shall~~
17 may agree to a reasonable request for an extension of time; or,

18

19 **BC. Non-Certification**

20

29 **2. Time Extension**

30 Applications for a DO that are not certified within 120 calendar days of Sufficiency
31 determination by the DRO, must submit a written request for a time extension to the Zoning
32 Director. Both parties ~~shall~~ may agree to a reasonable request for an extension of time.

Amend – Part 3 Exhibit G, HB 7103 Legislation to Modify Timeline for Review of Development Orders pages 39-40, lines 39-40 to include the requirement that the extension must also be approved before the 120-calendar day deadline.

1 CHAPTER B PUBLIC HEARING PROCESSES

2

3 Section 4 Review, Resubmittal, and Certification

4

34 **D. Certification**

35 **1.** If the resubmitted document(s) satisfy Code requirements and address the DRO's list of
36 outstanding issues and comments, the DRO shall issue a Result Letter indicating the
37 certification of the application. [Ord. 2018-002]

Notes:

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

~~Double Stricken~~ indicates text to be ~~deleted~~.

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.

LAND DEVELOPMENT REGULATION ADVISORY BOARD (LDRAB)
SEPTEMBER 25, 2019 MEETING

AMENDMENTS TO THE AGENDA
(Updated 09/24/2019)

38 2. If the Applicant fails to address the listed outstanding issues and comments within the 120
39 calendar day deadline, and fails to request and receive approval for a reasonable request for
40 an extension of a time extension, from the Zoning Director within the 120 calendar day
41 deadline, the application shall be scheduled to proceed to a public hearing to comply with the
42 timeframes enumerated in the F.S. An applicant may receive a recommendation of denial from
43 Staff for failure to comply with the Standards pursuant to Art. 2.B.7 Types of Applications,
44 including the outstanding issues and comments provided by Staff.

Amend – Part 4 Exhibit G, HB 7103 Legislation to Modify Timeline for Review of Development Orders pages 41, lines 43-44, to remove requirement for a recommendation of denial.

29 C. Board Action
30 1. Action by ZC
31 The ZC shall conduct a public hearing on the application, subject to the following procedures:
32 [Ord. 2018-002]
33 a. Recommendations by the ZC
34 The ZC shall consider the application where the BCC makes a final decision, including staff
35 report, relevant support materials, public testimony and public testimony given at the
36 hearing. After close of the public hearing, the ZC shall recommend to the BCC that the
37 application be approved, approved with Conditions, modified, ~~continued, postponed~~ or
38 denied based upon the applicable Standards in Art. 2.B.7, Types of Applications. [Ord.
39 2008-003] [Ord. 2011-016] [Ord. 2012-027] [Ord. 2017-007] [Ord. 2018-002]
40 1) The ZC may consider an application be: remanded, continued or postponed when a
41 decision can be rendered within the timeframe enumerated in the F.S., or if both parties
42 agree to a reasonable request for an extension of time. If there is no mutual agreement
43 for a time extension, the application shall move forward with a recommendation of
44 denial by the ZC.

Amend – Part 6 Exhibit G, HB 7103 Legislation to Modify Timeline for Review of Development Orders pages 44-45, lines 20-21 and 46 and page 46, line 22, to modify terminology from shall to may.

14 CHAPTER C ADMINISTRATIVE PROCESSES

15

16 Section 4 Review, Resubmittal and Final Decision

17

1 A. Review

2

14 2. If the DRO determines that the revised requests and documents are significantly modified from
15 the original request that was determined to be sufficient, the DRO shall provide a written
16 notification to the Applicant describing what changes significantly modify the application. The
17 Applicant shall:

18

19 b. provide a written request for a time extension to the Zoning Director to determine if the
20 applications is still sufficient or if a new sufficiency review is required. Both parties ~~shall~~
21 may agree to a reasonable request for an extension of time; or,
22

23 B. Action by the DRO for DO Administrative Applications, except Type 1 Variance

24

33 12. Not Approved

34

42 Cb. Continuation or Postponement Time Extension

43 Applications for a DO that are not approved within 120 calendar days of Sufficiency
44 determination continued or postponed for more than six months by the DRO, must submit
45 a written request for a time extension to obtain approval from the Zoning Director. Both
46 parties ~~shall~~ may agree to a reasonable request for an extension of time. ~~All applications~~
47 that have been continued or postponed for more than six months without approval from the
48 Zoning Director shall be administratively withdrawn. [Ord. 2005-002] [Ord. 2018-002]
49 [Ord. 2018-018]
50

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LAND DEVELOPMENT REGULATION ADVISORY BOARD (LDRAB)
SEPTEMBER 25, 2019 MEETING

AMENDMENTS TO THE AGENDA
(Updated 09/24/2019)

- 10 **C. Action by the DRO for Type 1 Variance DO Application**
11 **1. Not Certified**
12
13 **b. Time Extension**
14 Applications for a DO that are not certified within 90 calendar days of Sufficiency
15 determination by the DRO, must submit a written request for a time extension to the Zoning
16 Director. Both parties ~~shall~~ may agree to a reasonable request for an extension of time.

Amend – Part 6 Exhibit G, HB 7103 Legislation to Modify Timeline for Review of Development Orders pages 44-46, lines 2-3 and lines 28-29 to include the requirement that the extension must also be approved before the 120-calendar day deadline.

14 CHAPTER C ADMINISTRATIVE PROCESSES

15

16 Section 4 Review, Resubmittal, and Final Decision

17

23 B. Action by the DRO **for DO Administrative Applications, except Type 1 Variance**

24

33 **12. Not Approved**

34

50 **c. Failure to address issues and comments**

1 If the Applicant fails to address the listed outstanding issues and comments within the 120
2 calendar day deadline, and fails to request ~~and receive approval for a reasonable request~~
3 for an extension of a time extension from the Zoning Director, within the 120 calendar day
4 deadline, the application shall receive a decision of denial from the DRO for failure to
5 comply with the Standards pursuant to Art. 2.C.5, Types of Applications, including the
6 outstanding issues and comments provided by Staff.

7

10 **C. Action by the DRO for Type 1 Variance DO Application**

11

23 **2. Certification**

24 a. If the resubmitted document(s) satisfy Code requirements and address the DRO's list of
25 outstanding issues and comments, the DRO shall issue a Result Letter indicating the
26 certification of the application.

27 b. If the Applicant fails to address the listed outstanding issues and comments within the 90
28 calendar day deadline, and fails to request ~~and receive approval for a reasonable request~~
29 for an extension of a time extension from the Zoning Director, within the 90 calendar day
30 deadline, the application shall be scheduled to proceed to a public meeting to comply with
31 the timeframes enumerated in the F.S. An applicant shall receive a recommendation of
32 denial from Staff for failure to comply with the Standards pursuant to Art. 2.B.5.D, Type 1
33 Variance, including the outstanding issues and comments provided by Staff.

34 **43. Application Modification after Certification**

35

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PALM BEACH COUNTY

LAND DEVELOPMENT REGULATION ADVISORY BOARD (LDRAB)

SEPTEMBER 25, 2019

BOARD MEMBERS

**Wesley Blackman, AICP, Chair (PBC Planning Congress)
Dr. Lori Vinikoor, Vice-Chair (District 5)**

Joanne Davis (District 1)

Drew Martin (District 2)

Ari Tokar (District 3)

Glenn E. Gromann (District 4)

Myles Basore (District 6)

Robert J. Harvey (District 7)

**Daniel J. Walesky (Gold Coast Builders
Association)**

Anna Yeskey (Palm Beach League of Cities)

Terrence Bailey (Florida Engineering Society)

Jaime M. Plana (American Institute of Architects)

Susan A. Kennedy (Environmental Organization)

**Frank Gulisano (Realtors Association of the Palm
Beaches)**

**Vacant (Florida Surveying and Mapping
Society)**

**Charles Drawdy (Assoc. General Contractors of
America)**

Tommy B. Strowd (Alternate At-Large #1)

Abraham Wein (Alternate At-Large #2)

Board of County Commissioners

**Mack Bernard
Mayor, District 7**

**Dave Kerner
Vice Mayor, District 3**

**Hal R. Valeche
Commissioner, District 1**

**Robert S. Weinroth
Commissioner, District 4**

**Melissa McKinlay
Commissioner, District 6**

**Gregg K. Weiss
Commissioner, District 2**

**Mary Lou Berger
Commissioner, District 5**

County Administrator

Verdenia C. Baker



"An Equal Opportunity – Affirmative Action Employer"
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LAND DEVELOPMENT REGULATION ADVISORY BOARD (LDRAB)

WEDNESDAY, SEPTEMBER 25, 2019 AGENDA

2300 NORTH JOG ROAD

ROOM VC-1E 47, VISTA CENTER

2:00 P.M.

A. CALL TO ORDER/CONVENE AS LDRAB

1. Roll Call
2. Introductions – Mr. Glenn E. Gromann and Ari Tokar as new Board Members
3. Commemoration of Former Board Member Mr. Jim Knight's Service
4. Additions, Substitutions and Deletions
 - a. Staff
 - b. Board Member
5. Motion to Adopt Agenda
6. Adoption of August 28, 2019 Minutes (Exhibit A)
7. Public Comments – Any persons wanting to speak on an item shall complete and submit a comment card to the Secretary prior to the item being discussed.

B. ULDC AMENDMENTS – NEW

PAGES

- | | | |
|--------------|---|---------|
| 1. Exhibit B | Art. 2 Planning Processes and Historic Resources Review | 1 – 2 |
| 2. Exhibit C | Art. 12 Codification of Ord. 2017-023 and Ord. 2009-031 | 3 – 5 |
| 3. Exhibit D | Art. 3 and 5 Community and Neighborhood Park Recreation Standards | 6 – 9 |
| 4. Exhibit E | Art. 2 Monitoring | 10 – 24 |
| 5. Exhibit F | Art. 1, 2, and 7 Vegetation Violations and HB 1159 | 25 – 36 |
| 6. Exhibit G | Art. 2 HB 7103 Legislation to Modify Timeline for Review of DOs | 37 – 49 |

C. PRIVATELY INITIATED AMENDMENTS

No Items

D. CONVENE AS LAND DEVELOPMENT REGULATION COMMISSION (LDRC)

No Items

E. ADJOURN AS LDRC AND RECONVENE AS LDRAB

No Items

F. STAFF COMMENTS

G. BOARD MEMBER COMMENTS

1. Follow-up to Mrs. Kennedy's question at August 25th meeting regarding CLF approval process.

H. ADJOURN

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EXHIBIT A

PALM BEACH COUNTY LAND DEVELOPMENT REGULATION ADVISORY BOARD (LDRAB)

(Updated 09/16/19)

Minutes of August 28, 2019 LDRAB Meeting

On Wednesday, August 28, 2019, the Palm Beach County Land Development Regulation Advisory Board (LDRAB), met in the Kenneth S. 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 Mr. Wesley Blackman, called the meeting to order at 2:02 p.m. Mr. Alexander Biray, Code Revision Zoning Technician, called the roll.

Members Present: 14

Drew Martin (District 2, Commissioner Weiss)**
Philip L. Barlage (District 3, Commissioner Kerner)
Jim Knight (District 4, Commissioner Weinroth)

Dr. Lori Vinikoor (District 5, Commissioner Berger)
Myles Basore (District 6, Commissioner McKinlay)
Robert J. Harvey (District 7, Commissioner Bernard)

Anna Yeskey (League of Cities)
Terrence Bailey (Florida Engineering Society)
Jaime M. Plana (American Institute of Architects)****

Susan A. Kennedy (Environmental Organization)
Frank Gulisano (Realtors Association of the Palm Beaches)***

Charles D. Drawdy (Assoc. General Contractors of America)

Wesley Blackman (PBC Planning Congress)
Tommy B. Strowd (Alternate At-Large #1)

Members Absent: 3

Joanne Davis (District 1, Commissioner Valeche)
Abraham Wien (Alternate At-Large #2)
Daniel J. Walesky (Gold Coast Builders Association)

County Staff Present: 11

Jon MacGillis, Zoning Director

Wendy N. Hernández, Principal Site Planner
Jan Rodriguez, Senior Site Planner
Lorraine Fuster, Senior Site Planner

Alexander Biray, Zoning Technician
Scott A. Stone, Assistant County Attorney I

Bryan Davis, Principal Planner

Melissa Michael, Senior Planner
Scott B. Cantor, Assistant Land Development Director*

Leonard Berger, Chief Assistant County Attorney*
Chelsea J. Koester, Assistant County Attorney I*

Vacancies: 1

Florida Surveying and Mapping Society

* *County Staff in audience.*

** *Drew Martin arrived at 2:03 p.m.*

*** *Frank Gulisano arrived at 2:08 p.m.*

**** *Jaime M. Plana arrived at 2:13 p.m.*

** Mr. Martin arrived at 2:03 p.m.

Mrs. Hernández informed since the last Board meeting in May that Mr. Strowd, who was previously a regular member, is the new Alternate At-Large #1, and Mr. Zeman has resigned and procedures for his replacement are currently in progress. She also reintroduced Mr. Stone as the new County Attorney representing Zoning, and announced Mr. Berger's retirement after over twenty years of service. Members and Staff applauded.

2. Additions, Substitutions, and Deletions

Mrs. Hernández noted the removal of Exhibit C as Staff needs to review it further internally, and may or may not bring in back to the Board.

3. Motion to Adopt Agenda

Motion to adopt the Agenda as amended by Dr. Vinikoor, seconded by Mr. Knight. Motion passed (12-0).

4. Adoption of May 22, 2019 Minutes (Exhibit A)

Motion to adopt the Minutes by Dr. Vinikoor, seconded by Mr. Barlage. Motion passed (12-0).

5. Public Comments

Mr. Blackman noted a public comment card from Bryce Sartory. Mr. Sartory introduced himself as the new Director of Government Affairs and Membership Development for the Associated General Contractors Florida East Coast Chapter.

EXHIBIT A

PALM BEACH COUNTY LAND DEVELOPMENT REGULATION ADVISORY BOARD (LDRAB)

(Updated 09/16/19)

Minutes of August 28, 2019 LDRAB Meeting

B. ROUND 2019-01 SUMMARY AND ROUND 2019-02 INITIATION

1. Exhibit B

Mrs. Hernández gave a PowerPoint presentation summarizing the amendment cycle since the last meeting, whereas the Renewable Energy Solar Facility PIA was passed by the BCC in June, and Workforce Housing Program and Round 2019-01 amendments in August with minor updates for clarification in some Exhibits.

Mr. Davis informed the Board the WHP amendment was not passed by the BCC with their motion of reinserting the middle-income 120-140-percent bracket, but included eliminating the 85-percent tieback option supported by the Board and industry.

Mrs. Hernández further explained the Landscape Service amendment as was presented to the BCC. First Reading has been postponed to October, and additional information will be presented concerning AGR frontage and process in dealing with existing businesses. Based on the BCC's direction during the Request for Permission to Advertise, Staff may return to the Board with significant changes concerning AGR Preserves.

*** Mr. Gulisano arrived at 2:08 p.m.

a. Discussion

Dr. Vinikoor asked how much of a proposed amendment has to be changed for Staff to come back to the Board for approval. Mrs. Hernández clarified the BCC's direction was to move forward with Staff's recommendation, but to come back with further information which will determine LDRAB/LDRC re-approval and determination of consistency with the Plan.

Mr. Martin asked if Code Enforcement is moving ahead with fines for properties under violation in Heritage Farms. Mrs. Hernández said she believes anything in the AR Heritage Farms area deemed in violation are accruing fines, but AGR parcels elsewhere have been abated.

Mrs. Hernández continued with a summary of the scheduled Round 2019-02 amendments intending for a January 2020 adoption, including nonconforming structure flexibility, codification of HB 7103 application processes and time limitations, Westgate residential PDRs, URA updates in regards to Waivers and PDRs, codifying Zero Lot Line PPMs in relation to PDRs, increasing building coverage, Arterial and Collector requirement analysis, Parks and Recreation PDR flexibility for smaller spaces, parking and loading changes, incorporating HB 1179 concerning residential property rights for damaged vegetation removal and illegal tree removal language changes, and minor reference changes and removal of obsolete language as it relates to the Plan.

**** Mr. Plana arrived at 2:13 p.m.

a. Discussion

Mr. Martin expressed concern about the proposed Parks and Recreation amendment and whether it would allow expanding building square footage in parks. Mrs. Hernández clarified it would not, rather allow flexibility for infill development as it relates to required acreage.

Mr. Martin further asked in regards to HB 1179 if the County is making it harder or easier to remove trees. Mrs. Hernández responded the State has made it easier and precluded the County from requiring a permit for residential properties if determined to be damaged. Mr. Martin expressed concern about enforcement. Mr. Stone responded the Statute is very explicit in restrictions on the County. Mr. Blackman reflected that it is unfortunate, and Mr. Martin recommended the County employ educational tools about the value of trees to the public.

EXHIBIT A

PALM BEACH COUNTY LAND DEVELOPMENT REGULATION ADVISORY BOARD (LDRAB)

(Updated 09/16/19)

Minutes of August 28, 2019 LDRAB Meeting

C. ULDC AMENDMENTS – NEW

1. Exhibit C Article 2 – Small Scale Site Plan

Removed per A.2, Additions, Substitutions, and Deletions.

2. Exhibit D Article 3 – CRE Consistency and RR-10 FLU

Mrs. Hernández explained the amendment removes obsolete language inconsistent with the Plan, and applied to only two properties which were either rezoned or annexed.

a. Discussion

Mr. Blackman reflected on if the current language allows camper parks, but the affected properties in question were annexed. Mrs. Kennedy asked what happens if there is a rezoning application in the process. Mr. MacGillis said the land use change she alluded to in Jupiter Farms is consistent with the Plan.

Motion to approve by Mr. Gulisano, seconded by Mr. Knight. Motion passed (14-0).

3. Exhibit E Article 3 – PDD Setback Measurement

Mrs. Hernández explained the amendment relates to Multi-Family and Type 2 CLFs in PUDs, where setbacks would be measured from the property line rather than inside edge of a Buffer or easement which tend to encroach into properties and create constraints. The amendment would also allow a Buffer to be dedicated as an easement rather than tract.

a. Discussion

Mr. Martin asked if it would allow for more landscaping, less, or be neutral. Mrs. Hernández responded it would be neutral and have no effect.

Mr. Plana questioned how a Landscape Buffer would function like a setback. Mrs. Hernández responded that there is a statement to not encroach in a Landscape Buffer.

Motion to approve by Mr. Martin, seconded by Dr. Vinikoor. Motion passed (14-0).

4. Exhibit F Article 4 – CLF Distance to Fire-Rescue

Mrs. Hernández explained prior to the Ordinance No. 2003-067 rewrite, the ULDC required CLFs to be within five road miles from a full-service fire station, but the word “road” was inadvertently omitted. Based on discussion with Fire-Rescue, Mr. MacGillis requested “road” to be put back into the Code, and noted although Staff had measured correctly in the past, putting it back in will avoid misinterpretation as the crow flies.

a. Discussion

Mr. Blackman concurred the proposed amendment makes sense. Dr. Vinikoor asked if it impacts any applications in progress. Mr. MacGillis said it could. Mr. Knight asked if industry was spoken to regarding the amendment. Mr. Martin noted it would make it safer for residents in dealing with roads against physical barriers like canals.

Motion to approve by Mr. Martin, seconded by Mrs. Kennedy. Motion passed (14-0).

5. Exhibit G Article 4 – Industrial Uses in the CH FLU

Mrs. Hernández explained the amendment is to implement Planning Ordinance No. 2015-017, a text amendment to the Plan concerning offices associated with a light industrial nature.

a. Discussion

Mr. Blackman asked if Contractor Storage Yard would fall into the scope of the amendment. Mrs. Hernández responded it is a separate use and is not included.

Motion to approve by Mr. Gulisano, seconded by Dr. Vinikoor. Motion passed (14-0).

6. Exhibit H Article 11 – Code Reference for Applicability and Article 2

Mrs. Hernández explained the amendment is to change a reference to Chapter H, FLU Plan Amendments to be more inclusive to other applicable provisions of Article 2 in its entirety, and because previous versions of the Code referenced the entire Article.

Motion to approve by Mr. Martin, seconded by Mr. Plana. Motion passed (14-0).

D. PRIVATELY INITIATED AMENDMENTS

E. CONVENE AS LAND DEVELOPMENT REGULATION COMMISSION (LDRC)

F. ADJOURN AS LDRC AND RECONVENE AS LDRAB

EXHIBIT A

PALM BEACH COUNTY LAND DEVELOPMENT REGULATION ADVISORY BOARD (LDRAB)

(Updated 09/16/19)

Minutes of August 28, 2019 LDRAB Meeting

G. STAFF COMMENTS

H BOARD MEMBER COMMENTS

1. Follow-Up to May 22, 2019 Hearing

a. Mr. Walesky: Parking of Equipment, Vehicles, or Marine Vessels and Trailers in Residential Districts and parking for Cottage Homes

Mrs. Hernández responded that Staff is working on Phase II of the Parking Code rewrite, which will address his concerns that have to do with cross references, labeling, and Cottage Home provisions.

b. Mr. Martin: Lighting for Natural Areas

Mrs. Hernández responded per statement from Robert Kraus that only applicable lighting code is the Sea Turtle Protection and Sand Preservation Standards and dark sky regulations requiring light to be directed away from wildlife. Mr. Martin asked if the County would legally be allowed to create further regulations for wildlife and human health. Mr. MacGillis noted Article 5 of the Code refers to illumination by foot-candles. Mrs. Kennedy noted it excludes Single Family properties, regardless of their proximity to environmentally-sensitive areas, to which Mr. MacGillis responded the impractically to inspect each individual property. Mrs. Hernández added Single Family is still required to comply with anything that is prohibited.

2. New Comments

Mrs. Kennedy asked Staff to look at an inconsistency created with Ordinance No. 2019-005 where a Type CLF is permitted. Mrs. Hernández responded she would look at it.

I. ADJOURN

The Land Development Regulation Advisory Board meeting adjourned at 2:42 p.m.

Recordings of all LDRAB meetings 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) 233-5243.

EXHIBIT B

ARTICLE 2 – APPLICATION PROCESSES AND PROCEDURES
PLANNING PROCESS AND HISTORIC RESOURCE REVIEW

CR-2019-0010
(Updated 09/11/19)

1 Part 1. ULDC 2.G.3.H.5, Historic Resources Review Board Meetings (page 85 and 86 of 101,
2 Supplement 25), is hereby amended as follows:

Reason for amendments: [Planning]
1. The Historic Resources Review Board (HRRB) is a nine-member advisory board that provides special expertise to the BCC on how best to identify, preserve, promote, and protect the archaeological and historic resources of Palm Beach County. The HRRB is required to meet quarterly. As part of compliance with the Florida Certified Local Government (CLG) Guidelines, five members must have professional experience in the disciplines of history, architecture, archaeology, architectural history, and historic architecture. The BCC also requires a sixth member to reside in the Glades communities (or west of Twenty Mile Bend). At present there are eight appointed members of the HRRB, with membership fluctuating between six to eight appointees at any given time. Currently quorum consists of at least five members being present, regardless of the number of members appointed to the HRRB.
2. In the past six scheduled HRRB meetings, three of the meetings were not able to be conducted due to lack of quorum (50 percent). Taking a longer perspective, the HRRB has had 24 scheduled meetings since 2013. Of the 24 scheduled HRRB meetings in that time frame, seven of those meetings (or 29 percent) could not be conducted due to lack of quorum (with one additional meeting cancelled due to Hurricane Matthew). Had quorum been based on the current appointed members of the HRRB (rather than the overall nine-member potential), an additional three of the seven cancelled meetings could have been held as four of the seven active appointed members were in attendance. This would result in a theoretical lowering of the “no quorum” results to just 16 percent of the HRRB meetings (since 2013).
3. An additional change is proposed to clarify that the HRRB is to meet at least four times per year, rather than “quarterly.” Such a change would yield the same number of meetings per year, but allow meetings to be scheduled at times when cultural resource concerns arise and better reflects the availability of the HRRB members for the purposes of scheduling meetings.

3 CHAPTER G DECISION MAKING BODIES

4

5 Section 3 Appointed Bodies

6

7 H. Historic Resources Review Board

8

9 5. Meetings

10 a. General

11 General meetings of the HRRB shall be held at least quarterly four times per year. Special
12 meetings may be called by the Chair of the HRRB, or in writing by a majority of the
13 members of the Board. Staff shall provide 24-hour written notice to each Board member
14 prior to a special meeting.

15 b. Quorum

16 The presence of a majority of the appointed members of the HRRB shall constitute a
17 quorum necessary to take action and transact business.

18

Part 2. ULDC Art. 2.G.3.J.5, Rules Applicable to Local Planning Agency (page 88 of 101,
Supplement 25), is hereby amended as follows:

Reason for amendments: [Planning]
1. This amendment is proposed in order to establish rules consistent for quorum with Resolution R-2013-0193 which established that a quorum was based on the number of ‘appointed’ members of the advisory board. The language proposed is identical to the language in ULDC Art. 2.G.2.E.1., Rules of Procedure, with the addition of the word ‘appointed’ in the first sentence. Resolution R-2013-0193 states: Resolution R-2013-0193, Section 18. Conduct of Meeting <i>A quorum must be present for the conduct of all board meetings. A majority of the members appointed shall constitute a quorum. All meetings shall be governed by Robert’s Rules of Order.</i> ULDC Art. 2.G.2.E.1. Rules of Procedure 1. Quorum and Voting. <i>The presence of a majority of the members of the board shall constitute a quorum necessary to take action and transact business. All actions shall require a simple majority</i>

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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:**].

