

LAND DEVELOPMENT REGULATION ADVISORY BOARD (LDRAB)
LAND DEVELOPMENT REGULATION COMMISSION (LDRC)
MAY 27, 2020 MEETING

AMENDMENTS TO THE AGENDA
(Updated 05/26/2020)

Amend – Exhibit K, Art. 2, Administrative Processes, Part 2, page 87 of 111, line 12, reason 30a and Abandonment [Related to Temporary Use].

<u>Reason for amendments: [Zoning]</u>
<u>30a. Per Art. 2, Abandonment of a Development Order (DO) is decided by the same authority that granted the original approval. The Zoning Division is the DRO agency that reviews Temporary Use (TU) applications. This amendment is clarifying the procedure required to abandon a TU, which requires the Agent or Applicant to submit a letter to the Zoning Director.</u>
[Renumber Accordingly]

~~CD~~. Temporary Use

....

11. Abandonment

A Temporary Use may be abandoned by filing a letter to the Zoning Director.

[Renumber Accordingly]

Amend – Exhibit K, Art. 2, Administrative Processes, Part 2, page 92 of 111, lines 50-51, Reason 33; and page 93 of 111, lines 11-14 related to Development Order Abandonment (DOA) exceptions. [Reason: To delete reason and proposed language related to abandonments of Temporary Uses (TU), Reasonable Accommodation, Zoning Confirmation Letters (ZCL), and Administrative Inquiries (AI). A new provision is proposed related to TU Development Orders to clarify what is the procedure to allow such abandonment. No further changes are needed as Reasonable Accommodation, ZCL, and AI, as listed now under a separate Section 8, clarifies such applications do not issue DOs.]

<u>Reason for amendments: [Zoning]</u>
33. Clarify that some DRO application types are not subject to abandonment. Temporary Uses are considered a Development Order but they are granted for a specific timeframe therefore they expire; while Reasonable Accommodations and Zoning Confirmation are not Development Orders for which the Zoning Division issues letters.

3. Applicability

This Section shall apply to all DOs for uses approved by the DRO, or similar DOs granted by the DRO, and requested by the Applicant. DOs reviewed pursuant to Art. 2.E, Monitoring of Development Orders (DOs) and Conditions of Approval for time requirements identified in Art. 2.E.2.C, Time Limitations for Commencement, or failure to comply with Conditions of a DO shall be reviewed under the requirements of Art. 2.E, Monitoring of Development Orders (DOs) and Conditions of Approval. [Ord. 2019-034]

~~**a) Exceptions**~~

~~Applications with or without a DO, which includes Temporary Uses, Reasonable Accommodation, Zoning Confirmation Letters, and Administrative Inquiries shall not be required to seek abandonment.~~

U:\Zoning\CODEREV\Code Amendments\2020\02- LDRAB\05-May 27 2020\6- Draft Minutes, Agendas and Other\0 - Amendments to the Agenda.docx

Notes:

Underlined indicates **new** text. Double underlined indicates **new** text or previously stricken text to remain. ~~Stricken~~ indicates text to be **deleted**. ~~Double stricken~~ indicates **new** or previously-existing text to be **deleted**. ~~Stricken and italicized~~ means text to be totally or partially relocated. If being relocated destination is noted in bolded brackets **[Relocated to:]**. *Italicized* indicates text to be relocated. Source is noted in bolded brackets **[Relocated from:]**. A series of four bolded ellipses indicates language omitted to save space.



PALM BEACH COUNTY

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

MAY 27, 2020

BOARD MEMBERS

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

- | | |
|--|--|
| Joanne Davis (District 1) | Jaime M. Plana (American Institute of Architects) |
| Drew Martin (District 2) | Susan A. Kennedy (Environmental Organization) |
| Ari Tokar (District 3) | Frank Gulisano (Realtors Association of the Palm Beaches) |
| Glenn E. Gromann (District 4) | Jim Sullivan (Florida Surveying and Mapping Society) |
| Myles Basore (District 6) | Charles Drawdy (Assoc. General Contractors of America) |
| Robert J. Harvey (District 7) | Tommy B. Strowd (Alternate At-Large #1) |
| Daniel J. Walesky (Gold Coast Builders Association) | Abraham Wien (Alternate At-Large #2) |
| Anna Yeskey (Palm Beach League of Cities) | |
| Terrence Bailey (Florida Engineering Society) | |