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EXHIBIT B

ARTICLE 2 – APPLICATION PROCESSES AND PROCEDURES PLANNING PROCESS AND HISTORIC RESOURCE REVIEW

CR-2019-0010
(Updated 09/11/19)

Reason for amendments: [Planning]

of the quorum present and voting at the meeting. In the event of a tie vote, the motion shall fail. No member shall abstain from voting unless the member has a voting conflict pursuant to State of Florida law.

1 CHAPTER G DECISION MAKING BODIES

2

3 Section 3 Appointed Bodies

4

5 J. Planning Commission

6

7 5. Rules Applicable to Local Planning Agency

8 a. The agenda of the PLC sitting as the LPA shall be as prepared and presented by the PBC
9 Planning Division and such agenda shall not be deviated from without a two-thirds vote of
10 a quorum of the LPA. **[Ord. 2008-003]**

11 b. Failure of the LPA to make a recommendation on any Plan Amendment to the BCC prior
12 to the final transmittal hearing of the amendments shall constitute the item being sent to
13 the BCC with an LPA recommendation of denial pursuant to F.S. § 163.3174, as may be
14 amended from time to time.

15 **c. Quorum and Voting**

16 The presence of a majority of the appointed members of the board shall constitute a
17 quorum necessary to take action and transact business. All actions shall require a simple
18 majority of the quorum present and voting at the meeting. In the event of a tie vote, the
19 motion shall fail. No member shall abstain from voting unless the member has a voting
20 conflict pursuant to State of Florida law.

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EXHIBIT C

ARTICLE 12 – TRAFFIC PERFORMANCE STANDARDS CODIFICATION OF ORD. 2017-023 AND ORD. 2009-030

CR-2019-012
(Updated 09/11/2019)

1 Part 1. ULDC Art. 12.B.2.D.4, Traffic Performance Standards, Standard, Project Buildout/Five
2 Year Standard, Radius of Development Influence/Project Significance (page 18 of 57,
3 Supplement 25), is hereby amended as follows:

Reason for amendments: [Planning]

1 The enabling CRALLS TE Policy 1.2.f.41 was deleted in Planning Amendment Round 17-C, as the
CRALLS had expired in 2012, through Ordinance 2017-023. Policy 1.2-f (41) was a *de minimis*
CRALLS policy for those developments with minimal impact on the designated roadways.

4 CHAPTER B STANDARD

5

6 Section 2 Project Buildout/Five Year Standard

7

8 D. Radius of Development Influence/Project Significance

9

10 ~~4. Transportation Element Policy 1.2.f.41, of the Palm Beach County Comprehensive Plan~~
11 ~~establishes a temporary CRALLS on certain roadway links for the exclusive use of Projects~~
12 ~~with insignificant impact on the identified links. In order to meet this Policy, all Projects seeking~~
13 ~~to use this temporary CRALLS must implement one of the mitigation requirements set forth~~
14 ~~below: [Ord. 2008-003]~~

15 ~~a. Prior to issuance of the first building permit, Developer shall pay a one-time mitigation fee~~
16 ~~of \$ 36 per net Project peak hour trip on the affected temporary General CRALLS link or~~
17 ~~links. If more than one temporary General CRALLS link is impacted by Project traffic, then~~
18 ~~the cumulative number of Project peak hour trips on all affected links shall be used to~~
19 ~~calculate the mitigation fee. The mitigation fee rate per net Project peak hour trip is~~
20 ~~calculated as follows (assuming that the majority of peak hour trips on the roadway are~~
21 ~~commuter trips to and from work): [Ord. 2008-003]~~

22 ~~1) Annual cost of traffic congestion in South Florida (from 2007 Annual Urban Mobility~~
23 ~~Report, Texas Transportation Institute) = \$900 per motorist per year. [Ord. 2008-003]~~

24 ~~2) Estimated average length of temporary General CRALLS roadway link = One mile~~
25 ~~(based upon 2006 year General CRALLS list). [Ord. 2008-003]~~

26 ~~3) Estimated average length of Palm Beach County work trip = 12.5 miles (based upon~~
27 ~~U.S. Census Journey to Work average time of approximately 25 minutes for Palm~~
28 ~~Beach County and an average peak hour speed from 2001 National Household Travel~~
29 ~~Survey of approximately 30 MPH). [Ord. 2008-003]~~

30 ~~4) Project trip length on the affected temporary General CRALLS link is approximately~~
31 ~~one mile/12.5 miles = 0.08 of the total work trip length. [Ord. 2008-003]~~

32 ~~5) Annual congestion cost of Project peak hour trips on affected temporary General~~
33 ~~CRALLS link (since these links are identified once every year) = 0.08 x \$900 / year =~~
34 ~~\$72/year. [Ord. 2008-003]~~

35 ~~6) Annual congestion cost of Project peak hour trips attributable to each trip end (either~~
36 ~~production or attraction) = \$72 / year / two = \$36/year [Ord. 2008-003]~~

37 ~~These fees shall be deposited in a separate Fee Account for the roadway Link and shall~~
38 ~~be used to improve mobility on the affected temporary General CRALLS roadway Link. If~~
39 ~~Palm-Tran or Tri-Rail mass transit service is available within 0.25 mile walking distance of~~
40 ~~the main on-site building entrance (for non-residential developments) or within an average~~
41 ~~0.25 mile walking distance of all housing units (for residential developments), then these~~
42 ~~fees shall be dispersed to either Palm-Tran or Tri-Rail for free transit passes for Project~~
43 ~~employees or residents. If no mass transit service is available within the 0.25 mile walking~~
44 ~~distance, then the fees shall be dispersed to South Florida Commuter Services to fund an~~
45 ~~ongoing on-site ridesharing program (for non-residential projects) or other affected General~~
46 ~~CRALLS link related transportation demand management improvements (for residential~~
47 ~~projects), subject to the approval of the County Engineer. [Ord. 2008-003]~~

48 ~~b. Develop at a density or intensity which is fifty percent or less of the allowable maximum~~
49 ~~under the future land use designation. [Ord. 2008-003]~~

50 ~~c. Develop a low generation traffic sensitive Project, which will generate fifty percent or less~~
51 ~~of the 2-way PM peak hour traffic expected under the general land use category permitted~~
52 ~~by right for the applicable zoning district (assuming the maximum FAR for non-residential~~
53 ~~land uses or maximum density for residential land uses). [Ord. 2008-003]~~

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EXHIBIT C

ARTICLE 12 – TRAFFIC PERFORMANCE STANDARDS CODIFICATION OF ORD. 2017-023 AND ORD. 2009-030

CR-2019-012
(Updated 09/11/2019)

1 ~~d. Prepay fair share road impact fees in full within six months of the approval of the Project's~~
2 ~~initial development order or prior to the issuance of the first building permit, whichever shall~~
3 ~~first occur. [Ord. 2008-003]~~

4 ~~e. Provide inter-connectivity between complementary neighboring land uses for both~~
5 ~~vehicular and pedestrian cross-access. Such interconnectivity shall consist of an access~~
6 ~~easement on the parcel's plat, or recorded as a restrictive covenant, to ensure the access~~
7 ~~will remain should redevelopment of the site occur. Prior to final master or site plan~~
8 ~~approval, the Developer shall obtain a reciprocal access easement or restrictive covenant~~
9 ~~from the adjacent property owner to complete the inter-connectivity. The development~~
10 ~~orders of the properties involved shall require the construction of the cross-access. [Ord.~~
11 ~~2008-003]~~

12 ~~These mitigation measures for the General CRALLS shall no longer be available for use~~
13 ~~by new developments approved after December 31, 2012. [Ord. 2008-003]~~

14 ~~Table 12.B.2.D-9 3C, identifies the thresholds for the purposes of defining project~~
15 ~~significance for Test 1. The LOS D thresholds shall mean those peak hour peak direction~~
16 ~~volumes listed in Table 12.B.2.C-1 1A. Table 12.B.2.D-10 3D, identifies the Significance~~
17 ~~thresholds for Test 2. The LOS E thresholds shall be those Peak Hour peak direction~~
18 ~~volumes listed in Table 12.B.2.C-4 2A, [Ord. 2006-043] [Ord. 2010-022]~~

21 **Part 2. ULDC Art. 12.R, Traffic Performance Standards, Corridor Master Plans (page 56 and 57**
22 **of 57, Supplement 25), is hereby amended as follows:**

Reason for amendments: [Planning]

1. The enabling Corridor Master Plans TE Policy 1.1.n was deleted in Planning Amendment Round 09-1 through Ordinance 2009-030 due to budgetary constraints and complexity involved in resolving intergovernmental differences. Some of the reasons for the deletion included County's past experience which proved that it was time and resource consuming to resolve all intergovernmental differences in order to have a Corridor Master Plan (CMP) adopted by all municipalities involved. Any local government involved in a CMP could veto the whole process. It was further determined that existing planning tools available at the time of policy deletion could be utilized to achieve planning goals or objectives without the need for a CMP.

23 **CHAPTER R—CORRIDOR MASTER PLANS**

24 **Section 1—General**

25 ~~The County and affected municipalities shall develop individual corridor master plans to address each~~
26 ~~projected corridor failure in corridors identified in the Comprehensive Plan Transportation Element Policy~~
27 ~~1.1n, where the adopted Level of Service may not be achieved pursuant to the 2025 Transportation System~~
28 ~~for Palm Beach County, Highway Component, prepared by the Metropolitan Planning Organization~~
29 ~~(hereinafter referred to as the "MPO Model"). Once a Corridor Master Plan (hereinafter referred to as~~
30 ~~"CMP") has been adopted by the County and any affected municipality for a particular corridor, no project~~
31 ~~which is Significant on that corridor shall be approved for development by the County or affected~~
32 ~~municipality unless the project meets the requirements of that Corridor Master Plan. [Ord. 2007-013]~~

33 **A.—Corridor Identification**

34 ~~A corridor subject to CMP shall consist of a series of continuous Major Thoroughfare Links, two or~~
35 ~~more of which exceed a volume to capacity ratio of 1.0 as projected by the MPO model. All corridors~~
36 ~~subject to this section are identified in the Comprehensive Plan. [Ord. 2007-013]~~

37 **B.—Development and Implementation**

38 ~~Corridor Master Plans shall initially be prepared by designated representatives of the County and~~
39 ~~any affected municipalities. Corridor Master Plans shall be based generally upon the following~~
40 ~~Outline: [Ord. 2007-013]~~

41 ~~1.—Overview of the Study Process~~

42 ~~a.—Study Purpose and objectives [Ord. 2007-013]~~

43 ~~b.—Identification of study area [Ord. 2007-013]~~

44 ~~c.—Corridor History [Ord. 2007-013]~~

45 ~~d.—Agency Coordination [Ord. 2007-013]~~

46 ~~e.—Public notice and participation of affected property owners [Ord. 2007-013]~~

47 ~~f.—Decision chronology [Ord. 2007-013]~~

48 ~~2.—Corridor problems and needs [Ord. 2007-013]~~

49 ~~3.—Evaluation Criteria and Methodology [Ord. 2007-013]~~

50 ~~4.—Development and Analysis of Detailed Alternatives [Ord. 2007-013]~~

51 ~~5.—Financial Analysis to determine the Preferred Alternative [Ord. 2007-013]~~

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EXHIBIT C

ARTICLE 12 – TRAFFIC PERFORMANCE STANDARDS CODIFICATION OF ORD. 2017-023 AND ORD. 2009-030

CR-2019-012
(Updated 09/11/2019)

- 1 ~~6. Action Plan [Ord. 2007-013]~~
2 ~~C. Adoption by the County and Affected Municipalities~~
3 ~~1. The Corridor Master Plan must be adopted and implemented by the County and any affected~~
4 ~~municipalities in order for the terms of the Plan to be enforceable within their respective~~
5 ~~jurisdictions. If there are outstanding issues that the County and municipal representatives not~~
6 ~~agree to in the initial draft of the CMP, these issues shall be documented by setting forth the~~
7 ~~areas of disagreement, the positions of the representatives participating, and any alternatives~~
8 ~~and compromises offered. [Ord. 2007-013]~~
9 ~~2. The draft Corridor Master Plan will be presented to the governing body of the County and each~~
10 ~~affected municipality for review and comment. If there are also outstanding issues identified by~~
11 ~~the staffs, the areas of disagreement will also be presented to the respective elected~~
12 ~~Boards/Commissions for input on how the disagreement should be resolved. If there are~~
13 ~~remaining unresolved issues identified pursuant to sections C.1., C.2., or C.5, the elected~~
14 ~~officials shall appoint a negotiator to speak for that local government. [Ord. 2007-013]~~
15 ~~3. The designated negotiators shall meet in an attempt to resolve these issues. If agreement is~~
16 ~~reached, the Corridor Master Plan shall be finalized and presented to the local governments~~
17 ~~for adoption pursuant to section C.5. [Ord. 2007-013]~~
18 ~~4. If outstanding issues remain after the negotiators meet, the parties will schedule a joint~~
19 ~~mediation meeting of the elected bodies to attempt to resolve those issues. A~~
20 ~~facilitator/mediator shall chair the meeting. If the parties cannot agree to a facilitator/mediator,~~
21 ~~the parties will request that the Treasure Coast Regional Planning Council either assist them~~
22 ~~in selecting a facilitator/mediator or actually select the facilitator/mediator. [Ord. 2007-013]~~
23 ~~5. The Corridor Master Plan shall be finalized to include all the items agreed upon by the parties.~~
24 ~~The Corridor Master Plan shall be presented to the County and each affected municipality for~~
25 ~~adoption. If any additional areas of disagreement are identified in the adoption process, the~~
26 ~~local government raising the issue shall present a written report to the other jurisdictions~~
27 ~~detailing the area of disagreement and reasons for the disagreement. If this occurs, the report~~
28 ~~will be presented to the other parties. If all of the other parties do not agree to the requested~~
29 ~~change to the Corridor Master Plan, each local government shall appoint a negotiator as set~~
30 ~~forth in section C.3. to resolve the issue. [Ord. 2007-013]~~
31 ~~6. The Corridor Master Plans shall become effective upon adoption by all of the appropriate local~~
32 ~~governments. [Ord. 2007-013]~~

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EXHIBIT D

ARTICLE 5 – SUPPLEMENTARY STANDARDS
COMMUNITY AND NEIGHBORHOOD PARK RECREATION
STANDARDS

CR-2019-009
(Updated 09/16/19)

Part 1. ULDC Art. 5.D.2.B.9, Other Credits (page 55-56 of 106, Supplement 25), is hereby amended as follows:

Reason for amendments: [Parks and Recreation]
1. The purpose of this amendment is to reduce the minimum recreation parcel's site dimensions for those projects with 20 and fewer dwelling units (usually infill projects), in order to provide flexibility and reduced standards for smaller size parcels of land.

CHAPTER D PARKS AND RECREATION – RULES AND RECREATION STANDARDS

....

Section 2 Types of Parks

....

B. Community and Neighborhood Park Recreation Standards

....

9. ~~Other Credits Property Development Regulations~~

Any parcel of land used to satisfy Parks and Recreation Standards shall meet the following requirements: [Ord. 2006-004]

~~a. Minimum Parcel Size~~

~~Minimum parcel size shall be 7,500 square feet exclusive of above ground easements and landscape buffers. [Ord. 2006-004] [Ord. 2016-042] [Partially relocated to new Table 5.D.2.B.9 – Property Development Regulations.]~~

~~b. Minimum Parcel Width~~

~~Minimum parcel width shall average 75 feet with no dimension less than 50 feet. [Ord. 2006-004]~~

~~c. Minimum Parcel Depth~~

~~Minimum parcel depth shall average 100 feet with no dimension less than 75 feet. [Ord. 2006-004] [Partially relocated to new Table 5.D.2.B.9 – Property Development Regulations.]~~

~~d. Waiver of Minimum Parcel Dimensions~~

~~The Parks and Recreation Department may reduce the minimum recreation parcel dimensions by not more than ten percent when considering location, abutting land uses, accessibility, recreation facilities to be offered and the parcels function in the overall recreation and open space network of the development. [Ord. 2006-004] [Relocated to new Table 5.D.2.B.9 – Property Development Regulations.]~~

~~e. Underground Easements~~

~~Underground easements are permitted in the recreation parcel with prior approval by the Director of the Parks and Recreation Department, and as long as the utility of the recreation parcel is not adversely impacted. [Ord. 2016-042] [Relocated to new Table 5.D.2.B.9 – Property Development Regulations.]~~

~~f. Exceptions~~

- ~~1. CLFs may be exempt from the minimum parcel size and minimum dimensions, with prior approval by the Director of the Parks & Recreation Department. [Ord. 2016-042]~~
- ~~2. CLF recreational requirements may be satisfied using a combination of interior and exterior recreation areas, with prior approval by the Director of the Parks and Recreation Department. [Ord. 2016-042]~~

Table 5.D.2.B.9 – Property Development Regulations (1)

Number of Units	Min. Lot Size (2)(3)(4)(5)	Min. Lot Width (4)(5)	Min. Lot Depth (4)(5)
<u><=10 units (6)</u>	2,500 sq. ft.	50 feet	50 feet
<u>>10 <=20 units</u>	4,200 sq. ft.	60 feet	70 feet
<u>>20 units</u>	7,500 sq. ft. [Partially relocated from Art. 5.D.2.B.9.a Minimum Parcel Size]	Average 75 feet, but not less than 50 feet at any given point [Partially relocated from Art. 5.D.2.B.9.b Minimum Parcel width]	Average 100 feet, but not less than 75 feet at any given point [Partially relocated from Art. 5.D.2.B.9.c Minimum Parcel Depth]
Notes:			
<u>(1) The Parks and Recreation Department may reduce the minimum recreation parcel dimensions by not more than ten percent when considering location, abutting land uses, accessibility, recreation facilities to be offered and the parcels function in the overall recreation and open space network of the development. [Ord. 2006-004] [Relocated from Art. 5.D.2.B.9.d Waiver of Minimum Parcel Dimensions]</u>			

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**ARTICLE 5 – SUPPLEMENTARY STANDARDS
COMMUNITY AND NEIGHBORHOOD PARK RECREATION
STANDARDS**

**CR-2019-009
(Updated 09/16/19)**

Table 5.D.2.B.9 – Property Development Regulations (1)

<i>(2) Exclusive of above ground easements and landscape buffers, underground easements are permitted in the recreation parcel with prior approval by the Director of the Parks and Recreation Department, and as long as the utility of the recreation parcel is not adversely impacted. [Ord. 2016-042] [Relocated from Art. 5.D.2.B.9.e Underground Easements]</i>
<i>(3) Projects providing recreation sites with less than 7,500 square feet in size may not include the parking within the minimum size for a recreation parcel.</i>
<i>(4) CLFs may be exempt from the minimum parcel size and minimum dimensions, with prior approval by the Director of the Parks and Recreation Department. [Ord. 2016-042] [Relocated from Art. 5.D.2.B.9.f Exceptions]</i>
<i>(5) CLF recreational requirements may be satisfied using a combination of interior and exterior recreation areas, with prior approval by the Director of the Parks and Recreation Department. [Ord. 2016-042] [Relocated from Art. 5.D.2.B.9.f Exceptions]</i>
<i>(6) Projects with 4 or fewer dwelling units, may use Art. 5.D.2.B.5, Cash-Out Option for compliance with their minimum Recreation site.</i>

1

Part 2. ULDC Art. 3.E.2.D Overlay and Zoning Districts, Planned Development Districts (PDDs), Planned Unit Development (PUD), Property Development Regulations(PDRs),Setbacks, Table 3.E.2.D PUD Property Development Regulations (page 147-149 of 211, Supplement 25), is hereby amended as follows:

Reason for amendments: [Parks and Recreation/Zoning]
1. The purpose of this amendment is to reduce the minimum recreation parcel's site dimensions for those projects with 20 and fewer dwelling units (usually infill projects), in order to provide flexibility and reduced standards for smaller size parcels of land.
2. Modify the Recreation Pod Lot dimenions to refer to the Footnotes and references to Article 5.D.
3. Clarify existing language adopted under ORD 2016-042 allowing for exemptions for the frontage of Recreation Pods for MF, CLF or similar uses, that frontage of the Pod may be reduced or eliminated when the recreation is internal to the buildings, surrounded by structures or located on a shared driveway. Strike similar use and replace with Cottage Homes that are in the MF Pod or Lot. Clarify the requirement for the pedestrian circulation.

2 **CHAPTER E PLANNED DEVELOPMENT DISTRICTS (PDDS)**

3

4 **Section 2 Planned Unit Development (PUD)**

5

6 **C. Thresholds**

7

8 **2. Land Use Mix**

9 Table 3.E.2.C, PUD Land Use Mix, indicates the minimum and maximum percentage of each
10 land use allowed in a PUD.

Table 3.E.2.C – PUD Land Use Mix

	Res.	Civic (1)	Comm.	Rec. (2)	OS (3)	Preserve Area	Dev. Area
MIN	60%	2% (1)	-	.006 acre per du	40%	80/20 AGR – 80% 60//40 AGR – 60%	-
MAX	-	65%	1%	-	-	-	80/20 AGR – 25% (4) 60/40 AGR – 40%
[Ord. 2006-004] [Ord. 2008-037] [Ord. 2011-001] [Ord. 2016-042]							
Notes:							
1. Minimum civic pod requirement may be waived, subject to the following: [Ord. 2011-001] a. Public civic may not be required where two percent of the gross acreage of a PDD is less than 1.5 acres in size, subject to FD&O approval; and, [Ord. 2011-001] b. If located in a CCRT area, shall be labeled as private civic unless waived by the BCC. [Ord. 2011-001]							
2. Minimum recreation area required for a CLF may be reduced in accordance with Art. 5.D.2.B.9.f, Exceptions. Art. 5.D, Parks and Recreation-Rules and Recreation Standards Table 5.D.2.B.9, Property Development Regulations. [Ord. 2016-042]							
3. Calculation of open space may include recreation pods, civic pod and open space areas within residential. [Ord. 2006-004]							
4. See 80/20 option exception.							

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EXHIBIT D

**ARTICLE 5 – SUPPLEMENTARY STANDARDS
COMMUNITY AND NEIGHBORHOOD PARK RECREATION
STANDARDS**

**CR-2019-009
(Updated 09/16/19)**

D. Property Development Regulations (PDRs)

The minimum lot dimensions, density, maximum FAR, maximum building coverage, and minimum setbacks in each pod are indicated in Table 3.E.2.D, PUD Property Development Regulations, unless otherwise stated.

1. Setbacks

For residential development, building setbacks shall be measured from the inside edge of the perimeter landscape buffers. For non-residential development, building setbacks shall be measured from the property line. Rear or side setbacks may be reduced pursuant to Art. 3.D.1.D,4, Setback Reductions.

Table 3.E.2.D – PUD Property Development Regulations

POD	Lot Dimensions			Density	FAR (2)	Building Coverage	Setbacks			
	Size	Width and Frontage	Depth				Front	Side	Side Street	Rear
Residential										
SF and Cottage Homes	Apply the RS district regulations in Table 3.D.1.A, Property Development Regulations. Refer to Art. 3.D.2.E, Cottage Home Property Development Regulations. [Ord. 2018-018]									
ZLL	Refer to Art. 3.D.2.C, Zero Lot Line (ZLL).									
TH	Refer to Art. 3.D.2.A, Townhouse.									
MF	Apply the RM district regulations in Table 3.D.1.A, Property Development Regulations.									
Civic										
Private	0.5 ac	100	100	-	-	30 percent	25	20	25	20
Public	1.5 ac.	100	200	-	-	30 percent	25	20	25	20
Commercial										
Commercial	Apply CC district regulations in Table 3.D.1.A, Property Development Regulations									
Recreation										
Recreation Pod (3)	(3)	65(3)	75(3)	-	-	30 percent	25	15	25	15
Neighborhood Park	0.1	45	75	-	-	15 percent	15	15	15	15
Preservation (1)										
Preservation	Apply the AGR district regulations in Table 3.D.1.A, Property Development Regulations									
[Ord. 2005-002] [Ord. 2007-001] [Ord. 2008-037] [Ord. 2016-042] [Ord. 2018-018]										
Notes:										
1.	Preservation includes the Preservation Areas in a PUD allowed in the AGR FLU designations.									
2.	The maximum FAR shall be in accordance with FLUE Table III.C.2 of the Plan, and other related provisions, unless otherwise noted. [Ord. 2007-001]									
3.	Recreation Pods required for M multi-family units, CLFs, or other similar uses Cottage Homes in a MF Pod or Lot may be exempt from the following: a) Minimum lot frontage requirement may be reduced or eliminated , where the Pod does not front on a internal street, and is located within the MF or CLF structures, surrounded by the MF, CLF or Cottage Homes, or located on a shared driveway, frontages are not available in the area required for recreation amenities, upon demonstration that access is provided by frontage on A sidewalk shall be provided from the Recreation Tract to the internal access ways, the pedestrian network other as may be approved by Parks and Recreation ; and, [Ord. 2016-042] b) Minimum PDRs may be reduced proportionate to or in accordance with Art. 5.D.2.B.9, Exceptions Parks and Recreation- Rules and Recreation Standards Table 5.D.2.B.9, Property Development Regulations [Ord. 2016-042]									

E. Pods

3. Recreation Pod

Recreation areas shall be designated on the Master Plan as recreation pods, ~~except where in conflict with Art. 5.D.2.B.9.f, Exceptions,~~ and shall comply with ~~Art. 5.B.1.A.9, Neighborhood~~

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EXHIBIT D

ARTICLE 5 – SUPPLEMENTARY STANDARDS COMMUNITY AND NEIGHBORHOOD PARK RECREATION STANDARDS

CR-2019-009
(Updated 09/16/19)

- 1 ~~Recreation Facility~~, and, Art. 5.D, Parks and Recreation – Rules and Recreation Standards, in
2 addition to the requirements of this section. [Ord. 2011-001] [Ord. 2013-001] [Ord. 2016-042]
3 4. **Civic Pod**
4

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EXHIBIT E

ARTICLE 2.E – MONITORING

CR-2018-0048
(Updated 09/17/19)

Part 1. ULDC Art. 1 ULDC Art. 2.E, Application Processes and Procedures, Monitoring (page 44 of 111, Supplement 25), is hereby amended as follows:

Reason for amendments: [Planning]
1. Add definition of Community Development District as described in the Florida Statutes Section 190.003.
2. Add Acronym for Community Development District as CDD.

CHAPTER I DEFINITIONS AND ACRONYMS

....

Section 2 Definitions

....

C. Terms defined herein or referenced in this Article shall have the following meanings:

45. **Communication Tower Users List** – an official list of commercial communication tower service providers, maintained by the Development Review Officer, to assist new users to locate existing sites to encourage collocation, pursuant to [Art. 4.B.9.E, Eligible Facilities Request for Modification](#). [Ord. 2009-040] [Ord. 2017-007]
 46. **Community Development District** – a local unit of special-purpose government which is created pursuant to F.S. and is limited to the performance of those specialized functions authorized by the F.S. and the Plan; the governing head of which is a body created, organized, and constituted and authorized to function specifically as prescribed in this act for the purpose of the delivery of urban community development services; and, the formation, powers, governing body, operation, duration, accountability, requirements for disclosure, and termination of which are as required by general law.
 47. **Community Water System** – for the purposes of [Art. 15.B, PBC Environmental Control Rule II – Drinking Water Supply Systems](#), a public water system which serves at least 15 service connections used by year round residents or which serves at least 25 year round residents.
- [Renumber accordingly]

Section 3 Abbreviations and Acronyms

....

CAH	Commission on Affordable Housing
CC	Community Commercial [Ord. 2005-002]
CCRT	Countywide Community Revitalization Team
<u>CDD</u>	<u>Community Development District</u>
CES	Cooperative Extension Service [Ord. 2013-021]

....

Part 2. ULDC Art. 2.E, Application Processes and Procedures, Monitoring (pages 61-71 of 101, Supplement 25), is hereby amended as follows:

Reason for amendments: [Planning]
1. Delete existing language in Article 2.E, and replace with new language.

CHAPTER E MONITORING

~~Section 1—General~~

~~A.—Purpose and Intent~~

- ~~1. It is the intent of the BCC to provide for the public health, safety and welfare by establishing procedures for mandatory review of certain development orders. F.S. ch. 163, pt. II, entitled "Local Government Comprehensive Planning and Land Development Regulations Act" provides that all development regulations shall be consistent with the adopted Plan. F.S. ch. 163 further provides that public facilities and services shall be available concurrent with the impacts of development. Pursuant to F.S. ch. 163, the Plan requires that the applicant for all development orders or permits must demonstrate that the necessary public facilities and services are available. To ensure the availability of facilities and services to proposed developments, it is necessary that developments that have reserved capacity proceed in the prescribed time. Systematic monitoring and subsequent review of approved development orders will help implement the goals within the Plan by:~~

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- 1 ~~a. Preserving the availability of public facilities and services for proposed development by~~
- 2 ~~removing capacity reserved for inactive development;~~
- 3 ~~b. Minimizing the creation of an artificially inflated inventory of residential, commercial, and~~
- 4 ~~industrial development;~~
- 5 ~~c. Enhancing the value and use of land in unincorporated PBC by identifying and providing a~~
- 6 ~~system to eliminate obsolete approvals which distort the official land use inventory;~~
- 7 ~~d. Requiring compliance with improved performance and site design standards by providing~~
- 8 ~~a system whereby approved, but unbuilt, developments are subject to periodic review;~~
- 9 ~~e. Ensuring that development orders are timely performed and complied with at all times; and~~
- 10 ~~f. Ensuring that outstanding debts due to the PBC are paid in a timely manner.~~
- 11 ~~2. To protect the public welfare, it is the intent of the BCC to ensure compliance with the conditions~~
- 12 ~~of development orders and with specific time requirements for the completion of activities~~
- 13 ~~associated with said approvals or with this Code. The BCC recognizes that unforeseen factors~~
- 14 ~~may interfere with the established schedule. This Article creates an administrative program to~~
- 15 ~~monitor and provide extensions for activities which must be completed within a certain time~~
- 16 ~~period pursuant to a development order or pursuant to this Code, and to ensure that conditions~~
- 17 ~~are met and not violated.~~
- 18 ~~3. The BCC recognizes that development is a complicated process. Despite efforts on the part of~~
- 19 ~~developers to proceed according to plans, unforeseen factors may interfere with the schedule~~
- 20 ~~of development and compliance with conditions of approval. The review procedure created in~~
- 21 ~~this Article establishes a system for administrative review and approval of time extensions.~~
- 22 ~~4. To meet the intent of this Article, the BCC may review development orders issued prior to the~~
- 23 ~~adoption of this Code for compliance with the time requirements of this Code and for~~
- 24 ~~compliance with conditions of approval.~~
- 25 ~~5. When the BCC or any provision of this Code has imposed a condition of development approval~~
- 26 ~~or time limit for the completion or duration of a specific activity or phase of development, the~~
- 27 ~~property owner shall be responsible for compliance.~~

B. Applicability

- 29 ~~1. This Article shall apply to:~~
- 30 ~~a. All development orders with a time requirement for completing one or more actions as~~
- 31 ~~identified in Table 2.E.3.B, Time Limitation of Development Order for Each Phase, or in the~~
- 32 ~~development process as required by specific Articles of this Code; and~~
- 33 ~~b. All development orders identified in Table 2.E.3.B, Time Limitation of Development Order~~
- 34 ~~for Each Phase, with conditions of approval.~~
- 35 ~~2. The following are exempt from this Article:~~
- 36 ~~a. Any development order in whole or in part, that applies to lands that are owned by a unit~~
- 37 ~~of local, state, and/or federal government, provided that the development order is utilized~~
- 38 ~~for buildings or facilities that are owned by a government entity and support customary~~
- 39 ~~government operations and/or delivery of public services; **[Ord. 2005-002] [Ord. 2007-**~~
- 40 ~~**013]**~~
- 41 ~~b. Any development order initiated by staff at the direction of the BCC after a review pursuant~~
- 42 ~~to this Article; and~~
- 43 ~~c. Any development order for a rezoning of a single lot to a residential zoning district that~~
- 44 ~~corresponds to the minimum density permitted in the Plan Future Land Use designation for~~
- 45 ~~that lot, provided there is no concurrency reservation or concurrency exemption for the~~
- 46 ~~property.~~
- 47 ~~3. For development orders which are subject to the requirements of this Article, the time limitations~~
- 48 ~~shall apply to those approved prior to or subsequent to the effective date of this amendment.~~

Section 2 – Procedures

A. Suspension of Development Orders

- 51 ~~1. Upon expiration of any time period established by this Code or for any failure to comply with,~~
- 52 ~~or continued violation of a condition of development approval, except for a condition imposed~~
- 53 ~~by the DRO, or a condition for which a complete administrative time extension application has~~
- 54 ~~been submitted, or a variance, no new development orders affecting the property shall be~~
- 55 ~~issued by PBC, and no action which might tend to vest the development order shall be~~
- 56 ~~permitted, except as permitted by Art. 2.E.2.D.5, Procedures for Rezoning, until a final~~
- 57 ~~determination is made by the Executive Director, or BCC or ZC pursuant to Art. 2.E.2.B,~~
- 58 ~~Administrative Extension of Time, and Art. 2.E.2.D, Failure to Comply with Conditions or Time~~
- 59 ~~Requirements other than for a DRO Imposed Condition of Approval, herein. This suspension~~
- 60 ~~of development rights shall not preclude the property owner from filing a new petition for the~~
- 61 ~~subject property to amend or supersede an existing development order, or the BCC or ZC from~~
- 62 ~~approving this petition. This suspension of development orders shall also apply to any failure~~
- 63 ~~to comply with, or continued violation of, a condition of development approval, if a status report~~

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- 1 public hearing is scheduled pursuant to Art. 2.E.2.D, Failure to Comply with Conditions or Time
2 Requirements other than for a DRO Imposed Condition of Approval. **[Ord. 2007-001]**
3 ~~2. This suspension of development rights shall have the following effect on new petitions and~~
4 ~~code enforcement actions:~~
- 5 ~~a. If the property owner files a new petition, no new development orders shall be issued until~~
6 ~~the completion of the zoning process except the development order which approves the~~
7 ~~petition.~~
- 8 ~~b. If the BCC or ZC directs staff to cite the property owner for violating the provisions of the~~
9 ~~development order, no new development orders shall be issued until the alleged violation~~
10 ~~has been ruled upon by the Code Enforcement Special Masters, and any enforcement~~
11 ~~action is completed, or penalty is satisfied. This shall not, however, preclude compliance~~
12 ~~with the specific condition cited in the status report after the BCC or ZC has directed the~~
13 ~~Code Enforcement Division to cite the property owner for noncompliance with that~~
14 ~~condition.~~
- 15 ~~3. Upon the expiration of any time period except for a time period to comply with a condition of~~
16 ~~approval imposed by the DRO, or when a complete administrative time extension application~~
17 ~~for a time certain condition of approval has been submitted, upon reasonable cause to believe~~
18 ~~that a property owner has not complied with a condition or a condition of development approval~~
19 ~~has been violated, or a variance has not been utilized, a document shall be filed with the clerk~~
20 ~~of the circuit court to be placed with the records governing title to the affected property except~~
21 ~~as provided in Art. 2.E.2.A, Suspension of Development Orders, herein. This document may~~
22 ~~apply only to that portion of the property related to the expired time period, or any condition~~
23 ~~violated. The document shall give record notice that: **[Ord. 2005-002] [Ord. 2007-001]**~~
24 ~~a. A condition of development has been violated or a time certain activity has not proceeded~~
25 ~~as required;~~
26 ~~b. A review of the project will be conducted pursuant to terms of this Section;~~
27 ~~c. Until the review is completed, no new development orders shall be issued by PBC; and no~~
28 ~~action which might tend to vest the development order shall be permitted; and~~
29 ~~d. Such other information as may be reasonable and necessary to afford adequate record~~
30 ~~notice of the effect of this Section on the rights of property owners.~~
- 31 ~~4. If the BCC, ZC, or the Executive Director of PZB approves further development pursuant to Art.~~
32 ~~2.E.2.B, Administrative Extension of Time, and Art. 2.E.2.D, Failure to Comply with Conditions~~
33 ~~or Time Requirements other than for a DRO Imposed Condition of Approval, herein, a second~~
34 ~~document shall be filed with the clerk of the circuit court to be placed with the records governing~~
35 ~~title to the property indicating:~~
- 36 ~~a. That the rights to develop have been restored;~~
37 ~~b. Such other information as may be reasonable and necessary to afford adequate record~~
38 ~~notice of the effect of this Section on the rights of property owners; and~~
39 ~~c. This document shall only be recorded upon 1) payment of all status report fees as~~
40 ~~established from time to time by the BCC; 2) payment of any outstanding liens or debts~~
41 ~~owed on the subject property to PBC (not required for administrative time extensions for~~
42 ~~time certain conditions of approval); and 3) reinstatement of an expired standard~~
43 ~~development agreement if required to comply with adequate public facility standards. **[Ord.**~~
44 ~~**2005-002]**~~
45 ~~The status report fee may be waived if:~~
46 ~~1) the property owner is a government agency;~~
47 ~~2) the property owner is prevented from complying by a government-caused delay or by~~
48 ~~litigation that would prevent action by the property owner to bring the approval into~~
49 ~~compliance.~~
- 50 ~~a) In the event litigation contesting the validity of lien or fine is initiated or pending~~
51 ~~prior to the time this payment is due, the document shall be recorded and payment~~
52 ~~of the lien or fine, if upheld by the court, shall be deferred until 35 days after Final~~
53 ~~Order. If the lien or fine is upheld by the court but the fine is not paid on or before~~
54 ~~the 35th day, a new notice of intent to withhold development permits shall be filed.~~
- 55 ~~5. There will be no suspension of development rights if the only recommendation in the status~~
56 ~~report to the BCC or ZC is to delete a condition of approval.~~

B. Administrative Extension of Time

- 57
58 ~~1. The owner of record, the current agent, or mortgagor demonstrating a secured interest in the~~
59 ~~property which is not being protected by the owner may file an application with the Executive~~
60 ~~Director of PZB for an administrative extension of time. The application shall be made upon~~
61 ~~such forms and in such a manner, including payment of fees, as prescribed by the PZB.~~
- 62 ~~2. Upon the filing of an application for an administrative extension of time, the Executive Director,~~
63 ~~or other person designated by this Code, may grant an extension of time to comply with a~~
64 ~~requirement. A time extension shall commence upon the expiration of the date to comply with~~

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1 the time requirement, or the expiration of the last extension, whichever is applicable. Conditions
2 of approval with a time certain project buildout date may be provided an additional 90 days if a
3 complete building permit application has been submitted to the Building Division prior to this
4 deadline. The maximum duration of an administrative time extension is as follows: ~~[Ord. 2007-
5 001]~~

6 ~~a. Development Order~~

7 Table 2.E.3.B, Time Limitations of Development Order for Each Phase, provides the
8 maximum length of each administrative time extension for each development order
9 governed by this Code except when there is a government caused delay. When such a
10 delay is documented, the Executive Director of PZB shall grant such extensions as
11 necessary to offset government caused delays, not necessarily equal to the time of the
12 delay, and each extension shall be based only on a delay that has already occurred. It is
13 the responsibility of the property owner to notify staff in writing of the delay, and document
14 the cause of the delay, however, no application or fee will be required.

15 ~~b. Conditions of Approval not Requiring the Posting of Performance Security Pursuant
16 to Art. 12.C.2, Conditions~~

17 An administrative extension shall not exceed 12 months, with the exception of time certain
18 project buildout date condition(s) as mandated by the Traffic Performance Standards. An
19 administrative extension for a project buildout date condition may be granted up to the
20 Buildout Period assumed in the Traffic Study submitted with the application, provided that
21 it has been reviewed and approved by the County Engineer and that no additional
22 conditions of approval are necessary to comply with the Traffic Performance Standards. If
23 additional conditions of approval are required, the request for time extension through the
24 new project buildout year shall be submitted in the form of a Development Order
25 Amendment to the BCC or ZC, as appropriate, for approval. Subsequent applications may
26 be filed, however, the total administrative extensions approved shall not exceed 24 months
27 except 1) for project buildout date conditions and 2) when government caused delays can
28 be documented as the reason for failure to meet required deadlines. The Executive Director
29 of PZB shall grant such extensions as necessary to offset government caused delays, not
30 necessarily equal to the time of delay, and each extension shall be based only on a delay
31 that has already occurred. It is the responsibility of the property owner to notify staff in
32 writing of the delay, and document the cause of the delay, however, no application or fee
33 will be required. If the BCC has previously approved a time extension, any administrative
34 extensions of time shall not extend more than 24 months from the original date for
35 compliance except 1) for project buildout date conditions and 2) when there have been
36 government caused delays. If government caused delay has prevented compliance with a
37 condition of approval which is due prior to the issuance of a building permit or certificate of
38 completion, the compliance deadline may extended to a specific date. The condition will
39 then be subject to the review requirements of this Section for time certain conditions of
40 approval. ~~[Ord. 2007-001]~~

41 ~~a. Conditions of Approval Requiring the Posting of Performance Security pursuant to
42 Art. 12.C.2, Conditions~~

43 A one-time administrative time extension not to exceed six months shall be the maximum.
44 ~~[Ord. 2005-002] [Ord. 2007-001]~~

45 ~~3. In reviewing applications for administrative time extensions for requirements other than
46 conditions of approval and variances, the Executive Director of PZB shall approve a time
47 extension provided there are no current Code violations or outstanding liens or fines and the
48 development order; [Ord. 2007-001]~~

49 ~~a. Is consistent with the Plan;~~

50 ~~b. Is consistent with the Code; and~~

51 ~~4. In reviewing applications for administrative time extensions for compliance with conditions of
52 approval, the Executive Director of PZB shall consider the following:~~

53 ~~a. Attempts by the applicant to complete the unfulfilled condition;~~

54 ~~b. The reliance by other parties on the timely performance of activity;~~

55 ~~c. Any changed circumstances, which may have interfered with the ability of the property
56 owner to meet the time certain requirement;~~

57 ~~d. Actions of other parties that may have precluded compliance;~~

58 ~~e. The existence of extraordinary mitigating factors; and~~

59 ~~f. Compliance with the review criteria in Art. 2.F.3.D.6.b, Performance Security Required and
60 Art. 2.E.2.B, Administrative Extension of Time, for posting of performance security for a
61 concurrency reservation.~~

62 ~~5. In reviewing applications for administrative extensions for variances, the criteria listed in Art.
63 2.E.2.B.4.a-f shall apply. [Ord. 2007-001]~~

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1 ~~6. When the extension of time is for the payment of fees, the amount due shall increase by an~~
2 ~~interest payment equal to the rate established by F.S. § 55.03. The interest rate established at~~
3 ~~the time an extension is approved shall remain the same until the fee is paid. If the extension~~
4 ~~covers a period less than a year, then the interest shall be prorated. [Ord. 2007-001]~~

5 ~~7. When the Executive Director of PZB approves an extension of time for completion of a time~~
6 ~~certain requirement, he/she may require the property owner to guarantee the completion by~~
7 ~~furnishing a cash deposit, letter of credit, or surety bond. [Ord. 2007-001]~~

8 **C. Appeal**

9 ~~An appeal of a denial of an administrative time extension may be made to the BCC for development~~
10 ~~orders approved by the BCC or ZC, and to the DRAB for conditions imposed by the DRO and to~~
11 ~~the hearing officer for variances. An appeal shall be made upon forms prescribed by the department~~
12 ~~within 30 days of the mailing of the notice that the request for an administrative extension has been~~
13 ~~denied. [Ord. 2007-001]~~

14 ~~1. The appeal shall be set on the BCC agenda within 60 days of receipt by the department. The~~
15 ~~BCC shall either affirm the decision of the department or grant an extension of time. This~~
16 ~~decision shall be made within 65 days of the date the appeal first appears on an agenda of the~~
17 ~~BCC unless a longer postponement is requested by the property owner. An extension of time~~
18 ~~may be granted only upon a finding by the BCC that the requirements of Art. 2.E.2.B,~~
19 ~~Administrative Extension of Time.~~

20 ~~2. An appeal to the DRAB shall be made pursuant to Art. 2.A.14.C.2.b, Administrative DO. [Ord.~~
21 ~~2010-022]~~

22 **D. Failure to Comply with Conditions or Time Requirements other than for a DRO Imposed** 23 **Condition of Approval**

24 **1. Scheduling of Status Reports**

25 ~~If a property owner fails to comply with a time requirement and has not received a time~~
26 ~~extension, staff shall advertise a status report public hearing for the Board (BCC or ZC) that~~
27 ~~approved the Development Order. If a property owner violates a condition of approval, staff~~
28 ~~may advertise a status report public hearing for the Board (BCC or ZC) that approved the~~
29 ~~Development Order. The hearing shall be held within 90 days of the filing of the notice required~~
30 ~~by Art. 2.E.2.A, Suspension of Development Orders. Staff may delay the scheduling of the~~
31 ~~status report public hearing if, prior to the most recent deadline for compliance, the property~~
32 ~~owner files for an amended or new Development Order which may affect the time requirement~~
33 ~~or any condition being violated. If the new application is approved and the time requirement~~
34 ~~has not been affected, or if the application is denied, staff will place the status report on a BCC~~
35 ~~or ZC agenda within 65 days of the approval of the new application. Staff will not delay~~
36 ~~scheduling of the status report when the property owner fails to comply with a Development~~
37 ~~Order Condition of Approval that is required for compliance with Traffic Performance~~
38 ~~Standards. [Ord. 2010-022]~~

39 **2. Status Report Review Criteria**

40 ~~The status report shall contain:~~

41 ~~a. a description of the development order;~~

42 ~~b. a summary of the background and current status of the development including any~~
43 ~~documentation provided to staff of efforts to comply with the requirement, or circumstances~~
44 ~~beyond the control and cause of the property owner, other than economic conditions, which~~
45 ~~have prevented compliance;~~

46 ~~c. a description of any Code violations;~~

47 ~~d. a description of any uncompleted conditions or time certain requirements;~~

48 ~~e. a review of criteria set forth in Art. 2.E.2.B, Administrative Extension of Time, for status~~
49 ~~reports prepared for failure to comply with a condition of approval;~~

50 ~~f. a description of any violation of a condition of approval and circumstances related to the~~
51 ~~violation; and~~

52 ~~g. a determination of whether the development order is consistent with the Plan and is~~
53 ~~consistent with the Code.~~

54 **3. Status Report – Additional Criteria**

55 ~~After the expiration of time extensions totaling four or more years approved by the BCC or ZC,~~
56 ~~the BCC or ZC may consider changed circumstances and compatibility issues.~~

57 **4. Staff Recommendations**

58 ~~Based on the factors identified in Art. 2.E.2.D.2, Status Report Review Criteria, and Art.~~
59 ~~2.E.2.D.3, Status Report – Additional Criteria, staff shall make a recommendation for one or~~
60 ~~more of the actions identified in Art. 2.E.2.D.8.b. [Ord. 2005-002]~~

61 **5. Procedures**

62 ~~Consideration of all actions permitted by Art. 2.E.2.D.8.b, except a rezoning shall occur in the~~
63 ~~following manner: [Ord. 2005-002]~~

64 **a. Public Hearing**

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At least one public hearing shall be held by the ZC or by the BCC, as applicable.

~~b. Mail Notice~~

The owner of record shall be notified in writing of the Executive Director's status report and recommendation to the BCC or ZC. Written notice shall consist of a letter sent at least 14 calendar days prior to the hearing by certified mail, return receipt requested, to the last known address of the owner of record as it appears in the official records of the PBC Property Appraiser's Office. Proof of the receipt shall be presented at the hearing. In the event that the owner fails to acknowledge receipt of mail notice or the notice is returned unopened, newspaper publication, as set forth below, shall be deemed sufficient notice. Written notice shall include:

- ~~1) A statement that the time period has expired or that a condition of approval has been violated and that the development shall be subject to review;~~
- ~~2) The Executive Director's recommendation to the BCC or ZC;~~
- ~~3) A statement that review may result in one or more of the actions identified in Art. 2.E.2.D.8.b. [Ord. 2005-002]~~
- ~~4) Notice of the date, time, and place of the hearing before the BCC or ZC, during which the report and recommendation of the Executive Director of PZB will be heard;~~
- ~~5) A statement of the owner's right to appear and to present relevant information to rebut or to supplement the report of the Executive Director of PZB; and~~
- ~~6) Such other information as may be necessary and appropriate to accomplish the goals of this Section.~~

~~c. Newspaper Publication~~

Notice of the hearing shall be published in a newspaper of general circulation in accordance with F.S. § 125.66(2)(a). Notice shall be published at least ten days prior to the hearing.

~~6. Procedures for Rezoning Less than Ten Acres~~

Consideration of all rezonings on properties less than ten contiguous acres, by the BCC, shall occur in the following manner: ~~[Ord. 2005-002]~~

~~a. Public Hearing~~

The BCC shall hold at least one public hearing on a proposed amendment to the boundaries of the Official Zoning Map.

~~b. Mail Notice~~

The owner of record shall be notified in writing of the Executive Director's status report and recommendation to the BCC and shall be noticed in accordance with F.S. § 125.66(4)(b)3. Written notice shall consist of a letter sent at least 30 calendar days prior to both the first and second hearings by certified mail, return receipt requested to the last known address of the owner of record as it appears in the official records of the PBC Property Appraisers Office. In the event that the owner fails to acknowledge receipt of mail notice or the notice is returned unopened, newspaper publication, as set forth below, shall be deemed sufficient notice. Written notice shall include the items as stated in Art. 2.E.2.D.5.b.1)-6).