Board of County Commissioners

**Dave Kerner
Mayor, District 3**

**Robert S. Weinroth
Vice Mayor, District 4**

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

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

**Mary Lou Berger
Commissioner, District 5**

**Melissa McKinlay
Commissioner, District 6**

**Mack Bernard
Commissioner, District 7**

**County Administrator
Verdenia C. Baker**



“An Equal Opportunity – Affirmative Action Employer”
2300 North Jog Road, West Palm Beach, Florida 33411 (561) 233-5200

This page left blank intentionally



LAND DEVELOPMENT REGULATION ADVISORY BOARD (LDRAB)

LAND DEVELOPMENT REGULATION COMMISSION (LDRC)

WEDNESDAY, MAY 27, 2020 AGENDA

2300 NORTH JOG ROAD

VIDEO CONFERENCE/ROOM VC-1E 47, VISTA CENTER

2:00 P.M.

A. CALL TO ORDER/CONVENE AS LDRAB

1. Roll Call
2. Additions, Substitutions, and Deletions
 - a. Staff
 - b. Board Member
3. Motion to Adopt Agenda
4. Adoption of February 26, 2020 Minutes (Exhibit A)
5. 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, 3, and 4, Plan Requirements for PDDs | 1 – 2 |
| 2. Exhibit C | Art. 3, PBAO Landscaping, Notification, and Noise | 3 – 5 |
| 3. Exhibit D | Art. 2, 4, and 11, Landscape Service in the AR/RSA Zoning District and Access Requirements | 6 – 10 |
| 4. Exhibit E | Art. 4, Landscape Service in AGR-PUD Zoning District Preserve Areas | 11 – 41 |
| 5. Exhibit F | Art. 4, CRE Zoning District with RR FLU Designation | 42 – 42 |
| 6. Exhibit G | Art. 4, Mobile Retail Sales | 43 – 43 |
| 7. Exhibit H | Art. 5, Workforce Housing Program Low-Income Category Rental Requests | 44 – 44 |
| 8. Exhibit I | Art. 1, 3, 4, and 6, Parking Reference Glitch Corrections | 45 – 47 |
| 9. Exhibit J | Art. 3, Residential Uses Zero Lot Line | 48 – 68 |
| 10. Exhibit K | Art. 1 and 2, Administrative Modifications | 69 – 99 |

C. PRIVATELY INITIATED AMENDMENTS

- | | | |
|--------------|-------------------------------|-----------|
| 1. Exhibit L | Art. 3, Faith Farm Ministries | 100 – 108 |
|--------------|-------------------------------|-----------|

D. CONVENE AS LAND DEVELOPMENT REGULATION COMMISSION (LDRC)

- | | | |
|---|-------------------------------------|-----------|
| 1. Proof of Publication | | |
| 2. Consistency Determination for Exhibits B-M | | 109 – 109 |
| 3. Exhibit M | Art. 2, Residential Type 1 Variance | 110 – 111 |

E. ADJOURN AS LDRC AND RECONVENE AS LDRAB

F. STAFF COMMENTS

1. Follow-up to Mrs. Kennedy's question on medical uses consultant's timeframe.
2. Follow-up to Mr. Bailey's question on Accessory Uses and Structures Subcommittee feasibility.
3. Recognition of Maryann Kwok, Deputy Zoning Director retirement.

G. BOARD MEMBER COMMENTS

H. ADJOURN

This page left blank intentionally

EXHIBIT A

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

(Updated 03/30/20)

Minutes of February 26, 2020 LDRAB Meeting

On Wednesday, February 26, 2020, 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 2:03 p.m. Mr. Alexander Biray, Code Revision Zoning Technician, called the roll.