~~c. Newspaper Publication~~

In addition to the notice mailed to the owner of record, notice of the hearing shall be published in a newspaper of general circulation in accordance with F.S. § 125.66(2). Notice shall be published at least ten days prior to the hearing.

~~7. Procedure for Rezoning Ten or More Acres~~

Prior to consideration of all rezonings on properties of ten or more contiguous acres by the BCC, notice to the owner of record and advertisement of the proceedings shall occur in the following manner: ~~[Ord. 2005-002]~~

~~a. Public Hearing~~

The BCC shall hold two public hearings on a proposed amendment to the boundaries of the Official Zoning Map when the amendment would affect ten or more contiguous acres of total unincorporated land area. The second public hearing shall be held at least ten calendar days after the first public hearing in accordance with F.S. § 125.66(4)(b)1.

~~b. Mail Notice~~

The owner of record shall be notified in writing of the Executive Director's status report and recommendation to the BCC and shall be noticed in accordance with F.S. § 125.66(4)(b)3. Written notice shall consist of a letter sent at least 30 calendar days prior to both the first and second hearing by certified mail, return receipt requested, to the last known address of the owner of record as it appears in the official records of the PBC Property Appraisers Office. In the event that the owner fails to acknowledge receipt of mail notice or the notice is returned unopened, newspaper publication, as set forth below, shall be deemed sufficient notice. Written notice shall include the items as stated in Art. 2.E.2.D.5.b.1)-6) above.

~~c. Newspaper Publication~~

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1 In addition to the notice mailed to the owner of record, notice shall be published in a
2 newspaper of general circulation in the PBC. Notice shall be published once for each
3 hearing; the first publication shall be at least seven calendar days prior to the date of the
4 first hearing and the second publication shall be least five calendar days prior to the second
5 hearing. The notice shall state the date, time, and place of the hearing; the proposed action;
6 and the place within the PBC where the status report and recommendation may be
7 inspected by the public. The notice shall advise that interested parties may appear at the
8 hearing and be heard with respect to the report and recommendation. A copy of such notice
9 shall be kept available for public inspection at the PZB during regular business hours.

8. ~~Decision of the BCC or ZC for Failure to Comply with the Following:~~

11 Time requirements to commence development, utilize a Conditional Use or record a plat; or
12 Non-performance security conditions (required by Art. 12.C.2, Conditions). ~~[Ord. 2005-002]~~
13 ~~[Ord. 2007-001] [Ord. 2017-007]~~

14 a. ~~The BCC or ZC shall consider the factors enumerated in Art. 2.E.2.D.2, Status Report~~
15 ~~Review Criteria above, and the recommendation of PZB. [Ord. 2005-002]~~

16 b. ~~After deliberation, the BCC or ZC shall take one or more of the following actions:~~

17 1) ~~Grant a time extension:~~

18 a) ~~To commence development, utilize a Conditional Use, or record a plat for a period~~
19 ~~not to exceed 36 months. The term of the time extension shall commence upon~~
20 ~~the expiration of the date to complete the time certain activity, or the expiration of~~
21 ~~the last extension, whichever is applicable. A time extension shall only be granted~~
22 ~~if the development order is consistent with the Plan and the Code. Options, which~~
23 ~~may be used to cause the Development Order to be consistent, include revocation~~
24 ~~of Concurrency and the amendment of Conditions of Approval. [Ord. 2005-002]~~
25 ~~[Ord. 2008-003] [Ord. 2017-007]~~

26 b) ~~To comply with a condition of approval for a period not to exceed 24 months with~~
27 ~~the exception of time certain project buildout date condition(s) as mandated by the~~
28 ~~Traffic Performance Standards. A project buildout date condition may receive~~
29 ~~approval of a time extension up the Buildout Period assumed in the Traffic Study.~~
30 ~~The term of the time extension shall commence upon the expiration of the date to~~
31 ~~complete the time certain activity, or the expiration of the last extension, whichever~~
32 ~~is applicable. When the BCC or ZC approves an extension of time for the payment~~
33 ~~of fees, the amount due shall increase by an interest payment equal to the rate~~
34 ~~established by F.S. § 55.03. The interest rate established at the time an extension~~
35 ~~is approved shall remain the same until the fee is paid. If the extension covers a~~
36 ~~period less than a year, the interest shall be prorated. [Ord. 2007-001]~~

37 2) ~~Adopt a resolution which will rezone the property to an appropriate zoning district;~~

38 3) ~~Adopt a resolution which will revoke or amend the approval for all or a portion of the~~
39 ~~Conditional Use, special exception or development order amendment; [Ord. 2017-007]~~

40 4) ~~Adopt a resolution, which will impose additional or modified conditions, voluntary~~
41 ~~commitments, or permit the property owner to initiate a petition to add or modify~~
42 ~~conditions or voluntary commitments, as directed by the BCC or ZC. New or modified~~
43 ~~conditions or voluntary commitments, shall include bringing the development into~~
44 ~~conformity with current Codes and regulations;~~

45 5) ~~Direct staff to cite the property owner for violating the provisions of this Code;~~

46 6) ~~Adopt a resolution to amend or revoke the development order or map amendment for~~
47 ~~the undeveloped or unplatted portion of the project;~~

48 7) ~~Exempt from further review of any development order which rezoned property to a~~
49 ~~district which does not exceed the density or intensity permitted by the Plan Future~~
50 ~~Land Use designation, provided there is no concurrency reservation or exemption for~~
51 ~~the property. This exemption may be applied to any advertised status report after~~
52 ~~adoption of this amendment; and/or~~

53 8) ~~Deny or revoke a building permit; issue a stop work order; deny or revoke a CO on any~~
54 ~~building or structure; revoke any concurrency; deny or revoke any permit, license or~~
55 ~~approval for any developer, owner, lessee, or user of the subject property.~~

56 c. ~~If the BCC or ZC fails to act on staff recommendations within the prescribed time period,~~
57 ~~or if the Executive Director of PZB grants an administrative time extension, the issuance of~~
58 ~~new development orders shall immediately resume.~~

59 d. ~~The decision of the BCC or ZC shall be rendered within 65 days of the originally advertised~~
60 ~~public hearing, provided that the property owner has not requested a postponement of the~~
61 ~~matter. A postponement approved at the request of the property owner may not exceed 12~~
62 ~~months from the due date for compliance.~~

63 e. ~~If a developer's agreement for the commitment of utility services has expired prior to the~~
64 ~~expiration of any deadline to commence development or record a plat, the notice required~~

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1 by Art. 2.E.2.A, Suspension of Development Orders, shall not be recorded until a new
2 developer's agreement has been executed.

3 ~~9. Decision of the BCC or ZC for Failure to Comply with a Condition of Approval Which~~ 4 ~~Requires the Posting of Performance Security Pursuant to Art. 12.C.2, Conditions.~~

5 The BCC or ZC shall take one or more of the following actions: ~~[Ord. 2005-002]~~

6 a. ~~Approve a time extension not to exceed six months based on the criteria of Art. 2.F.3.D.6,~~
7 ~~Receipt of a Concurrency Reservation with Conditions, and Art. 2.E.2.B, Administrative~~
8 ~~Extension of Time, if an administrative time extension was not approved. The term of the~~
9 ~~time extension shall commence upon the expiration of the date to post performance~~
10 ~~security. In no case shall the total time to post performance security exceed 12 months~~
11 ~~from the date of the development order, which imposed the condition to post performance~~
12 ~~security;~~

13 b. ~~Adopt a resolution to revoke any special exception or conditional use;~~

14 c. ~~Adopt a resolution to rezone the property to the lowest zoning district consistent with the~~
15 ~~property's FLU designation if the concurrency reservation applied to a development order~~
16 ~~which rezoned the property; and/or~~

17 d. ~~Adopt a resolution to amend the condition in compliance with Art. 12.C.2, Conditions.~~

18 ~~E. Failure to Comply with Conditions of Approval Imposed by the DRO~~

19 1. ~~If a property owner has not received an administrative time extension prior to the deadline to~~
20 ~~comply with a condition, or has exhausted all administrative time extensions, a time extension~~
21 ~~application may be submitted to the DRO. The application must be received by the DRO prior~~
22 ~~to the compliance deadline. The DRO shall consider the criteria set forth in Art. 2.E.2.B,~~
23 ~~Administrative Extension of Time, based on these criteria, the DRO shall:~~

24 a. ~~Revoke the certification of the site plan or subdivision plan;~~

25 b. ~~Amend or delete the condition; or~~

26 c. ~~Direct staff of the Code Enforcement Division to cite the property owner for failure to comply~~
27 ~~with the condition.~~

28 2. ~~If a property owner fails to submit an application pursuant to Art. 2.E.2.E, Failure to Comply~~
29 ~~with Conditions of Approval Imposed by the DRO, shall direct staff of the Code Enforcement~~
30 ~~Division to cite the property owner for failure to comply with the condition.~~

31 3. ~~Decisions of the DRO made pursuant to this Section may be appealed to DRAB pursuant to~~
32 ~~Art. 2.G.3, Appointed Bodies.~~

33 ~~F. Failure to Use Variance~~

34 If a property owner fails to utilize a variance within the timeframes as provided in Table 2.E.3.B,
35 Time Limitation of Development Order for Each Phase, the variance shall become null and void.
36 ~~[Ord. 2007-001]~~

37 ~~G. Expiration of Time Extensions Granted by the BCC~~

38 In the event that the property owner has not complied with the condition of development approval
39 or time certain activity at the expiration of a time extension, the development order shall be subject
40 to the requirements of Art. 2.E.2.B, Administrative Extension of Time, Art. 2.E.2.D, Failure to
41 Comply with Conditions or Time Requirements other than for a DRO Imposed Condition of
42 Approval, or Art. 2.E.2.E, Failure to Comply with Conditions of Approval Imposed by the DRO,
43 herein, as appropriate. ~~[Ord. 2005-002] [Ord. 2007-01]~~

44 ~~H. Fees~~

45 Fees to implement this Section shall be established by the BCC.

46 ~~Section 3 – Supplementary Regulations for Classes of Development Orders~~

47 ~~A. Classes of Development Approvals~~

48 Unless otherwise established in the development order, the time frames provided in Table 2.E.3.B,
49 Time Limitation of Development Order for Each Phase, apply. Permitted time frames do not change
50 with successive owners.

51 ~~B. Effect of Phasing on Time Frames for Receipt of a Required Permit or Commencement of a~~ 52 ~~Required Action~~

53 ~~1. Residential District (Non-PDD or TDD) PUD and TND Districts~~

54 The development order and master plan or final subdivision plan for the Residential District
55 (Non-PDD or TDD) PUD, or TND Districts, may provide for phasing. Table 2.E.3.B, Time
56 Limitation of Development Order for Each Phase, provides time requirements for recording
57 plats.

58 ~~2. Conditional Use, PDDs other than PUDs, TTDs and TMDs~~

59 The Final site plan/Final Subdivision plan for Conditional Use, PDDs other than PUDs, TTDs,
60 or TMDs, may provide for phasing. Table 2.E.3.B, Time Limitation of Development Order for
61 Each Phase, provides the maximum number of phases permitted for each type of development
62 order. If there are multiple phases, the first phase shall contain a minimum of 20 percent of the
63 land area and the first and second phases shall contain a combined minimum of 40 percent of

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1 the land area unless otherwise approved in the development order approved by the BCC or
2 ZC. A TMD in the U/S Tier shall include a minimum of 25 percent residential/non-residential of
3 the total project. Art. 2.E.3.B.3.b, Final Site Plan or Final Subdivision Plan, also provides time
4 requirements for commencement of development. ~~[Ord. 2006-004] [Ord. 2007-001] [Ord.~~
5 ~~2017-007]~~

6 **3. Effect of Modification to a Development Order on the Time Requirements of this Section**
7 **a. PDD or Conditional Use**

- 8 1) Administrative modification of site plan does not alter original time certain requirement.
9 2) BCC or ZC modification to development orders may include a condition of approval
10 which provides a new time for commencement of development or to record a plat (up
11 to the maximum time permitted for a new development order) if the modification and
12 all undeveloped areas of the project are determined to meet all requirements for
13 approval of a development order for a new project.

14 **b. Final Site Plan or Final Subdivision Plan**

15 A modification to a site plan or subdivision plan shall only establish a new time to
16 commence development or record a plat as provided in Table 2.E.3.B, Time Limitation of
17 Development Order for Each Phase, if the site plan or subdivision plan is certified based
18 on a determination of compliance with all current Code requirements, including
19 concurrency.
20

Table 2.E.3.B – Time Limitation of Development Order for Each Phase

Type of Development Order	Maximum Number of Phases	Next Required Action or Development Order	Maximum Time to Receive Development Permit or Commence Development	Maximum Length of Administrative Time Extension (4)	Action upon Failure to Comply with Time Requirement without an Approved Time Extension	
Rezoning from Residential to Non-Planned Development District (PDD) or Traditional Development District (TDD) (Including any associated variance(s))	2	Record plat or affidavit of plat waiver, or commence development (1)	Three years (2)(7)	Twelve months (9)	BCC review pursuant to subsections Art. 2.E.2.A, Suspension of Development Orders and Art. 2.E.2.D, Failure to Comply with Conditions herein	
Rezoning from Non-Residential to Standard Zoning District (Including any associated variance(s))	2	Commence development (1)	Three years (2)(7)	Twenty-four months	BCC review pursuant to subsections Art. 2.E.2.A, Suspension of Development Orders and Art. 2.E.2.D, Failure to Comply with Conditions herein	
Conditional Uses (Including any associated variance(s))	2 (5)	Commence development or utilize Conditional Use if no construction is required (1)	Three years (2)(7)	Twenty-four months	Pursuant to subsections Art. 2.E.2.A, Suspension of Development Orders and Art. 2.E.2.D, Failure to Comply with Conditions herein: Class A – BCC review; Class B – Zoning Commission review	
Non-Residential PDD	4	Commence development (1)	Three years (2)(7)	Twenty-four months	BCC review pursuant to subsections Art. 2.E.2.A, Suspension of Development Orders and Art. 2.E.2.D, Failure to Comply with Conditions herein	
PDD; PUD; TDD; TND (Including any associated variance(s))	No maximum	Record plat (6)(8)	Three years (2)(7)	Twelve months (9)	BCC review pursuant to subsections Art. 2.E.2.A, Suspension of Development Orders and Art. 2.E.2.D, Failure to Comply with Conditions herein	
TDD (Including any associated variance(s))	TMD in the AGR Tier	Commence development (1)	Three years, (2)(7) or for a TTD as may be recommended by DRI or local government conditions of approval	Twenty-four months	BCC review pursuant to subsections Art. 2.E.2.A, Suspension of Development Orders and Art. 2.E.2.D, Failure to Comply with Conditions herein	
	TMD in the U/S Tier					
	TMD in all other Tiers and TDD					
Development Orders which	Site Plan	2	Commence development (1)	Four years (3)(7)	No extensions permitted	Plan null and void for the undeveloped phases of a

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at the time of DRO Review and Approval are not associated with any development order that is subject to the requirements of Art. 2.E, Monitoring (those listed above)	Final Subdivision Plan: Non-Residential	2	Commence development (1)	Four years (3)(7)		site plan, and unplatted phases of a subdivision plan
	Final Subdivision Plan: Residential	No maximum	Record plat	Three years (3)(7)	Twelve months (9)	
	Non Concurrent Variances	N/A	Commence development	One year	24 months	
PDD: GAO PIPD (including any associated waivers)		No maximum	Record plat	Three years (2)(7)	Twenty-four months	BCC review pursuant to subsections Art. 2.E.2.A, Suspension of Development Orders and Art. 2.E.2.D, Failure to Comply with Conditions herein
[Ord. 2005-002] [Ord. 2006-004] [Ord. 2007-01] [Ord. 2008-003] [Ord. 2008-037] [Ord. 2009-040] [Ord. 2014-025] [Ord. 2017-007]						
Notes:						
1. Commencement of development shall consist of:						
	a.	Receipt of a building permit and first inspection approval of first component of the primary structure(s) for 1) the entire development, as defined by the certified site plan or certificate of concurrency for those development orders which do not require the certification of a site plan or 2) all of the next phase if phasing is provided by the development order and final Master Plan pursuant to Art. 2.E.3.B.3.b, Final Site Plan or Final Subdivision Plan herein; or				
	b.	The installation of significant site improvements such that the improvements would only permit the development of the approved project, and any other pattern of development would require extensive changes to the installed improvements.				
Commencement of development shall not consist of:						
	a.	The dividing of land into parcels, unless the determination of commencement is to be made for property in a residential zoning district which is not a PDD and for which there is no conditional use/special exception and this division is accomplished through the recordation of a plat or plat waiver;				
	b.	Demolition of a structure;				
	c.	Deposit of refuse, solid or liquid waste, or fill on the parcel unless the development order is exclusively and specifically for such; or,				
	d.	Clearing of land.				
2. From resolution adoption date for first phase, and from date of commencement of development of last phase, or last plat recordation date, for subsequent phases. The maximum time to commence development for each phase of a Type 3 excavation shall be established by a condition of approval. [Ord. 2017-007]						
3. From plan certification date for first phase, and from date of commencement of development of last phase, or last plat recordation date, for subsequent phases.						
4. All administrative time extensions listed in this table are to be approved or denied by the Executive Director of PZB. Time extensions for Type IA and IB administrative variances, and Type II non-concurrent variances are to be approved by the Zoning Director. [Ord. 2007-011]						
5. The maximum number of phases and duration of each phase for a Type 3 excavation shall be established by a condition of approval. [Ord. 2017-007]						
6. The recordation of a plat for the preservation area of an AGR-PUD shall not qualify as meeting this requirement.						
7. An additional 90 days will be provided if prior to the expiration of any time period established by this Code, staff is notified by the property owner that either a complete building permit application has been submitted, or technical compliance for a plat has been received, as appropriate, and development will commence, or the plat will be recorded, within 90 days of the deadline. If the required action does not occur within the 90 days, the requirements of Art. 2.E.2, Procedures, shall apply. This provision shall not be utilized when there has been a failure to comply with concurrency reservation or development order conditions which are required for the Development Order to comply with Art. 12.C.2, Conditions. [Ord. 2005-002]						
8. For projects with less than 1,500 residential units, record one or more plats such that the total number of dwelling units in the recorded plat(s) is at least 10 percent of the total number of residential units. [Ord. 2008-003] For projects of 1,500 or more residential units, record one or more plats such that the total number of dwelling units in the recorded plat(s) is at least 150 residential units. This requirement shall apply to all complete applications for plat approval filed on or after (the date to be added being six months after the adoption date of the ULDC amendment). [Ord. 2008-003] Plat applications filed prior to July 24, 2008 shall 1) result in the plat(s) being recorded by August 24, 2008, or comply with this footnote; and 2) provide for residential dwelling units. [Ord. 2008-003]						
9. No traffic study shall be required if the existing development order has a project buildout date condition for a date later than the twelve-month administrative time extension. [Ord. 2008-037]						
10. All Certificates of Occupancy for the second phase shall be issued no later than five years from the date of issuance of the first CO for the first phase. [Ord. 2009-040]						

Part 3. ULDC Art. 2.E, Application Processes and Procedures, Monitoring (page 61 of 101, Supplement 25), is hereby amended as follows:

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ARTICLE 2.E – MONITORING

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Reason for amendments: [Planning]
1. Update the Purpose and Intent to reflect the current Monitoring functions. New Article 2.E, Monitoring of Development Orders and conditions of approval, replaces existing Art. 2.E, Monitoring in its entirety.
2. Clarify and detail the exact processes that the Monitoring Section undertakes relative to BCC approvals and other ULDC requirements; to ensure BCC policy relating to the timeliness of development orders are met. This in part implements the County Directive in the Comprehensive Plan for Growth Management to control the timing and phasing of development, and is a critical component of the Managed Growth Tier System of the Plan. Specifically, in Future Land Use Element (FLUE) Objective 1.1-8., "Provide development timing and phasing mechanisms in order to prioritize the delivery of adequate facilities and services to correct deficiencies in existing communities and accommodate projected growth in a timely and cost effective manner." Finally, the Plan directs that PZB "along with appropriate operating departments, shall monitor existing and projected levels of service through the Concurrency Management System," per FLUE Policy 3.5-e.
3. Add clarification that Chapter E (Monitoring) functions do not apply to a non-PDD rezoning that is not accompanied by a use approval and/or site plan. Without a specific use or site plan approval, any straight zoned parcel would automatically be consistent with Future Land Use designation, and therefore not be subject to revocation (thus, not under the purview of the Monitoring Section). However, this is not expressly stated in current Code language.
4. Added CDDs and FLUA Amendments with conditions of approval for clarification.

CHAPTER E MONITORING OF DEVELOPMENT ORDERS (DO) AND CONDITIONS OF APPROVAL

Section 1 General

A. Purpose and Intent

The purpose of this Chapter is to establish procedures to ensure compliance with Development Orders (DOs) and conditions of approval in a timely manner, through a mandatory review process. The procedures create a system that ensures compliance with conditions of approval, timely commencement and completion of development; and revocation or modification of development approvals. The intent of monitoring DOs and conditions of approval (including buildout) is to preserve the availability of public facilities and services for proposed future development, require compliance with improved performance and site design standards, and ensure that DOs are implemented in a timely manner. The intent of monitoring Community Development District (CDD) and FLUA ordinance conditions is to ensure that conditions imposed by the BCC are met in a timely manner and to provide a mechanism to address the violation.

B. Applicability

1. This Chapter shall apply to:

- a. All DOs with a time limitation for conditions of approval, or as a part of the development process as required by specific Articles of this Code;
- b. All DOs as required by the ULDC;
- c. All CDD ordinances with conditions of approval; and,
- d. All FLUA ordinances with conditions of approval.

2. Responsibilities

- a. The applicant or owner shall communicate with the responsible agency, and demonstrate completion of the applicable conditions of approval.
- b. Upon completion of the conditions of approval, PZB will allow issuance of the building permit or relevant event to occur.
- c. Projects not meeting conditions of approval due dates or event action shall be subject to the provisions set forth in Art. 2.E,3, Procedures for Compliance.

C. Exemptions

1. Any DOs in whole or in part, that applies to lands that are owned by a unit of local, state, and/or federal government, provided that the DO is utilized for buildings or facilities that are owned by a government entity and support customary government operations and/or delivery of public services;
2. Any DOs for a rezoning of a single lot to a Residential Zoning District for a Single Family residential use; and,
3. A rezoning to a standard Zoning District, unless it has a COZ.

Section 2 Monitoring Elements

A. Commencement of Development

Approved DOs shall be monitored for commencement of development. Commencement of development shall consist of the following requirements:

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1. For development with a single building, the first inspection approval for the foundation of the structure;
2. For development with multiple buildings, the first inspection approval for the first component of the primary structure;
3. For residential development, the subdivision of land into parcels through the recordation of a plat;
4. For Type 3 Excavation sites, extraction of minerals for commercial purposes.

B. Commencement of Development is not:

1. Demolition of a structure;
2. Deposit of refuse, solid or liquid waste; or fill on the parcel, unless the DO is exclusively and specifically for such a use; or,
3. Clearing of land.

C. Time Limitations for Commencement

1. All DOs shall comply with a time limitation requirement for commencement, as follows:
 - a. DOs shall commence within four years of adoption date.
 - b. Standalone Variances shall be utilized within one year, unless stated otherwise by the Resolution or Result letter.
 - c. Each additional phase of a phased development shall commence within four years of commencement of the previous phase.
 - d. Each phase of a Type 3 Excavation shall be established by a condition of approval.
2. Projects not meeting the time limitations for commencement shall be subject to the provisions set forth in Art. 2.E.3, Procedures for Compliance.

D. Time Limitations for Buildout

The buildout period shall be determined by Art. 12.C.1.B.3, Projected Buildout Period, and monitored for compliance. However, conditions of approval with a time-certain project buildout date may be provided an additional 90 days if a complete building permit application has been submitted to the Building Division prior to this deadline.

E. DOs with Conditions of Approval

1. All DOs with conditions of approval that must be completed prior to a date, event, or action shall be monitored for compliance.
2. All Monitoring DOs shall comply with the provisions of Section 2.E.3 Procedures for Compliance.

F. Community Development District Ordinances with Conditions of Approval

1. All Community Development District (CDD) ordinances with conditions of approval that must be satisfied prior to a date or action shall be monitored for compliance.
2. No administrative time extensions may be applied to CDD ordinances.
3. In the event of a failure to comply with a CDD ordinance condition of approval, the Planning Director or designee, shall:
 - a) Notify applicant of potential violation and enforcement procedures as established in Art. 10, Enforcement; or,
 - b) Prepare a Status Report per Art. 2.E.3.C, Status Reports.

G. FLUA Ordinances with Conditions of Approval

1. All FLUA ordinances with conditions of approval that must be satisfied prior to a date or action shall be monitored for compliance.
2. No administrative time extensions may be applied to FLUA ordinances.
3. Failure to comply with a FLUA ordinance condition of approval shall require the Planning Director, or designee, to bring the item before the BCC at the next regularly scheduled Planning or Zoning Public Hearing for consideration of non-compliance.

H. Notification Prior to a Due Date

No later than 30 days prior to a due date for any of the above items, a letter shall be issued to the address of the owner of record as it appears in the official records of the PBC Property Appraisers Office.

Section 3 Procedures for Compliance

A. General

An Applicant, not in compliance with Art. 2.E, may utilize and exhaust all procedures established in this Chapter in order to comply with the conditions of approval and commencement of development that must be satisfied prior to a date or action.

B. Administrative Extension of Time

1. The applicant may file for an Administrative Time Extension to the Executive Director, or designee. The Executive Director, or designee, may grant an extension of time to comply with a requirement and shall consider changed circumstances or mitigating factors that prevent compliance.

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EXHIBIT E

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2. An administrative time extension may be applied to an expiring buildout condition due date. The application must be accompanied by a traffic study.
3. A time extension shall commence upon the expiration of the date to comply with the time limitation.
4. The maximum duration of an administrative time extension is as follows:
 - a. Commencement of Development Public Hearing DO
24 months, unless stated otherwise.
 - b. Commencement of Development Administrative DO
Each separate administrative time extension shall not exceed 12 months.
 - c. Buildout Conditions
Extension will reflect the results of the traffic review.
 - d. Conditions of Approval not Requiring the Posting of Performance Security
 - 1) Twelve months unless stated otherwise in the condition of approval
 - 2) Subsequent applications may be filed; however, the total administrative extensions approved shall not exceed 24 months for the current DO;
 - e. Conditions of Approval Requiring the Posting of Performance Security
A one-time administrative time extension not to exceed six months shall be the maximum.
5. When the Executive Director of PZB, or designee, approves an extension of time for completion of a time certain requirement, the property owner may be required to guarantee the completion by furnishing a cash deposit, letter of credit, or surety bond.
6. A time extension for a government caused delay shall not exceed 24 months.
 - a. It is the responsibility of the property owner to notify staff in writing of the reason and cause of the delay.
 - b. No application or fee will be required.
 - c. If the delay prevents compliance with Art. 2.E, an additional extension may be granted.

C. Status Reports

1. General

An application for a Status Report may be requested by the property owner owner, or initiated by the designee, if one of the following occurs:

- a. A property owner fails to comply with a time limitation and has not requested a time extension.
- b. The project received a public hearing approval and has exhausted all available administrative extensions.

2. Scheduling

- a. PZB shall advertise a Status Report public hearing for the Decision Making Bodies that approved the DO.
- b. A Status Report may be requested by an property owner, but a request for a time extension may not be made prior to six months before commencement due date.

3. Staff Report and Recommendation

The PZB Director or designee shall prepare a Status Report for each application. The report shall incorporate the analysis and conditions of approval in question and a recommendation of approval, approval with conditions, or denial based on the applicable standards for the BCC to consider.

4. Status Report Submittal and Review Criteria

- a. The property owner/applicant shall submit to the Monitoring Section the following:
 - 1) summary of the background and current status of the development including any documentation provided to staff of efforts to comply with the requirement, or circumstances beyond the control and cause of the property owner, other than economic conditions, which have prevented compliance;
 - 2) a description of any Code violations;
 - 3) a description of any uncompleted conditions or time certain requirements;
- b. Summary of items to be reviewed by staff:
 - 1) a review of previous extensions of time (for a Status Report prepared for non-compliance with a time certain requirement);
 - 2) evaluate and consider any changed circumstances and mitigating factors; and,
 - 3) a determination of whether the development order is consistent with the Plan and is consistent with the Code.

5. Procedures

Consideration of all actions permitted by Art. 2.E.3.B., except a rezoning, shall occur in the following manner:

a. Public Hearing

- 1.) At least one public hearing shall be held by the ZC or by the BCC, as applicable.
- 2.) If the project involves a rezoning for ten acres or more, two public hearings shall be held by the BCC.

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b. Mail Notice

The owner of record shall be notified in writing of the Status Report and recommendation to the BCC or ZC. Written notice shall consist of a letter sent at least 14 calendar days prior to the hearing by certified mail; 30 calendar days for a rezoning, return receipt requested, to the last known address of the owner of record as it appears in the records of the PBC Property Appraiser's Office. In the event that the owner fails to acknowledge receipt of mail notice or the notice is returned unopened, newspaper publication in accordance with F.S. 125.66(2)(a) shall be deemed sufficient notice, published at least ten days prior to the hearing.

6. Decision of the BCC or ZC:

The BCC or ZC shall consider the factors enumerated in Art. 2.E.3.C.4, Status Report Submittal and Review Criteria above and the recommendation of staff. After deliberation, the BCC or ZC shall take one or more of the following actions:

a. Grant a time extension

- 1) To commence development, utilize a Conditional Use, or record a plat for a period not to exceed 36 months from the date of BCC or ZC approval.
- 2) To comply with a condition of approval for a period not to exceed 24 months from the date of BCC or ZC approval with the exception of time certain project buildout date condition(s) as mandated by the Traffic Performance Standards. A project buildout date condition may receive approval of a time extension up to the Buildout Period assumed in the Traffic Study.

b. Adopt a resolution which will rezone the property to an appropriate zoning district;

c. Adopt a resolution which will revoke or amend the approval for all or a portion of the Conditional Use, special exception or development order amendment;

d. Adopt a resolution, which will impose additional or modified conditions, voluntary commitments, or permit the property owner to initiate an application to add or modify conditions or voluntary commitments, as directed by the BCC or ZC. New or modified conditions or voluntary commitments shall include bringing the development into conformity with current Codes and regulations;

e. Direct staff to cite the property owner for violating the provisions of this Code;

f. Adopt a resolution to amend or revoke the development order or map amendment for the undeveloped or unplatted portion of the project;

g. Exempt from further review of any DO which rezoned property to a district which does not exceed the density or intensity permitted by the Future Land Use designation, provided there is no concurrency reservation or exemption for the property. This exemption may be applied to any advertised Status Report after adoption of this amendment; and/or,

h. Deny or revoke a building permit; issue a stop work order; deny or revoke a Certificate of Occupancy (CO) on any building or structure; revoke any concurrency; deny or revoke any permit, license, or approval for any developer, owner, lessee, or user of the subject property.

D. Decision of the DRO

A property owner may submit an application for a time extension to the DRO for any condition of approval imposed by the DRO. The DRO must receive the application prior to the compliance deadline stated in the condition of approval.

1. The DRO shall consider changed circumstances or mitigating factors.

2. The DRO may take the following action:

a. Grant a time extension not to exceed 12 months;

b. Revoke the approval of DO;

c. Amend or delete the condition of approval; or,

d. Direct Code Enforcement staff to seek enforcement procedures.

E. Failure to Use Variance

If a property owner fails to utilize a variance within the timeframes as provided, the variance shall become invalid.

Section 4 Noncompliance

A. General

If the procedures for compliance are exhausted and a property owner continues to violate a condition of approval, suspension of all development activity authorized by a DO shall occur. Once the matter is compliant, development activity may resume.

B. Suspension of Development Orders

Suspension of DOs may occur upon failure to comply with one or more time limitations or failure to comply with a condition of approval.

1. Expiration of Time Periods

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1 Upon expiration of any time period established by this Chapter or failure to comply with, or
2 continued violation of a condition of approval, no new DOs affecting the property shall be issued
3 by PBC, and no action to vest the DO shall be permitted, until a final determination is made by
4 the Executive Director, or BCC or ZC pursuant to Art. 2.E.3, Procedures for Compliance. This
5 suspension of development rights shall not preclude the property owner from filing a new
6 application for the subject property to amend or supersede an existing development order, or
7 the BCC or ZC from approving this application.

2. Effect of Suspension

8
9 The suspension of development rights shall have the following effect on new applications and
10 code enforcement actions:

11 a. If the property owner files a new application, no new DOs shall be issued until the
12 completion of the zoning process to resolve the noncompliance, except the DO which
13 approves the application.

14 b. If the property owner is referred to Code Enforcement for violating the provisions of the
15 DO, no new DOs shall be issued until the alleged violation has been ruled upon by the
16 Code Enforcement Special Master, and any enforcement action is completed, or penalty
17 is satisfied. This shall not, however, preclude compliance with the specific condition cited
18 in the Status Report after the BCC or ZC has directed the Code Enforcement Division to
19 cite the property owner for noncompliance with that condition.

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EXHIBIT F

ARTICLE 1 GENERAL PROVISIONS, ARTICLE 2 PROCESSES AND PROCEDURES AND ARTICLE 7 – LANDSCAPE

CR-2018-030 and CR-2019-016 (Updated 09/18/19)

Part 1. ULDC Art. 1.1.2.1.33, General Provisions, Definitions and Acronyms, Irreparable or Irreversible Harm (page 62-63 of 111, Supplement 25), is hereby amended as follows:

Table with 2 rows: Reason for amendments: [Zoning]; 1. For the purpose of Article 7.G, Enforcement, the proposed amendment is to clarify the terms, reparable and irreparable or irreversible damage relating to the action of illegal removal and damage of vegetation. 2. Codify PPM ZO-O-018 Pruning Enforcement.

1 CHAPTER I DEFINITIONS AND ACRONYMS

2

3 Section 2 Definitions

4 I. Terms defined herein or referenced in this Article shall have the following meanings:

5

6 33. Irreparable or Irreversible Harm –

7 a. A substantial injury that is beyond the possibility of repair; the injury suffered cannot be
8 undone; damage or destruction of a natural resource that is so substantial and permanent
9 that it is beyond the possibility of being repaired or restored to its previous condition. A
10 natural resource shall be deemed irreparably harmed when an activity taken or caused by
11 a person or persons alters the natural resource to such a degree that it cannot reasonably
12 be restored or returned to the condition existing immediately prior to such alteration. A non-
13 renewable natural resource shall be deemed irreparably harmed when the resource has
14 been permanently removed or consumed. There shall be a rebuttable presumption that a
15 natural resource has been irreparably harmed when the nature resource. A natural
16 resource shall not be deemed irreparably harmed when the alteration of the natural
17 resource is authorized by County law. [Ord. 2006-036]

18 b. For the purpose of Article 7, Landscaping, Irreparable or Irreversible harm to existing
19 vegetation shall include the improper pruning or hatracking that has caused significant
20 damage to vegetation to an extent that precludes the regrowth of a natural canopy, or
21 reduced the size of vegetation down to a stump. Reparable harm to existing vegetation
22 shall include the improper pruning or hatracking that has caused damage to vegetation to
23 an extent that can be corrected or repaired through standards of additional pruning and
24 care.
25
26

....

Part 2. ULDC Table 2.A.6.B Application Processes and Procedures, General, Zoning Application Procedures, Landscape Related Plans (page 20 of 101, Supplement 25), is hereby amended as follows:

Table with 2 rows: Reason for amendments: [Zoning]; 1. Amend the notes in Table 2.A.6.B – Landscape Related Plans, to add clarify plans are to be designed by a Florida Licensed Professional Landscape Architect. 2. Amend the notes in Table 2.A.6.B – Landscape Related Plans, to replace the term tree Disposition Chart to Vegetation Disposition Chart as the term Vegetation includes trees, palms and pines.

27 CHAPTER A GENERAL

28

29 Section 6 Zoning Application Procedures

30

31 B. Plan Requirements

32

33 7. Landscape Related Plans

34 Art. 7, Landscaping, identifies different types of landscape related plans that are reviewed by
35 the DRO for a final decision: Planting Plan, Landscape Plan, and Alternative Landscape Plan
36 (ALP). All Plans shall be prepared consistent with the approved Master, Site or Subdivision
37 Plan. Application requirements, labeling of Plans, and approval procedures for the Landscape
38 related Plans shall be consistent, where applicable, with Art. 2.A.6.B, Plan Requirements and
39 the Zoning Technical Manual, and Art. 7, Landscaping. All types of Landscape Plans shall be

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EXHIBIT F

ARTICLE 1 GENERAL PROVISIONS, ARTICLE 2 PROCESSES AND PROCEDURES AND ARTICLE 7 – LANDSCAPE

**CR-2018-030 and CR-2019-016
(Updated 09/18/19)**

1 submitted at Building Permit, unless it is required to be submitted at Final Approval by the DRO
2 through a Condition of Approval. The following Table summarizes the different types of Plans,
3 applicability, and approval authority. [Ord. 2009-040] [Ord. 2016-042] [Ord. 2018-002]

Table 2.A.6.B – Landscape Related Plans

Types of Landscape Plan	Additional Plan Requirements	Applicability	Approval of Plan(s)	Authority
Planting Plan (6)	Identify number, location, height, and species of required trees, palms or pines, and shrubs (4)	Single-Family	(1)	DRO
		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)	Nonresidential developments	(1)(3)	DRO
		A lot with more than two MF units	(1)(3)	DRO
		Common areas of PUD	(1)(3)	DRO
		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] [Ord. 2018-002]

Notes:

- 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.
- 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..
- Landscape Plan(s) and ALP (except Planting Plan) shall be signed and sealed by a Florida Licensed Professional Landscape Architect prior to the approval of a Building Permit.
- A Free Vegetation 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 the Technical Manual, Title 3, Landscape for the Vegetation Disposition Chart.
- 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, Landscaping could be shown on a Site, Subdivision or Regulating Plan in lieu of an ALP.
- 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 CO.

Part 3. ULDC Art. 7.B.3.D, Landscaping, Applicability and Approval Process, Approval Process for Landscape Plans, Landscape Inspections (page 10 of 54, Supplement 25), is hereby amended as follows:

Reason for amendments: [Zoning]
1. Modify Monitoring Inspection to define it as an inspection that is used to respond to complaints and address violations the Code or Development Order, and Code Enforcement issues.

4 **CHAPTER B APPLICABILITY AND APPROVAL PROCESS**

5

6 **Section 3 Approval Process for Landscape Plans**

7 Approval process for Landscape Plans shall be subject to the requirements pursuant to Art. 2, Application
8 Processes and Procedures. [Ord. 2016-042]

9
10 An Applicant may request review for compliance with this Article concurrent with an application that requires
11 approval by the BCC, ZC or DRO by submitting Preliminary or Final Landscape Plans. Final Landscape
12 Plans shall be part of the Building Permit application unless a Condition of Approval requires Landscape
13 Plans to be submitted at Final Approval by the DRO. An application for a Landscape Plan Review shall be
14 submitted directly to the Zoning Division, and shall comply with the following requirements: [Ord. 2018-002]

15 **A. Submittal Requirements**

16

17 **D. Landscape Inspections**

18 Unless otherwise stated in this Article, all developments subject to this Article may be inspected by
19 PZB prior to and after installation of required landscaping. Required landscaping shall be approved
20 by PZB prior to the issuance of a CO, or Certificate of Completion, whichever occurs first. Various

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EXHIBIT F

ARTICLE 1 GENERAL PROVISIONS, ARTICLE 2 PROCESSES AND PROCEDURES AND ARTICLE 7 – LANDSCAPE

CR-2018-030 and CR-2019-016
(Updated 09/18/19)

1 types of Landscape Inspection shall be conducted at different stages of the development, as
2 follows: [Ord. 2018-002]

3 1. Types of Landscape Inspection

- 4 a. Preliminary Inspection – required to verify existing grades, vegetation and necessary site
5 preparation has been completed prior to any plant material being installed on the site to
6 comply with the Landscape Permit; [Ord. 2009-040] [Ord. 2018-002]
- 7 b. Final Inspection – required as part of the typical building permit process to ensure
8 landscape material, irrigation and conditions of approval on a development order are in
9 compliance prior to final sign off that the landscape is completed and installed in
10 accordance to the Landscape Permit. [Ord. 2009-040] [Ord. 2018-002]
- 11 c. Annual Inspection – scheduled on the one-year anniversary date from the date of the Final
12 Inspection noted on the Landscape Permit. Inspection shall be performed to ensure all
13 landscape and irrigation continually complies with the Landscape Permit. If material or
14 irrigation is missing, dead or damaged the property owner shall be provided with a Notice
15 to Correct, pursuant to Art. 10, Enforcement. [Ord. 2009-040] [Ord. 2018-002]
- 16 d. Monitoring Inspection – performed ~~to in response respond~~ to a complaint or Code
17 Enforcement case as it relates to vegetation violations (e.g. of missing or damaged plant
18 material or changes to the landscape not previously approved in accordance with the
19 Landscape Permit). [Ord. 2009-040] [Ord. 2018-002]

Part 4. ULDC Art. 7.B.4.C, Landscaping, Applicability and Approval Process, Type 1 Waiver for Landscaping, Landscape Plans page 11-13 of 54, Supplement 25), is hereby amended as follows:

Reason for amendments: [Zoning]
--

- | |
|--|
| 1. Amend existing Type 1 Waiver process to clarify the proposed plan that is submitted with this request should be an Alternative Landscape Plan (ALP), since ALPs are the required plans for all types of waiver and variance requests. |
|--|

20 CHAPTER B APPLICABILITY AND APPROVAL PROCESS

21

22 Section 4 Type 1 Waiver for Landscaping

23 An Applicant may seek minor modifications to the requirements of this Article that are identified in Table
24 7.B.4.A, Type 1 Waivers for Landscaping. Any requirements that are not listed herein may be eligible to be
25 modified through other applicable processes pursuant to Art. 2, Application Processes and Procedures.
26 The Applicant shall demonstrate in the Justification Statement and provide supporting documents that Art.
27 2.C.5.E.3, Standards for a Type 1 Waiver, and the applicable Criteria in the following Table have been met.
28 [Ord. 2007-001] [Ord. 2016-042] [Ord. 2018-002]

29 A. Applicability

30 Type 1 Waiver for Landscaping shall not be combined with other Variance requests for the same
31 requirements. [Ord. 2018-002]

32

33 B. Pre-Application Appointment (PAA) for a Type 1 Waiver

34 The applicant shall be required to schedule and attend a PAA with the Zoning Division staff to
35 review and discuss preservation of existing vegetation, possible design alternatives, and any
36 Waivers that may be requested as part of the application. [Ord. 2007-001] [Ord. 2016-042] [Ord.
37 2018-002]

38 C. Alternative Landscape Plan (ALP)

39 The Applicant shall submit an ALP Landscape Plan(s) to the DRO to demonstrate graphically depict
40 the proposed Type 1 Waiver request(s). The DRO may allow the alternative designs or waiver
41 requests be incorporated on a Site or Subdivision Plan or any other types of Zoning Plan in lieu of
42 the Landscape Plan-ALP. Upon the approval of the Type 1 Waiver(s), the Applicant shall finalize
43 the Landscape Plans ALP as Final Landscape Plans, and shall include it as part of the for Building
44 Permit Review, if applicable. [Ord. 2018-002]

Part 5. ULDC Art. 7.B.5, Landscaping, Applicability and Approval Process, Tree Removal and Replacement page 13-14 of 54, Supplement 25), is hereby amended as follows:

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ARTICLE 1 GENERAL PROVISIONS, ARTICLE 2 PROCESSES AND PROCEDURES AND ARTICLE 7 – LANDSCAPE

CR-2018-030 and CR-2019-016
(Updated 09/18/19)

Reason for amendments: [Zoning]
1. Add reference to F.S relating to the removal and replacement of trees, as a result of changes during the 2019 Florida House/Senate Session, and resulted with the amendments found in HB 2019-1159 (F.S. 163.045). The bill/FS allows for exemptions in the replacement of trees in residential properties or properties with a residential use.
2. Replace the term tree Disposition Chart to Vegetation Disposition Chart as the term Vegetation includes trees, palms and pines.
3. Add Exception to permitting as described in F.S. 163.045 and add an exception for SFR permitting where a site does not meet F.S. 163.045, provided that the property owner cannot go below minimum vegetation or could result in a CE NOV.
4. Add cross reference to 7.G, Enforcement as it related to the timing of removal and replacement on the permit.

CHAPTER B APPLICABILITY AND APPROVAL PROCESS

....

Section 5 Tree Vegetation Removal and Replacement

*For the purpose of this Section, the term vegetation shall include trees, palm(s) and pine(s). ~~Trees, palms or pines~~ Vegetation that ~~are~~ is required to be planted on a property per Code requirements or through a Condition(s) of Approval shall not be removed without first applying for and being issued a Tree Vegetation Removal and Replacement Permit. Removal of ~~trees, palms or pines~~ vegetation without a valid permit shall be considered a violation of the Code or the DO, unless otherwise exempted by F.S. *For the purpose of this Section, the term tree(s) shall include trees, palm(s) or pine(s).* [Ord. 2019-005]*

A. Exception

The following exceptions shall apply to parcels in Residential districts with residential uses:

1. No permit is required for a Single Family residence as long as the minimum required vegetation is maintained in accordance with standards set forth in Table 7.C.3.A, Interior Landscape Requirements.
2. Residential properties may be exempt from permitting requirement in accordance with F.S. 163.045. Residential properties are properties that are developed with a residential use and may be located within either a residential or non-residential Zoning District.

AB. Approval Process

An Applicant may request the removal of existing trees vegetation by submitting an application to the Zoning Division, and subject to the following procedures: [Ord. 2019-005]

1. Pre-Application Site Meeting

Prior to the submittal of an application, the Applicant shall schedule an on-site meeting with staff of the Permit/Landscape Review Section of the Zoning Division to discuss and inspect the trees vegetation that ~~is~~ are proposed to be removed. Staff shall determine whether the ~~trees are~~ vegetation is eligible for removal based on the standards listed below. If the ~~trees~~ vegetation is eligible for removal, ~~the Applicant shall be provided by~~ Staff shall provide the Applicant a Tree Vegetation Removal and Replacement Application to be completed for submittal. [Ord. 2019-005]

2. Application Submittal Requirements

The Applicant shall submit the application to the Permit/Landscape Review Section. The application shall include a Justification Statement providing the reason for the proposed removal of the vegetation. The Applicant shall also submit either a Final Site, Subdivision or Regulating Plan or a Survey of the subject property. The Applicant shall identify the following: species, size and location of the trees vegetation to be removed, and the required replacement of the trees vegetation and their proposed species, size and location. [Ord. 2019-005]

3. Application Review and Final Decision

Staff shall review the application utilizing the Standards for Removal, that are listed below to consider whether to approve or deny the request. A Tree Vegetation Removal and Replacement Permit shall be issued upon the approval of the application. The DRO may approve, approve with a Condition of Approval, or deny the request. [Ord. 2019-005]

4. Standards for Removal and Replacement

In reviewing an application for Tree Vegetation Removal and Replacement, staff shall consider the following standards to determine whether the removal permit is granted: [Ord. 2019-005]

- The Applicant's justification for the removal; [Ord. 2019-005]
- The site condition of the area where the existing tree is located, and whether the location has easement overlap or proximity of the tree vegetation to the overhead electric utilities; [Ord. 2019-005]

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CR-2018-030 and CR-2019-016
(Updated 09/18/19)

- 1 c. The health condition of the ~~tree~~ vegetation; or, [Ord. 2019-005]
2 d. Any valid safety concerns that may arise if the removal of the ~~tree~~ vegetation is not allowed.
3 [Ord. 2019-005]
4 **BC. Replacement**
5 All replacement of ~~trees~~ vegetation, shrubs, landscape barrier and ground treatment shall be in
6 compliance with Art. 7.E.3, Credit and Replacement, unless stated otherwise in Art. 7.B.1,
7 Exemption. [Ord. 2019-005]
8 **CD. Timeline**
9 Staff shall indicate the timeline of removal and replacement of the tree on the Permit to ensure the
10 replacement of the tree is done in accordance with the approval. The Permit is valid for six months
11 from the date of issuance. Failure to comply with the Permit requirements, which include the
12 established dates or any imposed Conditions of Approval, shall result in enforcement action,
13 pursuant to Art. 7.G, Enforcement by PZB. [Ord. 2019-005]
14 **DE. Inspection**
15 The Applicant shall contact staff when the trees are removed, and staff shall schedule a site
16 inspection to confirm that the trees have been removed, and that any required replacement of trees
17 have been installed in conformance with the Permit. [Ord. 2019-005]

Part 6. **ULDC Art. 7.E.3, Landscaping, Existing Native Vegetation, Prohibited, And Controlled Plant Species, Credit and Replacement (page 47-48 of 54, Supplement 25), is hereby amended as follows:**

Reason for amendments: [Zoning]
1. Amend heading from Vegetation Survey to Vegetation Credit as it is describing the process for permitting vegetation credit. Clarify that the vegetation credit application is reviewed with a decision to be made by both ERM and Zoning Division Staff.
2. Relocate existing Replacement heading and requirements from Art. 7.F.3 Maintenance Section to this Section, Art. 7.E.3, because it focuses on Credit and Replacement regulations rather than maintenance.
3. Modify Footnote 1 relating to rounding to be consistent with the definition described in Article 1.C. where numbers results in less than or greater than 0.5. Add Footnote 4 to Table 7.E.3.C – Vegetation Credit and Replacement to cross reference new table relating to violations and corrective actions in Art 7.G.3.C Corrective Actions
4. Amend and clarify the allowance vegetation replacement that is damaged due to Natural Disaster may have an alternative replacement requirements pursuant to the requirements of Art. 7.G.2 Temporary Suspension of Landscaping Standards, or as exempt by F.S. 163.045.
5. Relocation of the Illegal Tree and Pine Removal to Art 7.G Enforcement, as this section is describing the procedures when vegetation is removed illegally.