Members Present: 11

Drew Martin (District 2, Commissioner Weiss)
Dr. Lori Vinikoor (District 5, Commissioner Berger)
Myles Basore (District 6, Commissioner McKinlay)

Robert J. Harvey (District 7, Commissioner Bernard)
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)

Jim Sullivan, Florida Surveying and Mapping Society

Wesley Blackman (PBC Planning Congress)
Abraham Wien (Alternate At-Large #2)

Vacancies: 0

Members Absent: 7

Joanne Davis (District 1, Commissioner Valeche)
Ari Tokar (District 3, Commissioner Kerner)
Glenn E. Gromann (District 4, Commissioner Weinroth)

Daniel J. Walesky (Gold Coast Builders Association)

Anna Yeskey (League of Cities)

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

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

County Staff Present: 10

Maryann Kwok, Deputy Zoning Director
Wendy N. Hernández, Principal Site Planner
Jan Rodriguez, Senior Site Planner
Jerome Ottey, Site Planner I
Alexander Biray, Zoning Technician
Mercy Trujillo, Student Paraprofessional
Scott A. Stone, Assistant County Attorney I
Bryan Davis, Principal Planner
Melissa Michael, Senior Planner
Joanne Keller, Land Development Director

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

** Mr. Plana arrived at 2:19 p.m.

Mrs. Hernández made an announcement that closed captioning has been implemented for all hearings, and reminded the Board and Staff to talk directly into the microphones and not over each other.

2. Additions, Substitutions, and Deletions

There were no additions, substitutions, and deletions.

3. Motion to Adopt Agenda

Motion to adopt the Agenda, by Mr. Gulisano, seconded by Mr. Martin. Motion passed (9-0).

4. Adoption of November 13, 2019 Minutes (Exhibit A)

Motion to adopt the Minutes, by Mr. Gulisano, seconded by Dr. Vinikoor. Motion passed (9-0).

5. Public Comments

There were no public comments.

B. ULDC AMENDMENTS – NEW

1. Exhibit B – Art. 2, Residential Type 1 Variances

Mrs. Hernández explained the amendment cleans up and reorganizes existing language to clarify what is allowed as a Type 1 Variance for residential properties, and deletes duplicative language.

a. Discussion

Mrs. Kennedy asked if a Type 1 Variance goes to Type 2 Variance if more relief is requested. Mrs. Hernández responded it does based on provisions the other side of the page.

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

Motion to approve, by Dr. Vinikoor, seconded by Mrs. Kennedy. Motion passed (9-0). Mr. Bailey stated he did not vote, because he was not present for most of the discussion.

EXHIBIT A

PALM BEACH COUNTY LAND DEVELOPMENT REGULATION ADVISORY BOARD (LDRAB)

(Updated 03/30/20)

Minutes of February 26, 2020 LDRAB Meeting

2. Exhibit C – Art. 2, 4, and 11 – Landscape Service in the AR/RSA and Access Requirements

Mrs. Hernández explained Landscape Service was adopted by the Board of County Commissioners (BCC) in November, and per their direction in December and January, Staff proposes additional modifications, including this amendment concerning BCC approval via a Type 2 Waiver for access requirements of AR/RSA-zoned properties and adjustments to maximum sizes based on acreage.

** Mr. Plana arrived at 2:19 p.m.

a. Discussion

Mr. Martin asked for clarification on Landscape Service as it relates to what was adopted, what is proposed, and how existing conditions are affected as they relate to Code violations. Mrs. Hernández responded by clarifying the scope of the proposed amendment, referred to Landscape Service adopted in November per Ordinance No. 2019-039, and that Code Enforcement cases vary. Ms. Keller added that traffic review is a case-by-case basis, and clarified that the BCC will address deviations from requirements as a Type 2 Waiver.

Mrs. Risa McCarahager, Heritage Farms resident, presented slides showing aerials to visualize the intensity of what is allowed for the parking of vehicles, and expressed support for the amendment as a step in the right direction.

Mr. Gulisano noted a correction on page 5, line 25 of “acres” to “acre” as it is singular.

Mrs. Kennedy asked if Staff has information on what the typical road easement is in Heritage Farms. Ms. Keller responded they are easements rather than right-of-ways, and range in size from 30 to 110 feet in width.