18 **CHAPTER E EXISTING NATIVE VEGETATION, PROHIBITED, AND CONTROLLED PLANT**
19 **SPECIES**

20

21 **Section 3 Credit and Replacement**

22 This Section clarifies when existing vegetation can be utilized to satisfy Art. 7.C, Landscape Buffer and
23 Interior Landscaping Requirements and Art. 7.D, Landscape Standards. In addition, this Section also
24 establishes requirements for quantity and size for replacement. Replacement of vegetation may be
25 required due to injury, damage or removal, which includes: improper pruning, hatracking, or other actions
26 that render existing vegetation unable to achieve its natural and intended form. The quantity and the size
27 of the replaced vegetation is based on the size of the individual vegetation at the time when the vegetation
28 was injured, damaged or removed. For the purpose of this Section, the term Vegetation shall include trees,
29 palms or pines. [Ord. 2018-002] [Ord. 2019-005]

30 **A. ~~Vegetation Survey Credit~~**

31 Credit to satisfy Art. 7.C, Landscape Buffer and Interior Landscaping Requirements, and Art. 7.D,
32 Landscape Standards shall be granted for on-site preservation of existing vegetation when
33 accompanied by an approved Vegetation survey with a Vegetation Disposition Chart, and indicated
34 on the Final Landscape Plan or Final ALP. [Ord. 2018-002]
35 [Ord. 2019-005]

36 **1. Approval**

37 The credited vegetation shall be approved by both the Department of ERM and the Zoning
38 Division. The Vegetation survey, Vegetation Disposition Chart, and Final Landscape or Final

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EXHIBIT F

ARTICLE 1 GENERAL PROVISIONS, ARTICLE 2 PROCESSES AND PROCEDURES AND ARTICLE 7 – LANDSCAPE

**CR-2018-030 and CR-2019-016
(Updated 09/18/19)**

- 1 ALP shall clearly identify which vegetation is being preserved to satisfy the requirements of this
 2 Article.
 3 **B2. Excluded from Credit**
 4 Credits shall not be permitted for vegetation: **[Ord. 2018-002]**
 5 ~~1-a)~~ Required for preservation by Art. 14.C, Vegetation Preservation and Protection (i.e. located
 6 in required preservation areas, heritage or champion trees); **[Ord. 2018-002]**
 7 ~~2-b)~~ Irreparably damaged during the construction process; **[Ord. 2018-002] [Ord. 2019-005]**
 8 ~~3-c)~~ Classified as prohibited or invasive non-native species as defined in Art. 14.C, Vegetation
 9 Preservation and Protection; **[Ord. 2018-002]**
 10 ~~4-d)~~ Dead, dying, diseased, or infested with harmful insects; or **[Ord. 2018-002]**
 11 ~~5-e)~~ Located on a subarea of a planned development that is not intended to be developed for
 12 residential, commercial, or industrial use, such as a golf course on an adjacent open space
 13 parcel. **[Ord. 2018-002]**

- 14 **B. Replacement**
 15 *Required vegetation, landscape barrier or ground treatment that become damaged, diseased,*
 16 *removed or are dead shall be immediately replaced, and where specified, are subject to the*
 17 *Vegetation Removal and Replacement Permit process. Replacement shall comply with the*
 18 *following: **[Ord. 2005-002] [Ord. 2018-002] [Ord. 2019-005]***
 19 1. *Trees shall be in accordance with Table 7.E.3.C, Vegetation Credit and Replacement, and*
 20 *subject to the Tree Removal and Replacement Permit pursuant to Art. 7.B.5. **[Ord. 2019-005]***
 21 2. *Shrubs shall be in accordance with the original size as required under each type of Buffer*
 22 *consistent with Art.7 Landscaping or Conditions of Approval. **[Ord. 2019-005]***
 23 3. *A wall or fence shall be in accordance with the original height and the same construction*
 24 *material as required under each type of Buffer consistent with Art.7, Landscaping or Conditions*
 25 *of Approval, and subject to a Permit approval process. **[Ord. 2019-005]***
 26 4. *A hedge shall be in accordance with the original height as required under each type of Buffer*
 27 *consistent with Art. 7, Landscaping or Conditions of Approval, where applicable. **[Ord. 2019-***
 28 ***005]***
 29 5. *Ground Treatment shall be in accordance with Art. 7.D.7, Ground Treatment or Conditions of*
 30 *Approval, where applicable. **[Ord. 2019-005]** **[Relocated from Art. 7.F.3.B, Replacement as***
 31 ***it related to Installation and Maintenance]***

- 32 **C. Vegetation Credit and Replacement Formula**
 33 Existing vegetation that is given credit towards required vegetation, or for the purpose of a
 34 replacement shall be subject to the following Table. In addition, the size of the credited or replaced
 35 vegetation shall be in compliance with the size requirements pursuant to Art. 7.D.2, Trees, Palms
 36 and Pines. **[Ord. 2019-005]**

Table 7.E.3.C – Vegetation Credit and Replacement

Tree or Pine Diameter at 4.5 Feet Above Grade (1)(2)(3)	=	Quantity for Credits or for Replacements (4)
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 greater	=	8

[Ord. 2014-025] [Ord. 2016-042] [Ord. 2018-002] [Ord. 2019-005]
Notes:
 1. Fractional measurements shall be rounded down in accordance with Art. 1.C.1.A.2 Interpretation and Application. In **[Ord. 2018-002]**
 2. Pines with a diameter of six inches or more, measured at a height of 4.5 feet above grade shall be subject to preservation, mitigation or replacement. **[Ord. 2019-005]**
 3. Quantity: replacement of palms shall be one for one. **[Ord. 2019-005]**
 4. Replacement of Vegetation for sites found in violation with irreparable or irreversible harm shall be pursuant to Art. 7.G.3.C, Corrective Actions

- 37 **1. Natural Disaster Replacement**
 38 The replacement standards of vegetation damaged by natural disaster, as determined by the
 39 Executive PZB Director, pursuant to Art.7.G.2, Temporary Suspension of Landscape
 40 Standards, shall be subject to the following, unless otherwise exempt by F.S. Section 163.045.

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EXHIBIT F

ARTICLE 1 GENERAL PROVISIONS, ARTICLE 2 PROCESSES AND PROCEDURES AND ARTICLE 7 – LANDSCAPE

CR-2018-030 and CR-2019-016 (Updated 09/18/19)

- 1 a. Each tree, palm or pine that has been damaged by natural disaster, and impacts the life of
- 2 the vegetation, shall be replaced by a similar tree, palm, or pine subject to the following:
- 3 **[Ord. 2019-005]**
- 4 1a) Quantity – one for one; and [Ord. 2019-005]
- 5 2b) Size – pursuant to Art. 7.D.2, Trees, Palms and Pines, or a size specified pursuant to
- 6 DO Conditions of Approval. [Ord. 2019-005]
- 7 3) Timing – Replacement shall be completed in accordance with the dates established by
- 8 the Executive Director of PZB, pursuant to Art. 7.G.2, Temporary Suspension of
- 9 Landscape Standards; and,
- 10 4) Documentation shall be provided by an Applicant when utilizing these reduced
- 11 standards, or if there are any modifications from the previously approved Final
- 12 Landscape Plan or Final ALP, and shall be indicated on a revised Planting or
- 13 Landscape Plan, whichever is applicable.
- 14 **2. ~~Illegal Tree or Pine Removal~~**
- 15 ~~If a tree or pine is removed with only the stump remaining, the following formula shall be utilized~~
- 16 ~~to determine the size of the removed tree or pine. [Ord. 2019-005]~~
- 17 ~~a) measure the diameter of the tree or pine stump and reduce the measurement by 25~~
- 18 ~~percent; and, [Ord. 2019-005]~~
- 19 ~~b) replacement of the quantity of the tree or pine shall be based on the reduced diameter~~
- 20 ~~measurement, and subject to, the requirements of Table 7.E.3.C, Vegetation Credit and~~
- 21 ~~Replacement for estimating the number of trees or pines to be replaced [Ord. 2019-005]~~
- 22 **[Relocated to Art.7.G, Enforcement]**

Part 7. ULDC Art. 7.F, Landscaping, Installation and Maintenance, Maintenance (page 50-52 of 54, Supplement 25), is hereby amended as follows:

Reason for amendments: [Zoning]
1. Relocate Replacement of all types of vegetation and other landscape materials from the Maintenance Section to Art. 7.E.3 as this Section focuses on Credit and Replacement regulations.
2. Delete reference to ERM publication as it is no longer used, and refer to American National Standards Institute, (ANSI) A300 for maintenance
3. Use terminology of Vegetation rather than tree as other species need to be pruned.
4. Add a pruning exemption per a Florida Statue.

23 CHAPTER F INSTALLATION AND MAINTENANCE

24

25 Section 3 Maintenance

26 A. General

27 PBC is responsible for the care and maintenance of the trees and vegetation on PBC-owned
28 property, unless provided for otherwise by DO condition of approval. For all other properties, which
29 includes vegetation required to be installed under a DO, or existing preserved vegetation, the
30 property owner or successors in interest, contractor, or agent, if any, shall be jointly and severally
31 responsible for the requirements of this Section. Maintenance of the Premises shall also be subject
32 to the Palm Beach County Code, Chapter 14, Article 1, Property Maintenance Code. **[Ord. 2018-**

- 33 **002]**
- 34 1. Regular maintenance of all landscaping is required. All landscaping shall be free from disease,
- 35 pests, weeds, and litter. Maintenance shall include weeding, watering, fertilizing, pruning,
- 36 mowing, edging, mulching, or any other actions needed, consistent with acceptable
- 37 horticultural practices.
- 38 2. Regular maintenance, repair, or replacement of landscape barriers and focal points, including
- 39 landscape structures (e.g., walls, fences, fountains, and benches) in order to keep them in a
- 40 structurally sound condition.
- 41 3. Perpetual maintenance to prohibit the reestablishment of prohibited and non-native invasive
- 42 species within landscape and preservation areas.
- 43 4. Periodic maintenance to remove diseased or damaged limbs, or remove limbs or foliage that
- 44 present a hazard. All trees and palms shall be allowed to grow to their natural mature height
- 45 and to full canopy. **[Ord. 2018-002]**
- 46 5. Landscape areas, which are required to be created or preserved by this Article, shall not be
- 47 used for temporary parking or the storage/display of materials or sale of products or services.

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ARTICLE 1 GENERAL PROVISIONS, ARTICLE 2 PROCESSES AND PROCEDURES AND ARTICLE 7 – LANDSCAPE

CR-2018-030 and CR-2019-016
(Updated 09/18/19)

~~B. Replacement~~

~~Required trees, palms, pines, shrubs, landscape barrier or ground treatment that become damaged, diseased, removed or are dead shall be immediately replaced, and where specified, are subject to the Tree Removal and Replacement Permit process. Replacement of vegetation shall comply with the following: [Ord. 2005-002] [Ord. 2018-002] [Ord. 2019-005]~~

~~1. Trees shall be in accordance with Table 7.E.3.C, Vegetation Credit and Replacement, and subject to the Tree Removal and Replacement Permit pursuant to Art. 7.B.5. [Ord. 2019-005]~~

~~2. Shrubs shall be in accordance with the original size as required under each type of Buffer consistent with Art. 7 Landscaping or Conditions of Approval. [Ord. 2019-005]~~

~~3. A wall or fence shall be in accordance with the original height, and the same construction material as required under each type of Buffer consistent with Art. 7, Landscaping or Conditions of Approval, and subject to a Permit approval process. [Ord. 2019-005]~~

~~4. A hedge shall be in accordance with the original height as required under each type of Buffer consistent with Art. 7, Landscaping or Conditions of Approval, where applicable. [Ord. 2019-005]~~

~~5. Ground Treatment shall be in accordance with Art. 7.D.7, Ground Treatment or Conditions of Approval, where applicable. [Ord. 2019-005] [Relocated to Art. 7.E.3.B, Replacement as it relates to Credit and Replacement]~~

~~CB. Maintenance of Vacant Lots~~

~~Vacant Lots and Vacant Residential Parcels shall be maintained by the property owner, and shall be subject to the requirements as listed below. [Ord. 2018-002]~~

~~....~~

Section 4 Pruning After Installation

Pruning is permitted after installation to allow for healthy growth, to promote safety considerations, and enhance the aesthetic value of plant material. Trees that conflict with views, signage, or lighting shall not be pruned more than the maximum allowed. Trees shall not be pruned in a manner that reduces the canopy spread to less than 20 feet. Pruning practices shall comply with the guidelines in ~~Tree Care Tips – A Guide to Proper Pruning Techniques, published by the Department of Environmental Resources Management (ERM) American National Standards Institute, (ANSI) A300~~, and the provisions of this Chapter. The Zoning Director may suspend the provisions of this Chapter upon recommendation from County Landscape Staff additional pruning is necessary for plant growth, safety, or aesthetics. [Ord. 2018-002]

A. General Pruning Requirements

1. A maximum of one-fourth of the tree canopy may be removed from a tree within a one-year period, provided that the removal conforms to the standards of crown reduction, crown cleaning, crown thinning, crown raising, vista pruning, and crown restoration pruning techniques. All pruning shall comply with the most recent published version of the American National Standards Institute, ANSI A300, provisions related to tree, shrub and other woody plant maintenance, as amended. The crown of a tree required by this Code or condition of approval shall not be reduced below the minimum spread or height requirements of Art. 7.D.2.A, Trees, or specific conditions of approval. A tree which is pruned in excess of these requirements shall be replaced with a tree that meets the minimum requirements of Art. 7.D.2.A, Trees, and Table ~~7.D.2.E.3.C, Tree Vegetation~~ Credit and Replacement. [Ord. 2014-025]

2. If other than the mature height and spread is desired for any required tree, the size and shape shall be indicated on an approved site plan, planting plan, landscape plan. Shaping of a tree shall be permitted if the tree is to be used as an accent, focal point, or as part of an overall landscape design. A maintenance program shall be clearly outlined on the approved landscape plan to explain the care and upkeep of a shaped tree.

3. When cutting back trees, care shall be taken to promote the shape and form typical of the tree's species in similar settings in PBC.

4. Tree topping (hatracking) is prohibited.

5. No large or medium canopy trees shall be pruned before it has reached a minimum 20 foot canopy height and spread.

B. Palm Pruning Requirements

1. No more than one-third of fronds shall be removed.

2. No pruning above the horizon line, except for dead or diseased fronds.

C. Pruning Exemptions

The following ~~trees and species~~ are exempt from these pruning standards:

1. Trees Vegetation affected by FAA and airport safety regulations, to the extent required to comply with these regulations.

2. Trees-Vegetation that interfere with corner clips, utility lines, or utility structures, to the extent required to comply with regulations for these areas or structures.

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ARTICLE 1 GENERAL PROVISIONS, ARTICLE 2 PROCESSES AND PROCEDURES AND ARTICLE 7 – LANDSCAPE

CR-2018-030 and CR-2019-016
(Updated 09/18/19)

- 1 3. ~~Trees-Vegetation~~ that have insect or disease damage, crown dieback, or decay greater than
- 2 one third of the tree canopy.
- 3 4. ~~Trees-Vegetation~~ that have suffered damage due to natural or accidental causes.
- 4 5. ~~Trees-Vegetation~~ on single-family lots unless pruned by a commercial tree service business,
- 5 landscape company, lawn service business, or other related businesses.
- 6 6. ~~Trees-Vegetation~~ in botanical gardens, or botanical research centers.
- 7 7. ~~Trees-Vegetation~~ under DOT, DEPW, and FP&L management.
- 8 8. ~~Vegetation pruned in accordance with Section 163.045, Florida Statutes.~~

Part 8. ULDC Art. 7.F, Installation and Maintenance (page 53 of 54, Supplement 25), is hereby amended as follows:

Reason for amendments: [Zoning]
1. Relocate natural disaster replacement from Art. 7.C.3, Vegetation Credit and Replacement, and to provide enforcement procedures for those vegetation that were illegally removed.
2. Modify to include vegetation that has had irreparable/irreversible harm and vegetation that is repairable.
3. To allow the Zoning Director to provide recommendations for corrective actions to Code Enforcement of illegal vegetation removal.

9 CHAPTER G ENFORCEMENT

10 Section 1 Purpose

11 This Chapter establishes enforcement procedures to ensure compliance with the ULDC and applicable
12 DOs. [Ord. 2019-005]

13 Section 2 Temporary Suspension of Landscape Standards

14 The Executive Director of PZB may temporarily suspend the standards of this Article and establish
15 timeframes and guidelines to replace destroyed or damaged landscape material through a Departmental
16 PPM in the following situations: a hurricane; a freeze resulting in unavailability of landscape materials; a
17 period of drought resulting in restrictions on water usage imposed by a governmental authority; or a similar
18 event. [Ord. 2005-041]

19 A. Performance Surety

20 If the landscape standards of this Article are suspended pursuant to this Article, the property owner
21 may enter into an agreement with PBC to allow issuance of the permit or CO or Certificate of
22 Completion provided the property owner includes as part of this agreement adequate guarantee or
23 surety that the terms of this Article will be met after the suspension period has been lifted. The
24 guarantee shall consist of a performance bond or other surety agreement approved by the County
25 Attorney in an amount equal to 110 percent of the direct costs of materials and labor and other
26 costs incidental to the installation of the required landscaping completion agreement. Performance
27 bonds or other guarantees required pursuant to this subsection shall name PBC as a beneficiary
28 and specify the time-frame for the completion of the landscape standards of this Article. [Ord. 2005-
29 041]

30 B. Application Requirements

31 An application for a temporary suspension of landscape standards shall be accompanied by a
32 landscape plan identifying the plantings that have been postponed, the proposed planting schedule,
33 and the costs of the suspended planting. Planting cost estimates may be independently verified by
34 PBC.

35 Section 3 Enforcement

36 Failure to install or maintain landscape requirements, or when vegetation ~~has been illegally removed, or~~
37 has ~~been~~ irreparable~~ly or irreversible harm damaged~~, shall constitute a violation of the Code or a DO. PZB
38 may issue a Cease and Desist Order or withhold a CO or Certification of Completion until the provisions of
39 this Article have been met. In the alternative, PZB may refer any violation of this Article to Code Enforcement
40 for corrective action or penalties set forth in Art. 10, Enforcement. [Ord. 2019-005]

41 A. Violations

42 The following deficiencies shall be considered a separate and continuing violation of this Article or
43 a DO: [Ord. 2019-005]

- 44 1. Each required tree, palm, pine, or other vegetation not properly installed or maintained shall be
45 considered a separate and continuing violation of the ULDC or applicable DO. Each row of

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CR-2018-030 and CR-2019-016
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1 shrubs and ground treatment shall be considered as a separate and continuing violation. Each
2 wall or fence not properly installed or maintained shall be considered a separate and continuing
3 violation. **[Ord. 2019-005]**

- 4 2. Each required tree, palm, pine or other vegetation that has irreparably or irreversibly harm.
- 5 3. Each day in which required vegetation landscaping is not properly installed or properly
6 maintained on site as required by this Section or by the order of the Special Master. **[Ord.**
7 **2018-002]** **[Ord. 2019-005]**

8 **B. Determining Extent of the Violation**

- 9 1. Code Enforcement Staff receives a complaint of non-compliance of the Code or DO;
- 10 2. Zoning Division Staff shall conduct a site inspection with the Code Enforcement Staff to assess
11 if there is a violation of the Code or any DO, which may include Conditions of Approval that
12 requires vegetation to be installed at a larger size, or a previously approved Landscape Plan
13 or ALP. The assessment will confirm if the violation is reparable or if there is irreparable or
14 irreversible harm pursuant to the definition of Art. 1.1.2.A.33.a, Definitions; and,
- 15 3. If it is determined by Staff that there is a violation, then the Zoning Staff shall provide a
16 recommendation for compliance and Code Enforcement Staff shall issue a Notice of Violation
17 (NOV) to the Property Owner to correct the violation.

18 **B.C. Corrective Actions**

19 PBC shall determine appropriate corrective actions, including, but not limited to Code Enforcement
20 proceedings, the requirement to obtain an after-the-fact permit(s), the replacement of landscape
21 material, and the requirement to amend the applicable Landscape Plan or DO pertaining to the
22 property. **[Ord. 2019-005]**

23 **1. Replacement**

- 24 a. ~~Replacement of vegetation shall comply with the size and quantity pursuant to Art. 7.E.3,~~
25 ~~Credit and Replacement or the Conditions of Approval of the DO. **[Ord. 2019-005]**~~
- 26 b. ~~Any other landscape materials shall be replaced pursuant to Art. 7.D, Landscape~~
27 ~~Standards. **[Ord. 2018-002]**~~

28 **1. Repairable**

29 For improper pruning or hatracking violations that is deemed reparable, the corrective action
30 shall be based upon staff inspection of site and assessment of the violation and damage. The
31 violation shall be corrected by implementing proper pruning practices in accordance to ANSI
32 A300 standards. One or more monitoring site inspection may be required to confirm the
33 damaged vegetation is being properly pruned over time to ensure proper balance in re-growth
34 of the canopy or form. Repeated violations shall be processed pursuant to Article 10.B,
35 Enforcement by the Code Enforcement Special Masters.

36 **2. Irreparable/irreversible Harm**

37 For a violation that is deemed irreparable/irreversible damage to the vegetation, the violation
38 shall be corrected by the removal of the damaged vegetation and stump, and replacement of
39 the vegetation utilizing one or a combination of the following two options:

40 **a. Additional Quantity Option**

41 Utilize Table 7.G.3.C – Violation of Vegetation Replacement to establish the quantity and
42 the individual replacement size pursuant to Art. 7.D.2, Trees, Palms and Pines. This option
43 may require planting additional trees, palms or pines.

44 1) If the property has a prior approved Landscape Plan, ALP or a DO that depicts the
45 location of the vegetation, the approval shall be revised to show the new location of
46 the additional vegetation.

47 2) If the property is subject to Conditions of Approval requiring larger size trees, palms or
48 pinos, the size of the replacement vegetation shall be in compliance with the
49 Conditions, and the vegetation shall be installed in the same or approximate location
50 where the original vegetation was shown on the approved Landscape Plan or ALP. If
51 additional vegetation is required to be planted on the property as a result of this option,
52 then additional sanctions will be placed.

53 3) If a tree or pine is removed with only the stump remaining, the following formula shall
54 be utilized to determine the size of the removed tree or pine. **[Ord. 2019-005]**

55 a) measure the diameter of the tree or pine stump and reduce the measurement by
56 25 percent; and, **[Ord. 2019-005]**

57 b) replacement of the quantity of the tree or pine shall be based on the reduced
58 diameter measurement, and subject to, the requirements of Table 7.G.3.C,
59 ~~Vegetation Credit and Replacement~~ Violation of Vegetation Replacement for
60 estimating the number of trees or pines to be replaced **[Ord. 2019-005]**
61 **[Relocated from Art. 7.E.3.C.2, Illegal Tree or Pine Removal]**

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**CR-2018-030 and CR-2019-016
(Updated 09/18/19)**

Table 7.G.3.C – Violation of Vegetation Replacement

<u>Tree or Pine Diameter at 4.5 Feet Above Grade (1)(2)(3)</u>	<u>≡</u>	<u>Quantity for Credits or for Replacements</u>
<u>Less than 2 in.</u>	<u>≡</u>	<u>2</u>
<u>2-6 in.</u>	<u>≡</u>	<u>3</u>
<u>7-11 in.</u>	<u>≡</u>	<u>4</u>
<u>12-16 in.</u>	<u>≡</u>	<u>5</u>
<u>17-21 in.</u>	<u>≡</u>	<u>6</u>
<u>22-26 in.</u>	<u>≡</u>	<u>7</u>
<u>27-31 in.</u>	<u>≡</u>	<u>8</u>
<u>32-36 in.</u>	<u>≡</u>	<u>9</u>
<u>37 in. or greater</u>	<u>≡</u>	<u>10</u>
Notes:		
<u>1.</u>	<u>Fractional measurements shall be rounded in accordance with Article 1.C.1.A.2 Interpretation and Application..</u>	
<u>2.</u>	<u>Pines with a diameter of six inches or more, measured at a height of 4.5 feet above grade shall be subject to preservation, mitigation or replacement.</u>	
<u>3.</u>	<u>Quantity: replacement of palms shall be one for one.</u>	

b. Same Quantity and Larger Size Option

This option allows the property owner to install larger size vegetation to replace Irreparable or Irreversible vegetation. The replacement quantity may be one for one only if the size of each replacement tree, palm or pine exceeds the minimum size by 20 percent of the size indicated in Art. 7.D.2, Trees, Palms and Pines. If there are prior Conditions of Approval requiring larger size vegetation, then the replacement vegetation shall comply with the Conditions.

CD. Additional Sanctions

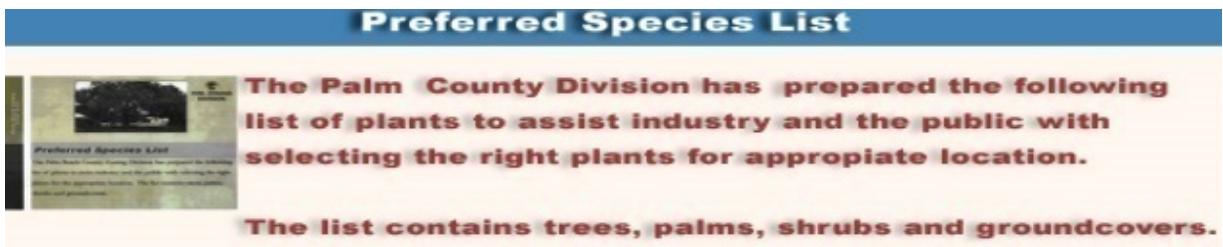
PBC may take any appropriate legal action, including, but not limited to requiring replacement of landscape material which has been hatracked, damaged and rendered unable to achieve its natural and intended form, administrative action, requests for temporary and permanent injunctions, and other sanctions to enforce the provisions of this Section. [Ord. 2005-002]

E. Follow-up Compliance

A follow-up compliance Monitoring Inspection from Landscape staff may be required to confirm the vegetation violation has been satisfied.

APPENDIX A – PBC’S PREFERRED SPECIES LIST - PLANT MATERIAL DATABASE, 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=eZinfo&FROM=EZ&TargetMenuitem=Plant%20Material%20Database
https://www.pbcgov.org/ePZB.Admin.WebSPA/#/Container/Plant_Material_Database



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EXHIBIT F

ARTICLE 1 GENERAL PROVISIONS, ARTICLE 2 PROCESSES AND PROCEDURES AND ARTICLE 7 – LANDSCAPE

CR-2018-030 and CR-2019-016
(Updated 09/18/19)

Plant Material Database

Welcome to the Palm Beach County Preferred Species Plant List Wizard. The purpose of this wizard is to assist you in choosing the correct plant for your yard, garden or roadway. One of the most important considerations in designing your yard or garden is to determine whether the plants you like will survive the microclimate and the temperature range of your area. All plants have a temperature range within which they thrive. The U.S. Department of Agriculture Plant Hardiness Zone Map has been established as a general guide to assist you in choosing the correct plants for your temperature range.

Many other conditions influence a plant's survival in your garden. Soil types, rainfall regularity and intensity, exposure to the sun, day length, wind, humidity and heat play major roles in survival. Also, there are microclimates that affect how plants grow within your yard, block and county. One part of your yard may be hotter or colder, wetter or drier, shadier or sunnier. These microclimates dictate what plants will do better in one spot than another.

The Palm Beach County Preferred Species List is a database of plants recommended by the Zoning Division for use within Palm Beach County. Listed below are a number of quick searches and a link to a more detailed search. The report includes each plant's hardiness zone range, salt tolerance, light range, type, size, growth rate and helpful comments from plant experts. Happy Planting!

Standard Plant Information reports

- Native Trees
- Native Palms
- Native Plants

Landscape Code Preferred Species List

1

Plant Material Database

Palm Beach County Preferred Species

Welcome to the Palm Beach County Preferred Species Plant List Wizard. The purpose of this wizard is to assist you in choosing the correct plant for your yard, garden or roadway. One of the most important considerations in designing your yard or garden is to determine whether the plants you like will survive the microclimate and the temperature range of your area. All plants have a temperature range within which they thrive. The U.S. Department of Agriculture Plant Hardiness Zone Map has been established as a general guide to assist you in choosing the correct plants for your temperature range.

Many other conditions influence a plant survival in your garden. Soil types, rainfall regularity and intensity, exposure to the sun, day length, wind, humidity and heat play major roles in survival. Also, there are microclimates that affect how plants grow within your yard, block and county. One part of your yard may be hotter or colder, wetter or drier, shadier or sunnier. These microclimates dictate what plants will do better in one spot than another.

The Palm Beach County Preferred Species List is a database of plants recommended by the Zoning Division for use within Palm Beach County. Listed below are a number of quick searches and a link to a more detailed search. The report includes each plant's hardiness zone range, salt tolerance, light range, type, size, growth rate and helpful comments from plant experts. Happy Planting!

Standard Plant Information reports

Search Landscape Code - Preferred Species List

- Native Trees
- Native Palms
- Preferred Plants
- Native Shrubs
- Flowering Plants
- Flowering Shrubs
- Preferred Street Trees
- All Drought Tolerant Plants
- All Plants

2

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EXHIBIT G

ARTICLE 2 – APPLICATION PROCESSES AND PROCEDURES HB 7103 LEGISLATION TO MODIFY TIMELINE FOR REVIEW OF DEVELOPMENT ORDERS

CR-2019-0015
(Updated 09/19/19)

Part 1. ULDC Art. 2.A Application Processes and Procedures, General, (pages 15 and 21 of 101, Supplement 25), is hereby amended as follows:

Reason for amendments: [Zoning]
1. To respond to recent changes to Florida law resulting from the 2019 Florida Legislative Session, whereas Florida House Bill 7103 was signed into law on June 28, 2019, which amends the Florida Statutes (F.S.) 125.022, Development Permits and orders.
2. Amend 2.A.3 to relocate resubmittals with submittals and to add sufficiency and insufficiency determinations, as they are dates that are on the Zoning Annual Calendar.
3. Correct reference for approval of the refund fees to the Executive Director of PZB, or its designee. The designee may be the Zoning Director
3. Amend Art. 2.A.7, as the F.S. were amended to require the County to review an application for completion within 30 days of submittal, and allows the applicant to respond to those deficiencies no more than 30 days of notification of the deficiency. The proposed change deletes the previous ten-day limitation. The reference for deadlines will be reflected on the Annual Zoning Calendar, in order to adjust for holidays and differences in days of the month.
4. Delete redundant language in Art. 2.A.7.

1 **CHAPTER A GENERAL**

2

3 **Section 3 Initiation of Applications**

4 Applications may be submitted to the Zoning Division by the following authority: PBC official, owner, agent
5 who is authorized in writing to act on the owner's behalf, or person having a written contractual interest in
6 the land for which the amendment or development permit is proposed. Applications shall be submitted in
7 accordance with the dates and fees established by the Zoning Division. **[Ord. 2018-002]**

8 **A. Established Dates and Fees for Zoning Division Applications**

- 9 1. The Zoning Director shall publish an Annual Zoning Calendar, as may be amended, providing
10 dates and deadlines for the following: **[Ord. 2018-002]**
- 11 a. Submittals and Resubmittals of an application by the Applicant; **[Ord. 2018-002]**
 - 12 b. ~~Resubmittal by the Applicant~~ Sufficiency and Insufficiency determination by the DRO; **[Ord.**
13 **2018-002]**
 - 14 c. Issues and Comments identified by Staff;
 - 15 d. Certification of an application for Public Hearings; and **[Ord. 2018-002]**
 - 16 e. Hearing dates. **[Ord. 2018-002]**
- 17 2. All other dates and deadlines for the application processes shall be specified in the Code. If
18 there is a conflict in the dates between the Code and the Calendar, the Code shall prevail.
19 **[Ord. 2018-002]**
- 20 3. Applications that are submitted to the Zoning Division shall be accompanied by a fee
21 established by the BCC. All fees shall be paid at the time of the submittal of the applications.
- 22 4. Any request for a refund of fees shall be in writing, based on the current PZB Refund Policy,
23 and subject to approval by the Executive Director of Planning, Zoning and Building or designee
24 Zoning Director. **[Ord. 2018-002]**

25

26 **Section 7 Sufficiency Review**

27 The DRO shall determine whether ~~or not~~ the application is sufficient or insufficient ~~ten days from the date~~
28 ~~of submittal~~ by reviewing the required information provided in the application, and any additional data
29 necessary to evaluate the application. Sufficiency review procedures specified in other Articles applicable
30 to particular County Agencies may supersede these provisions, unless stated otherwise. Applications
31 ~~subject to the Public Hearing Processes~~ shall be subject to the requirements of Art. 2.B.2, Sufficiency
32 Review for Public Hearing Processes and Art. 2.C.2, Sufficiency Review for Administrative Processes.
33 **[Ord. 2005-041] [Ord. 2011-016] [Ord. 2018-002]**

34

Part 2. ULDC Art. 2.B.2 Application Processes and Procedures, Public Hearing Processes, Sufficiency Review; and, 2.B.4 – Application Processes and Procedures, Public Hearing

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EXHIBIT G

ARTICLE 2 – APPLICATION PROCESSES AND PROCEDURES HB 7103 LEGISLATION TO MODIFY TIMELINE FOR REVIEW OF DEVELOPMENT ORDERS

CR-2019-0015
(Updated 09/19/19)

Processes, Review, Resubmittal and Certification (page 25-26 of 101, Supplement 25), is hereby amended as follows:

Reason for amendments: [Zoning]
1. To respond to recent changes to Florida law resulting from the 2019 Florida Legislative Session, whereas Florida House Bill 7103 was signed into law on June 28, 2019, which amends the Florida Statutes (F.S.) 125.022, Development Permits and orders. These amendments requires amendments to Zoning application review procedures.
2. Include reference to the Zoning Technical Manual, for requirements of Sufficiency/Insufficiency of an application.
3. Amended Sufficiency Review to include a written notification to the Applicant consistent with F.S. 125.022
4. Delete reference to the name of the document "Reason for Insufficiencies list", and only refer the Zoning Technical Manual where the list has been incorporated.
5. Modify reference to for Staff's written notification for insufficiency from a maximum of 10-calendar days and replace limitation of no more than 30 calendar days after an application is sufficient to be consistent with F.S.
6. Modify the requirements for an Applicant to address the list of insufficiencies to be no more than 30 calendar days after notification of the insufficiency pursuant to F.S. 125.022.
7. Delete reference to the submittal as indicated on the calendar as it is redundant language, and include reference the time extension be approved by the Zoning Director pursuant to Time Extension.
8. Modify to clarify the written request is for a time extension in order to address deficiencies of the application.

1 CHAPTER B PUBLIC HEARING PROCESSES

2

3 Section 2 Sufficiency Review

4 A. Sufficiency

5 The DRO shall ensure the applications meet all Submittal requirements and the requests are
6 consistent with Art. 2.A, General and the Zoning Technical Manual. If the application is determined
7 to be sufficient by the DRO, ~~the DRO shall provide written notification to the Applicant and~~ it shall
8 be distributed to the applicable County Agencies for review pursuant to the procedures and
9 standards of this Article. [Ord. 2005-041] [Ord. 2018-002]

10 B. Insufficiency

11 If an application is determined to be insufficient pursuant to the ~~Reasons for Insufficiencies listed~~
12 ~~in the~~ Zoning Technical Manual, the DRO shall provide written notification to the Applicant
13 specifying the deficiencies. The notification shall be forwarded to the Applicant ~~within ten no more~~
14 ~~than 30 calendar~~ days ~~after of~~ the application's ~~s~~Submittal date. [Ord. 2018-002]

15 1. No further action shall be taken on the application until the deficiencies are remedied. [Ord.
16 2018-002]

17 2. The Applicant shall address all insufficiencies no more than 30 calendar days after the
18 application was determined to be insufficient and resubmit the application on the ~~s~~Submittal
19 date ~~of the next month pursuant to the Annual Zoning Calendar~~. [Ord. 2018-002]

20 3. If the application is amended and determined to be sufficient by the DRO, the application shall
21 be processed for review. [Ord. 2018-002]

22 4. If the deficiencies are not remedied ~~in the next Submittal as indicated on the Annual Zoning~~
23 ~~Calendar~~, the DRO shall issue a second written notification to the Applicant indicating the
24 application shall be considered withdrawn unless a written request for a time extension ~~request~~
25 has been submitted and approved by the Zoning Director, pursuant to 2.B.2.C, Time Extension.
26 [Ord. 2018-002]

27 C. Time Extension

28 The Applicant may submit a written request for a time extension to the Zoning Director should
29 additional time be required to address ~~unresolved issues~~ deficiencies of the application. Such
30 request shall be submitted to the Zoning Director no later than 5 days after the issuance of the
31 second Insufficiency notification. [Ord. 2018-002]

32 D. Administrative Withdrawal

33 If the Applicant fails to address the insufficiencies or request a time extension, it may result in an
34 Administrative withdrawal of the application. [Ord. 2018-002]

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EXHIBIT G

ARTICLE 2 – APPLICATION PROCESSES AND PROCEDURES HB 7103 LEGISLATION TO MODIFY TIMELINE FOR REVIEW OF DEVELOPMENT ORDERS

CR-2019-0015
(Updated 09/19/19)

Part 3. ULDC Art.2.B.4 – Application Processes and Procedures, Public Hearing Processes, Review, Resubmittal and Certification (page 25-26 of 101, Supplement 25), is hereby amended as follows:

Reason for amendments: [Zoning]
1. To respond to recent changes to Florida law resulting from the 2019 Florida Legislative Session, whereas Florida House Bill 7103 was signed into law on June 28, 2019, which amends the Florida Statutes (F.S.) 125.022, Development Permits and orders. These amendments requires amendments to Zoning application review procedures.
2. Delete table for deadlines and refer to the dates described on the Annual Zoning Calendar due to changes in the F.S. Relocate language for PO Deviations from the proposed deleted table.
3. Modify the order of the Review, Non-certification and Certification to add the 120 limitation for certification, allowance for time extensions as described in the F.S.
4. Add language to address revisions to the application after it was determined to sufficient, providing an Applicant procedures to revise, withdraw or request time extensions.
5. Modify the Continuance and Postponement to Time Extension and include language and include reference to the maximum time frame for certification from the date of sufficiency and include the allowance extensions as described in the F.S.
6. Add language regarding certification of a project that fails to address Staff’s comments in the situation an agreed upon extension is not obtained and a decision is required to be rendered to comply with F.S.
7. Modify language relating to Applications that are modified after certification to include references to the required timeframes of the F.S. or an allowance for a time extension.

1 **CHAPTER B PUBLIC HEARING PROCESSES**

2

3 **Section 4 Review, Resubmittal, and Certification**

4 Review of an application shall be initiated by the DRO on the date it is deemed sufficient, ~~subject to the~~
5 ~~timeline specified in the Table below. The processing time may vary based upon the types of requests. The~~
6 ~~deadlines for Staff comments, Resubmittal by the Applicant, and Certification shall be indicated on the~~
7 ~~Annual Zoning Calendar. [Ord. 2018-002]~~

8 **A. Exception for PO Deviations**

9 *PO Deviations shall be submitted to the Zoning Division on the Application Submittal Date. Sufficiency review is completed by the DRO to ensure the request complies with Art. 2.B.7.G, Public*
10 *Ownership (PO) Deviations and PPM #ZO-O-063. The Zoning Division is only responsible for*
11 *ensuring the correct allowable deviations are being requested and placing the application and staff*
12 *summary on a BCC Zoning Agenda. PO Deviations, pursuant to Art. 11, Subdivision, Platting, and*
13 *Required Improvements, shall be submitted directly to the County Engineer for review. [Ord. 2019-*
14 *005] [Relocated from Table 2.B.4 Review, Resubmittal, and Certification]*

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

Processes	DRO
Application Submittal by Applicant	Refer to Annual Zoning Calendar. (1)
Sufficiency Review by Staff	10 days from the date of Application Submittal. (1)
Insufficiency to be Addressed by Applicant	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.
Resubmittal by Applicant	The Applicant shall address all issues and comments by the next resubmittal date. Refer to Annual Zoning Calendar.
Staff Review and Comments on Resubmittal	Refer to Annual Zoning Calendar.
Certification for Public Hearings	Refer to Annual Zoning Calendar.
[Ord. 2018-002] [Ord. 2018-018] [Ord. 2019-005]	
Notes:	
4.	<i>PO Deviations shall be submitted to the Zoning Division on the Application Submittal Date. Sufficiency review is completed by the DRO to ensure the request complies with Art. 2.B.7.G, Public Ownership (PO) Deviations and PPM #ZO-O-063. The Zoning Division is only responsible for ensuring the correct allowable deviations are being requested and placing the application and staff summary on a BCC Zoning Agenda. PO Deviations, pursuant to Art. 11, Subdivision, Platting, and Required Improvements, shall be submitted directly to the County Engineer for review. [Ord. 2019-005] [Relocated to 2.B.4.A PO Deviations]</i>

16 **AB. Review**

17 *Staff review shall be based on applications deemed sufficient, and the subsequent resubmittals.*
18 The DRO shall prepare a list of issues and comments and make it available to the Applicant. The

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EXHIBIT G

ARTICLE 2 – APPLICATION PROCESSES AND PROCEDURES HB 7103 LEGISLATION TO MODIFY TIMELINE FOR REVIEW OF DEVELOPMENT ORDERS

CR-2019-0015
(Updated 09/19/19)

1 Applicant shall provide a written response and revised document(s), if applicable, addressing all
2 outstanding issues and comments ~~by on~~ the ~~next~~ Resubmittal date indicated on the Annual
3 Zoning Calendar. The written responses and revised document(s) shall address the issues and
4 comments prepared by Staff and not significantly modify the application that was determined to be
5 sufficient. [Ord. 2018-002]

6 1. For the purpose of defining significant in this subheading, significant shall be considered, but
7 not limited to the following:

8 a. New application requests; or

9 b. Modifications to the site layout or submitted document(s) that would require a new review
10 of the document(s) or impact the timing of a final decision by the ZC or BCC.

11 2. If the DRO determines that the revised requests and documents are significantly modified from
12 the original request that was determined to be sufficient, the DRO shall provide a written
13 notification to the Applicant describing what changes significantly modify the application. The
14 Applicant shall:

15 a. revise the requests and modify plans to eliminate the significant modification;

16 b. provide a written request for a time extension to the Zoning Director to determine if the
17 applications is still sufficient or if a new sufficiency review is required. Both parties shall
18 agree to a reasonable request for an extension of time; or,

19 c. request withdrawal of the application.

BC. Non-Certification

21 *If the revised document(s) fail to address all listed outstanding issues and comments, the DRO*
22 *shall issue a Result List indicating that the application is not certified.* [Ord. 2018-002] [Partially
23 Relocated from 2.B.4.C Non Certification]

1. Resubmittal Requirements

24 *The Applicant shall provide a written response addressing all outstanding issues and*
25 *comments for those applications that are not certified, in a manner and form acceptable to the*
26 *DRO. The revised document(s) shall be submitted on the Resubmittal date as established on*
27 *the Annual Zoning Calendar.* [Ord. 2005-041] [Ord. 2008-003] [Ord. 2018-002] [Relocated
28 from 2.B.4.C Non Certification]

2. Time Extension

29 *Applications for a DO that are not certified within 120 calendar days of Sufficiency*
30 *determination by the DRO, must submit a written request for a time extension to the Zoning*
31 *Director. Both parties shall agree to a reasonable request for an extension of time.* [Partially
32 relocated from 2.B.4.E Continuance or Postponement]

D. Certification

33 1. If the resubmitted document(s) satisfy Code requirements and address the DRO's list of
34 outstanding issues and comments, the DRO shall issue a Result Letter indicating the
35 certification of the application. [Ord. 2018-002]

36 2. If the Applicant fails to address the listed outstanding issues and comments within the 120
37 calendar day deadline, and fails to request a time extension from the Zoning Director within the
38 120 calendar day deadline, the application shall be scheduled to proceed to a public hearing
39 to comply with the timeframes enumerated in the F.S. An applicant may receive a
40 recommendation of denial from Staff for failure to comply with the Standards pursuant to Art.
41 2.B.7 Types of Applications, including the outstanding issues and comments provided by Staff.

C. Non-Certification

42 ~~*If the resubmitted documents fail to address all listed outstanding issues and comments, the DRO*~~
43 ~~*shall issue a Result List indicating that the application is not certified.*~~ [Ord. 2018-002] [Partially
44 Relocated to 2.B.4.B Non Certification]

~~**1. Resubmittal Requirements**~~

45 ~~*The Applicant shall provide a written response, addressing all outstanding issues and*~~
46 ~~*comments for those applications that are not certified, in a manner and form acceptable to the*~~
47 ~~*DRO. The revised documents shall be resubmitted on the Submittal date as established on the*~~
48 ~~*Annual Zoning Calendar.*~~ [Ord. 2005-041] [Ord. 2008-003] [Ord. 2018-002] [Relocated to
49 2.B.4.B.1 Resubmittal Requirements]

DE. Application Modification after Certification

50 Applications shall not be significantly modified after certification, unless requested or agreed to by
51 the DRO. Significant modifications to the certified plan(s) and application(s) within ten days of a
52 scheduled public hearing date shall result in a postponement, when a decision can be rendered
53 within the timeframe enumerated in the F.S., or if both parties agree to a reasonable request for an
54 extension of time. For the purposes of this Article, a modification shall be considered significant if
55 it exceeds 30 percent or more change from the certified plan or application request. The DRO may
56 consider, but not limited to: intensity, density, land area, or vehicular use areas, to determine

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EXHIBIT G

ARTICLE 2 – APPLICATION PROCESSES AND PROCEDURES HB 7103 LEGISLATION TO MODIFY TIMELINE FOR REVIEW OF DEVELOPMENT ORDERS

CR-2019-0015
(Updated 09/19/19)

1 whether the certified plans or documents exceed the 30 percent threshold. [Ord. 2005-002] [Ord.
2 2018-002]

3 ~~E.—Continuance or Postponement~~

4 ~~Applications for a DO that are continued or postponed for more than six months by the DRO must~~
5 ~~obtain approval from the Zoning Director. [Partially Relocated to 2.B.4.B. Time Extension] All~~
6 ~~applications, that have been continued or postponed for more than six months without approval.~~

Part 4. ULDC Art. 2.B.6, Application Processes and Procedures, Public Hearing Processes, Public Hearing Procedures (page 29 of 101, Supplement 25), is hereby amended as follows:

Reason for amendments: [Zoning]
1. Amend the scheduling section to include reference to the F.S. that requires a decision to be made within 180 days from the date of sufficiency.
2. Modify action by the ZC and BCC related to postponements, continuance and remands, as required by F.S. and include requirement a recommendation or decision to postpone must be agreed upon by County and the Applicant, or a decision must be rendered to meet the 180 calendar day limitation.

7 **CHAPTER B PUBLIC HEARING PROCESSES**

8

9 **Section 6 Public Hearing Procedures**

10 All decision-making persons and bodies shall act in accordance with the time limits established in this Code,
11 unless stated otherwise. [Ord. 2018-002]

12 **A. Scheduling**

13 Once an application has been certified by the DRO, the DRO shall schedule a public hearing in
14 accordance with the dates established in the Annual Zoning Calendar and pursuant to F.S.
15 125.022, ~~or such time as is mutually agreed upon between the Applicant and the DRO.~~ The
16 scheduling of the application for public hearing shall ensure the public notice requirements are
17 satisfied. [Ord. 2018-002]

18 **1. Number of Hearings**

19 Both the ZC and the BCC shall hold at least one public hearing on applications that are subject
20 to the Public Hearing processes, unless otherwise stated herein. [Ord. 2018-002]

21 **2. Exception for Official Zoning Map Amendment**

22 The ZC shall hold at least one public hearing and the BCC shall hold two public hearings on a
23 proposed amendment to the boundaries of the Official Zoning Map for PBC initiated
24 applications consisting of ten or more contiguous acres of land. [Ord. 2018-002]

25 **3. Exception for PO Deviations**

26 The application for public hearing shall be placed on the next available BCC Zoning Hearing
27 for which the public notice requirements can be satisfied. [Ord. 2019-005]

28

29 **C. Board Action**

30 **1. Action by ZC**

31 The ZC shall conduct a public hearing on the application, subject to the following procedures:
32 [Ord. 2018-002]

33 **a. Recommendations by the ZC**

34 The ZC shall consider the application where the BCC makes a final decision, including staff
35 report, relevant support materials, public testimony and public testimony given at the
36 hearing. After close of the public hearing, the ZC shall recommend to the BCC that the
37 application be approved, approved with Conditions, modified, ~~continued, postponed~~ or
38 denied based upon the applicable Standards in Art. 2.B.7, Types of Applications. [Ord.
39 2008-003] [Ord. 2011-016] [Ord. 2012-027] [Ord. 2017-007] [Ord. 2018-002]

40 1) The ZC may consider an application be: remanded, continued or postponed when a
41 decision can be rendered within the timeframe enumerated in the F.S., or if both parties
42 agree to a reasonable request for an extension of time. If there is no mutual agreement
43 for a time extension, the application shall move forward with a recommendation of
44 denial by the ZC.

45 **b. Final Decision by the ZC**

46 The ZC shall consider the application where the ZC makes a final decision, including, staff
47 report, relevant support materials, DRO certification, public testimony, and public testimony

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1 given at the hearing. After close of the public hearing, the ZC shall by not less than a
2 majority of a quorum present approve, approve with conditions, modify, ~~postpone~~, or deny
3 the application. The actions shall be based upon the applicable and any Standards specific
4 to the use as required in Art. 4.B, Use Classification, thereby adopting a resolution
5 approving, approving with Conditions, or denying the proposed request. The resolution
6 shall be filed with the Zoning Division. [Ord. 2006-036] [Ord. 2008-003] [Ord. 2018-002]

7 1) The ZC may consider an application be remanded, continued, or postponed when a
8 decision can be rendered within the timeframe enumerated in the F.S., or if both parties
9 agree to a reasonable request for an extension of time. If there is no mutual agreement
10 for a time extension, the application shall move forward with a final decision by the ZC.