Mrs. Burns Heritage Farms resident, expressed support to approve what the BCC recommends, and expressed frustration with traffic’s wear on the roads.

Motion to approve, by Mr. Martin, seconded by Mr. Gulisano. Motion passed (11-0).

C. PRIVATELY INITIATED AMENDMENTS – NO ITEMS

D. CONVENE AS LAND DEVELOPMENT REGULATION COMMISSION (LDRC)

The Land Development Regulation Advisory Board convened as the Land Development Regulation Commission at 2:30 p.m.

1. Proof of Publication

Motion to accept Proof of Publication by Dr. Vinikoor, seconded by Mr. Martin. Motion passed (11-0).

2. Consistency Determination for Exhibit C – Art. 2, 4, and 11, Landscape Service in the AR/RSA and Access Requirements

Mr. Davis noted Planning Staff found the Exhibit to be consistent with the Comprehensive Plan.

Motion to approve, by Mr. Gulisano, seconded by Mr. Martin. Motion passed (11-0).

E. ADJOURN AS LDRC AND RECONVENE AS LDRAB

The Land Development Regulation Commission adjourned and reconvened as the Land Development Regulation Advisory Board at 2:32 p.m.

F. ANNUAL ORGANIZATION DISCUSSION

1. Election of Chair and Vice Chair

Motion on discussion of the procedure of how to election the Chair and Vice Chair by Mr. Bailey, seconded by Mr. Gulisano. Motion passed (10-1). Mr. Plana dissented.

a. Discussion

Mr. Martin proposed the idea of elevating the Vice Chair to Chair, and rotate the Vice Chair role among members, but acknowledged that everything is going well with the incumbency. Mr. Martin further asked if Dr. Vinikoor was the Chair of another Board. Dr. Vinikoor responded she is not. Mr. Gulisano questioned Mr. Martin’s proposal on how it will affect current Code. Mr. Blackman expressed he is willing to be flexible if the Board wanted. Dr. Vinikoor agreed he works well as Chair, and expressed contentment as Vice Chair.

Motion on the nomination of Mr. Blackman for Chair by Dr. Vinikoor, seconded by Mr. Gulisano. Motion passed (11-0).

Motion on the nomination of Dr. Vinikoor for Vice Chair by Mr. Gulisano, seconded by Mr. Bailey. Motion passed (11-0).

EXHIBIT A

PALM BEACH COUNTY LAND DEVELOPMENT REGULATION ADVISORY BOARD (LDRAB)

(Updated 03/30/20)

Minutes of February 26, 2020 LDRAB Meeting

2. Attachment 1 – Useful Internet Links for LDRAB/LDRC Members

Mrs. Hernández noted the internet links work online in the Agenda packet.

3. Attachment 2 – 2019 LDRAB Attendance

Mr. Blackman noted a lot of turnover in 2019. Mrs. Hernández noted some terms ending in 2021.

4. 2019 Amendment Rounds

a. Attachment 3 – 2019-01

Mrs. Hernández noted the unanimous BCC vote on all three hearings.

b. Attachment 4 – 2019-02

Mrs. Hernández noted an Exhibit approved by the Board, concerning CLF Distance to Fire-Rescue, was not brought to the BCC, and will be addressed by a hired consultant analyzing Congregate Living Facilities (CLFs) and sober homes as they relate to the Code, State, and Federal law. Dr. Vinkoor asked about the consultant. Mrs. Hernández responded the consultant is Dan Lauber of Chicago, an attorney consultant with over forty years of experience who has worked on regulations for Delray Beach, Fort Lauderdale, Pompano Beach, and several cities in Arizona. Mrs. Kennedy further asked about a timeframe. Mrs. Hernández responded she believes the study to be finalized in August, but will follow up on when he will present findings.

5. Attachment 5 – 2020 LDRAB Members

Mr. Blackman and Mrs. Hernández noted there are currently no Board vacancies.