11 ~~c. Remand by the ZC~~

12 ~~If at any time during the public hearing, the ZC determines that the application is based~~
13 ~~upon incomplete, inaccurate information or misstatements of fact, it may remand the~~
14 ~~application back to the DRO for further review and a revised staff report. [Ord. 2018-002]~~

15 **2. Action by BCC**

16 **a. Recommendations by the ZC**

17 The BCC shall consider the application, staff report, relevant support materials, the
18 recommendation of the ZC, and the public testimony submitted before and given at the
19 hearing. [Ord. 2018-002]

20 **b. Final Decision by the BCC**

21 The BCC shall consider the application, staff report, relevant support materials, DRO
22 certification, the ZC recommendation, public testimony submitted before and given at the
23 hearing. After close of the public hearing, the BCC shall by not less than a majority of a
24 quorum present approve, approve with conditions, modify, ~~postpone~~, or deny the
25 application. The actions shall be based upon the applicable and any Standards specific
26 to the use as required in Art. 4.B, Use Classification, thereby adopting a resolution approving,
27 approving with Conditions, or denying the proposed request. The resolution shall be filed
28 with the Clerk of the Circuit Court. For PO Deviations a Result Letter, in lieu of a resolution,
29 is prepared by the DRO, provided to the Applicant, and filed with the Zoning Division. [Ord.
30 2008-003] [Ord. 2012-027] [Ord. 2017-007] [Ord. 2018-002] [Ord. 2019-005]

31 shall be filed with the Zoning Division. [Ord. 2006-036] [Ord. 2008-003] [Ord. 2018-002]
32 1) The BCC may consider an application be remanded, continued, or postponed when a
33 decision can be rendered within the timeframe enumerated in the F.S., or if both parties
34 agree to a reasonable request for an extension of time. If there is no mutual
35 agreement, the application shall move forward with a final decision by the BCC.

36 ~~c. Remand by the BCC~~

37 ~~If at any time during the public hearing, the BCC determines that the application is based~~
38 ~~upon incomplete, inaccurate information or misstatements of fact, the BCC may remand~~
39 ~~the application back to the ZC or DRO for further review and a revised staff report. [Ord.~~
40 ~~2018-002]~~

41 **3. Action by the Hearing Officer**

42 At the public hearing(s), the Hearing Officer shall consider the application, all relevant support
43 materials, staff report, testimony given, and evidence introduced into the record at the public
44 hearing(s) and decide to approve, approve with conditions, deny, continue, postpone, modify
45 or withdraw the request. [Ord. 2006-036] [Ord. 2018-002]

46

47
48 **E. Continuance or Postponement of Hearings**

49 The BCC or ZC conducting the public hearing, may, on its own motion or at the request of an
50 Applicant, ~~continue the public hearing to a fixed date, time and place~~ consider an application be
51 continued or postponed when a decision can be rendered within the timeframe enumerated in the
52 F.S., or if both parties agree to a reasonable request for an extension of time. The BCC or ZC shall
53 determine if an application shall be postponed when an Applicant fails to submit a written
54 request for postponement five days prior to the hearing. All subsequent request for continuance or
55 postponement shall be granted at the discretion of the decision making body. [Ord. 2005-041]
56 [Ord. 2006-036] [Ord. 2018-002]

57 **1. Postponement by Right**

58 An Applicant ~~shall be granted a postponement by right to the next regularly scheduled hearing~~
59 may submit a written request to the Zoning Director, no less than five days prior to the hearing,
60 for an application be postponed when a decision can be rendered within the timeframe
61 enumerated in the F.S., or if both parties agree to a reasonable request for an extension of
62 time, if requested in writing five days prior to the hearing. If the postponement is requested

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1 less than five days prior to the date of the scheduled hearing, the request for postponement
2 shall be presented at the hearing and at the discretion of the ZC or BCC. [Ord. 2018-002]

EF. Finalization of Approved DOs

4 The Applicant shall submit an application to the DRO for finalization of the BCC or ZC approved
5 DOs in accordance with the procedures in Art. 2.C.3.A, Finalization of BCC or ZC DOs, as
6 applicable. [Ord. 2018-002] [Ord. 2019-005]

FG. Other Procedures

8 Other procedures, which include: Postponement, Remand, Suspension of Development Review,
9 Withdrawal and Denial of Application; are referenced in Art. 2.A.10; Violation of Condition of DO in
10 Art. 2.A.11; Outstanding Liens or Fines in Art. 2.A.12; Misrepresentation in Art. 2.A.13; and, Appeal
11 in Art. 2.A.14. [Ord. 2018-002]

Part 5. ULDC Art. 2.C.2 Application Processes and Procedures, Administrative Processes, Sufficiency Review (pages 41-42 of 101, Supplement 25), is hereby amended as follows:

Reason for amendments: [Zoning]
1. To respond to recent changes to Florida law resulting from the 2019 Florida Legislative Session, whereas Florida House Bill 7103 was signed into law on June 28, 2019, which amends the Florida Statutes (F.S.) 125.022, Development Permits and orders. These amendments requires amendments to Zoning application review procedures.
2. Include reference to the Zoning Technical Manual, for requirements of Sufficiency/Insufficiency of an application.
3. Amended Sufficiency Review to include a written notification to the Applicant consistent with F.S. 125.022
4. Delete reference to the name of the document "Reason for Insufficiencies list", and only refer the Zoning Technical Manual where the list has been incorporated.
5. Modify reference to for Staff's written notification for insufficiency from a maximum of 10-calendar days and replace limitation of no more than 30 calendar days after an application is sufficient to be consistent with F.S.
6. Modify the requirements for an Applicant to address the list of insufficiencies to be no more than 30 calendar days after notification of the insufficiency pursuant to F.S. 125.022.
7. Delete reference to the submittal as indicated on the calendar as it is redundant language, and include reference the time extension be approved by the Zoning Director pursuant to Time Extension.
8. Modify to clarify the written request is for a time extension in order to address deficiencies of the application.

12 CHAPTER C ADMINISTRATIVE PROCESSES

13

14 Section 2 Sufficiency Review

15 A. Sufficiency

16 The DRO shall ensure the applications meet all Submittal requirements and the requests are
17 consistent with Art. 2.A, General and the Zoning Technical Manual. If the application is determined
18 to be sufficient by the DRO, the DRO shall provide written notification to the Applicant and it shall
19 be distributed to the applicable County Agencies for review pursuant to the procedures and
20 standards of this Article. [Ord. 2018-002]

21 B. Insufficiency

22 If an application is determined to be insufficient pursuant to the Reasons for Insufficiencies listed
23 in the Zoning Technical Manual, the DRO shall provide written notification to the Applicant
24 specifying the deficiencies. The notification shall be forwarded to the Applicant within ten no more
25 than 30 calendar days after of the application's sSubmittal date. [Ord. 2018-002]

- 26 1. No further action shall be taken on the application until the deficiencies are remedied. [Ord.
27 2018-002]
- 28 2. The Applicant shall address all insufficiencies no more than 30 calendar days after the
29 application was determined to be insufficient and resubmit the application on the sSubmittal
30 date of the next month pursuant to the Annual Zoning Calendar. [Ord. 2018-002]
- 31 3. If the application is amended and determined to be sufficient by the DRO, the application shall
32 be processed for review. [Ord. 2018-002]

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- 1 4. If the deficiencies are not remedied ~~in the next Submittal as indicated on the Annual Zoning~~
2 ~~Calendar,~~ the DRO shall issue a second written notification to the Applicant indicating the
3 application shall be considered withdrawn unless a written request for a time extension ~~request~~
4 has been submitted and approved by the Zoning Director, pursuant to 2.C.2.C, Time Extension.
5 **[Ord. 2018-002]**
- 6 **C. Time Extension**
- 7 The Applicant may submit a written request for a time extension to the Zoning Director should
8 additional time be required to address ~~unresolved issues~~ deficiencies of the application. Such
9 request shall be submitted to the Zoning Director no later than 5 days after the issuance of the
10 second Insufficiency notification. **[Ord. 2018-002]**
- 11 **D. Administrative Withdrawal**
- 12 If the Applicant fails to address the insufficiencies or request a time extension, it may result in an
13 Administrative withdrawal of the application. **[Ord. 2018-002]**

Part 6. ULDC Art. 2.C.4 Application Processes and Procedures, Administrative Processes, Review, Resubmittal and Final Decision (pages 43-44 of 101, Supplement 25), is hereby amended as follows:

Reason for amendments: [Zoning]
1. To respond to recent changes to Florida law resulting from the 2019 Florida Legislative Session, whereas Florida House Bill 7103 was signed into law on June 28, 2019, which amends the Florida Statutes (F.S.) 125.022, Development Permits and orders. These amendments requires amendments to Zoning application review procedures.
2. Delete table for deadlines and refer to the dates described on the Annual Zoning Calendar due to changes in the F.S.
3. Modify the order of the Review, Non-Approval and Approval to add the 120 limitation for a final decision, allowance for time extensions as described in the F.S. Add similar Review, Non-certification and Certification for Type 1 Variances, where the process differs because there is a Public Meeting. Add similar requirement as public hearing requirements, which have limitations on modification after a project has been certified by the DRO.
4. Add language to address revisions to the application after it was determined to sufficient, providing an Applicant procedures to revise, withdraw or request time extensions.
5. Modify the Continuance and Postponement to Time Extension and include language and include reference to the maximum time frame for a decision from the date of sufficiency and include the allowance extensions as described in the F.S. For the Type 1 Variance add a maximum time frame for certification in order to comply with the time limitation for a decision pursuant to the F.S.
6. Add language regarding certification of a project that fails to address Staff’s comments in the situation an agreed upon extension is not obtained and a decision is required to be rendered to comply with F.S.
7. Add language relating to Applications that are modified after certification to be consistent with language existing and modified language in Art. 2.B for the Administrative Type 1 Variance application.
8. Add language relating to Continuance or Postponement of a Public Meeting to be consistent with existing and proposed modifications to Article 2.B for Continuance or Public Hearing. This language incorporates the allowance for time extensions pursuant to F.S. and the timeframe for a decision.

14 **CHAPTER C ADMINISTRATIVE PROCESSES**

15

16 **Section 4 Review, Resubmittal and Final Decision**

17 Review of an application shall be initiated by the DRO on the date it is deemed sufficient, ~~subject to the~~
18 ~~timeline specified in the Table below. The processing time may vary based upon the types of requests. The~~
19 ~~deadlines for Staff Comments, Resubmittal by the Applicant, and Certification or Final Decision shall be~~
20 ~~indicated on the Annual Zoning Calendar.~~

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.		
Sufficiency Review by Staff	10 days from the date of Application Submittal.		

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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.		
Resubmittal by Applicant	The Applicant shall address all issues and comments by the next resubmittal date. Refer to the Annual Zoning Calendar.		
Staff Review and Comments on Resubmittal	Refer to Annual Zoning Calendar.		
Certification or Approval	Refer to Annual Zoning Calendar.		
[Ord. 2018-002] [Ord. 2019-005]			

A. Review

Staff review shall be based on applications deemed sufficient, and the subsequent resubmittals.
The DRO shall prepare a list of issues and comments and make it available to the Applicant. The Applicant shall provide a written response and revised document(s), if applicable, addressing all outstanding issues and comments and revised document(s) by on the next ResSubmittal date indicated on the Annual Zoning Calendar. The written responses and revised document(s) shall address the issues and comments prepared by Staff and not significantly modify the application that was determined to be sufficient. **[Ord. 2018-002]**

1. For the purpose of defining significant in this subheading, significant shall be considered, but not limited to the following:

- a. New application requests; or
- b. Modifications to the site layout or submitted document(s) that would require a new review of the document(s) or impact the timing of a final decision by the DRO.

2. If the DRO determines that the revised requests and documents are significantly modified from the original request that was determined to be sufficient, the DRO shall provide a written notification to the Applicant describing what changes significantly modify the application. The Applicant shall:

- a. revise the requests and modify plans to eliminate the significant modification;
- b. provide a written request for a time extension to the Zoning Director to determine if the applications is still sufficient or if a new sufficiency review is required. Both parties shall agree to a reasonable request for an extension of time; or,
- c. request withdrawal of the application.

B. Action by the DRO for DO Administrative Applications, except Type 1 Variance

~~The DRO shall either approve, approve with conditions, deny, withdraw or postpone each application after reviewing the recommendations and comments provided by the Agencies. The DRO shall not approve an application until it meets all applicable Code requirements, standards, policies, and if applicable, conditions of approval. **[Ord. 2008-003] [Ord. 2009-040] [Ord. 2018-002]**~~

~~**1. Approved**~~

~~*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 approval of the application. **[Ord. 2018-002]** [Relocated to Art 2.C.4.C Approved]*~~

12. Not Approved

If the ~~resubmitted~~ revised document(s) fail to address all listed outstanding issues and comments, the DRO shall issue a Result List indicating that the application is not approved. **[Ord. 2018-002]**

a. Re-submittal Requirements

The Applicant shall provide a written response addressing all outstanding issues and comments for those applications that were not approved in a manner and form acceptable to the DRO. The revised document(s) shall be ~~resubmitted~~ on the ResSubmittal date as established on the Annual Zoning Calendar. **[Ord. 2008-003] [Ord. 2018-002]**

~~**Cb. Continuance or Postponement Time Extension**~~

~~Applications for a DO that are not approved within 120 calendar days of Sufficiency determination continued or postponed for more than six months by the DRO, must submit a written request for a time extension to obtain approval from the Zoning Director. Both parties shall agree to a reasonable request for an extension of time. 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] [Ord. 2018-002]**~~

~~**[Ord. 2018-018]**~~

c. Failure to address issues and comments

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1 If the Applicant fails to address the listed outstanding issues and comments within the 120
2 calendar day deadline, and fails to request a time extension from the Zoning Director, within
3 the 120 calendar day deadline, the application shall receive a decision of denial from the
4 DRO for failure to comply with the Standards pursuant to Art. 2.C.5, Types of Applications,
5 including the outstanding issues and comments provided by Staff.

2. **Approved**

7 If the resubmitted document(s) satisfy Code requirements and address the DRO's list of
8 outstanding issues and comments, the DRO shall issue a Result Letter indicating the approval
9 of the application. [Ord. 2018-002] [Relocated from Art 2.C.4.B.1 Approved]

C. **Action by the DRO for Type 1 Variance DO Application**

1. **Not Certified**

12 If the revised document(s) fail to address all listed outstanding issues and comments, the DRO
13 shall issue a Result List indicating that the application is not certified.

a. **Re-submittal Requirements**

15 The Applicant shall provide a written response addressing all outstanding issues and
16 comments for those applications that were not certified in a manner and form acceptable
17 to the DRO. The revised document(s) shall be submitted on the Resubmittal date as
18 established on the Annual Zoning Calendar.

b. **Time Extension**

20 Applications for a DO that are not certified within 90 calendar days of Sufficiency
21 determination by the DRO, must submit a written request for a time extension to the Zoning
22 Director. Both parties shall agree to a reasonable request for an extension of time.

2. **Certification**

24 a. If the resubmitted document(s) satisfy Code requirements and address the DRO's list of
25 outstanding issues and comments, the DRO shall issue a Result Letter indicating the
26 certification of the application.

27 b. If the Applicant fails to address the listed outstanding issues and comments within the 90
28 calendar day deadline, and fails to request a time extension from the Zoning Director within
29 the 90 calendar day deadline, the application shall be scheduled to proceed to a public
30 meeting to comply with the timeframes enumerated in the F.S. An applicant shall receive
31 a recommendation of denial from Staff for failure to comply with the Standards pursuant to
32 Art. 2.B.5.D Type 1 Variance, including the outstanding issues and comments provided by
33 Staff.

4. **Application Modification after Certification**

35 Applications shall not be significantly modified after certification, unless requested or agreed to
36 by the DRO. Significant modifications to the certified plan(s) and application(s) within ten days
37 of a scheduled public meeting date shall result in a postponement when a decision can be
38 rendered within the timeframe enumerated in the F.S., or if both parties agree to a reasonable
39 request for an extension of time. For the purposes of this Article, a modification shall be
40 considered significant if it exceeds 30 percent or more change from the certified plan or
41 application request. The DRO may consider, but not limited to: intensity, density, land area, or
42 vehicular use areas, to determine whether the certified plans or document(s) exceed the 30
43 percent threshold.

D. **Public Meeting Procedures for Type 1 Variance**

1. **Notification**

46 Refer to Art. 2.B.5, Notification. [Ord. 2018-018]

2. **Scheduling**

48 Once an application has been certified by the DRO, the DRO shall schedule a public meeting
49 in accordance with the dates established in the Annual Zoning Calendar and pursuant to the
50 F.S., or such a time as is mutually agreed upon between the Applicant and the DRO. The
51 scheduling of the application for public meeting shall ensure the public notice requirements are
52 satisfied and a decision is rendered pursuant to F.S. [Ord. 2018-018]

a. **Number of Meetings**

54 The DRO shall hold at least one public meeting on applications that are subject to the Type
55 1 Variance process. [Ord. 2018-018]

3. **Continuance or Postponement of the Meeting**

57 The DRO conducting the public meeting, may on its own motion or at the request of an
58 Applicant, consider an application be continued or postponed, when a decision can be
59 rendered within the timeframe enumerated in the F.S., or if both parties agree to a reasonable
60 request for an extension of time. The DRO shall determine if an application shall be postponed
61 when an Applicant fails to submit a written request for postponement five days prior to the

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1 meeting. All subsequent request for continuance or postponement shall be granted at the
2 discretion of the DRO.

3 1. Postponement by Right

4 An Applicant may submit a written request to the Zoning Director, no less than five days
5 prior to the public meeting, for an application be postponed when a decision can be
6 rendered within the timeframe enumerated in the F.S., or if both parties agree to a
7 reasonable request for an extension of time. If the postponement is requested less than
8 five days prior to the date of the scheduled meeting, the request for postponement shall be
9 presented at the hearing and at the discretion of the DRO.

Part 7. ULDC Art. 2.G Application Processes and Procedures (pages 93-94 and 96 of 101, Supplement 25), is hereby amended as follows:

Reason for amendments: [Zoning]
1. Modify the action by the DRO Procedures to refer to the procedures described in Art 2.A, 2.B and 2.C.
2. Modify the powers and duties of the Zoning Director to include time extension review and decision as it is currently required in Articles 2.A, 2.B and 2.C.

10 CHAPTER G DECISION MAKING BODIES

11

12 Section 4 Staff Officials

13 G. Development Review Officer (DRO)

14 1. Establishment

15 There is hereby established a Development Review Officer (DRO).

16 2. Powers and Duties

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

- 18 a. to coordinate all PAC and PAA; **[Ord. 2018-002]**
- 19 b. to accept, review, approve, and update all applicable application requirements; **[Ord. 2018-**
20 **002]**
- 21 c. to accept and determine sufficiency of applications for review, certify and prepare staff
22 reports recommending approval, approval with conditions, or denial of applications for re-
23 zonings, Class A and Class B Conditional Uses, Type 2 Waivers, and Type 2 Variances;
24 **[Ord. 2017-007] [Ord. 2018-002]**
- 25 d. to accept applications for review and approve, approve with conditions, or deny
26 applications for applications subject to Administrative processes pursuant to Table 2.C.3,
27 DRO, Administrative Processes; **[Ord. 2018-002]**
- 28 e. to request other PBC officials and other agencies to provide factual information on
29 applications for development permits as is deemed appropriate; **[Ord. 2011-016] [Ord.**
30 **2018-002]**
- 31 f. to review, consider and finalize Zoning Plans that were approved by the BCC or ZC; **[Ord.**
32 **2018-002]**
- 33 g. to hear, review, consider and approve, approve with conditions, or deny applications for
34 development orders for Final Subdivision or Site Plans; **[Ord. 2018-002]**
- 35 h. to hear, review, consider and approve, approve with conditions, or deny applications for
36 TDR's for subdivisions requesting a two unit per acre or less density increase pursuant to
37 Art. 5.G.3, Transfer of Development of Rights (TDRs) – Special Density Program; and,
38 **[Ord. 2018-002]**
- 39 i. to recommend to the BCC additional or amended rules of procedure not inconsistent with
40 his Section to govern the DRO. **[Ord. 2011-016] [Ord. 2018-002]**

41 3. Comments and Recommendations

- 42 a. The DRO may seek comments and recommendations from the following PBC departments
43 and divisions, as well as other local government and state government agencies, as
44 deemed appropriate by the DRO: **[Ord. 2008-037]**
 - 45 1) Zoning Division;
 - 46 2) Building Division; **[Ord. 2018-002]**
 - 47 3) Department of Airports; **[Ord. 2018-002]**
 - 48 4) Department of Environmental Protection (DEP) for Type 3 Excavation; **[Ord. 2018-**
49 **002]**

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EXHIBIT G

ARTICLE 2 – APPLICATION PROCESSES AND PROCEDURES HB 7103 LEGISLATION TO MODIFY TIMELINE FOR REVIEW OF DEVELOPMENT ORDERS

CR-2019-0015
(Updated 09/19/19)

- 1 5) Engineering Department; [Ord. 2018-002]
2 6) Environmental Resources Management Department; [Ord. 2018-002]
3 7) Fire Rescue Department; [Ord. 2018-002]
4 8) Housing and Community Development (HCD); [Ord. 2018-002]
5 9) Lake Worth Drainage District; [Ord. 2018-002]
6 10) Parks and Recreation Department; [Ord. 2018-002]
7 11) PBC HD; [Ord. 2018-002]
8 12) PBC School Board; [Ord. 2018-002]
9 13) Planning Division; [Ord. 2018-002]
10 14) PREM; and, [Ord. 2018-002]
11 15) Water Utilities Department. [Ord. 2018-002]
12 b. Recommendations and comments shall be forwarded to the DRO no less frequently than
13 two times a month to dispose of matters properly and may be called for by the DRO.
14 **4. Procedures**
15 **a. DRO**
16 The Executive Director of PZB shall designate a DRO for overseeing different types of
17 Zoning applications and processes. [Ord. 2018-002]
18 **b. Secretary**
19 The DRO shall designate a Secretary. The Secretary shall maintain all records of the DRO.
20 The records shall be stored with the agency serving as Secretary herein, and shall be
21 available for inspection by the public, upon reasonable request, during normal business
22 hours.
23 **c. Staff**
24 The Zoning Division of PZB shall be the professional staff for the DRO.
25 **d. Certification for Public Hearing Processes**
26 All actions ~~shall require certification~~ by the DRO shall be in accordance with the procedures
27 established in Article 2.A, General and 2.B, Public Hearing Processes. The DRO shall only
28 withhold approval when an application fails to meet a Code standard based upon a
29 recommendation from an affected agency. [Ord. 2018-002]
30 **e. Approval for Administrative Processes**
31 All actions ~~shall require approval~~ by the DRO shall be in accordance with the procedures
32 established in Article 2.A, General and 2.C Administrative Processes. The DRO shall only
33 withhold approval when an application fails to meet a Code standard based upon a
34 recommendation from an affected agency. [Ord. 2018-002]
35 **f. Record of DRO**
36 Upon request, the DRO may provide, at cost, copies of recommendations upon which a
37 decision is based.
38 **g. Appeal**
39 Appeal of any decision of the DRO shall be made to the DRAB based on the requirements
40 in Art. 2.A.14.C.2.b, Administrative DO, unless stated otherwise. [Ord. 2011-016]
41
42
43 **N. Zoning Director**
44 **1. Creation and Appointment**
45 The Zoning Director of PZB shall be the division head of the Zoning Division of PZB, and shall
46 be appointed and serve at the pleasure of the Executive Director of PZB.
47 **2. Jurisdiction, Authority and Duties**
48 In addition to the jurisdiction, authority and duties which may be conferred upon the Zoning
49 Director by other provisions of PBC Code, the Zoning Director shall have the following
50 jurisdictions, authority and duties under this Code:
51 a. to set the Annual Zoning Calendar, as required by Art. 2.A, General;
52 b. to recommend annually any necessary amendments to this Code;
53 c. to submit AI to the BCC pursuant to Art. 2.C.5.J, Administrative Inquiry (AI). [Ord. 2011-
54 **016]** [Ord. 2018-002]
55 d. to review and approve or deny applications for Adequate Public Facilities (Concurrency);
56 [Ord. 2016-016]
57 e. to revoke or suspend, if necessary, any development order or permit which was issued in
58 violation of this Code; and, [Ord. 2016-016] [Ord. 2018-002]
59 f. to oversee the preservation and maintenance of vegetation not covered under the
60 provisions of Art. 14, Environmental Standards, through design review, conditions of
61 approval and inspections. [Ord. 2016-016]

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Legislation to Modify Timeline for Review of Development Orders.docx

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g. review and approve or deny requests for time extensions described under Art 2.A, General, Art 2.B Public Hearing Processes; Art. 2.C Administrative Processes, and Art. 2.D ULDC Privately Initiated Amendment.

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