6. Attachment 6 – 2020 Meeting Schedule

Mr. Blackman asked about scheduled meetings in the coming months. Mrs. Hernández responded that there will be meetings in March and May, with April, subject to waiting on an Agency's submittal.

a. Attachment 7 – 2019-01

Mrs. Hernández noted the Agency deadlines for 2020-01 and 2020-02 Rounds, and Landscape Service amendments will go on their own course.

b. Attachment 8 – Initiation of 2020-01 Round of Code Amendments

Mr. Bailey contemplated if Accessory Uses and Structures should warrant a Subcommittee. Mrs. Hernández responded it is unlikely to be completed for the 2020-01 Round, citing concerns which have arisen from Landscape Service and the proposed House Bill (HB) 1339, and will follow up next month on the feasibility. Mrs. Hernández informed the Board of numerous proposed Privately Initiated Amendments (PIAs) which may be subject to hearing.

c. Attachment 9 – 2020 Subcommittee

Mrs. Hernández noted there are no standing Subcommittees, and that Landscape Service was the last one. Mrs. Hernández also informed the Board a Subcommittee may be required in coordination with the Office of Resilience (OOR) on the requirement for commercial developments to have an Electric Charging Station (EVCS), per Commissioner Weinroth. A discussion ensued on application processes, uses, sizes, and types of EVCS.

Motion to establish an Electric Charging Station (EVCS) Subcommittee by Mr. Bailey, seconded by Mr. Martin. Motion passed (11-0). Mr. Martin, Mr. Gulisano, Dr. Vinikoor, Mr. Bailey, Mr. Plana, and Mr. Wien volunteered.

7. Attachment 10 – Sunshine Law Primer

Mr. Stone informed the Board he is available for any questions in regards to the Sunshine Law, and Mrs. Hernández confirmed to Mr. Blackman that Board Members are up to date on their ethics training.

G. STAFF COMMENTS

1. Office of Resilience Update – Electric Charging Station (EVCS) Requirement

See Section G.6.c, Attachment 9 – 2020 Subcommittee.

H. BOARD MEMBER COMMENTS

1. Mr. Blackman noted he has few projects in unincorporated Palm Beach County, and as Chair, can look objectively at the Code rarely having to recuse himself. Mr. Martin reiterated his comments on election of Chair and Vice Chair. Discussions on the extent of what can be presented by external parties to the Board for educational purposes and topic of green infrastructure ensued.

I. ADJOURN

The Land Development Regulation Advisory Board meeting adjourned at 2:59 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.

This page left blank intentionally

EXHIBIT B

ARTICLE 3 – OVERLAYS AND ZONING DISTRICTS ARTICLE 4 – USE REGULATIONS PLAN REQUIREMENTS FOR PDDs

CR-2020-0005
(Updated 5/15/20)

Part 1. ULDC Art. 3.E.1.A, Overlays and Zoning Districts, Planned Development Districts (PDDs), General, General (page 136 of 213, Supplement 27, is hereby amended as follows:

Reason for amendments: [Zoning]
1. Add requirement for a Site Plan/Subdivision Plan for PDD developments that have a Master Plan to obtain Final Site Plan or Subdivision Plan approval.

1 **CHAPTER E PLANNED DEVELOPMENT DISTRICTS (PDDs)**

2 **Section 1 General**

3 **A. General**

4 **1. Purpose and Intent**

5 The purpose of PDDs is to provide opportunities for development patterns which exceed the
6 expectations of the Standard Zoning Districts, and allow for the creative use of land. The types
7 of development addressed in this Chapter include those encouraged by the Managed Growth
8 Tier System (MGTS) in the Plan. The intent of this Chapter is to encourage ingenuity, and
9 imagination on the part of, architects, landscape architects, engineers, planners, developers,
10 and builders to create development that promotes sustainable living, addresses traffic impacts,
11 encourages alternative modes of transportation, creates logical street and transportation
12 networks, preserves the natural environment, enhances the built environment, provides
13 housing choices, provides services to the community, encourages economic growth,
14 encourages infill development and redevelopment, and minimizes impacts on surrounding
15 areas through the use of flexible and innovative land development techniques. **[Ord. 2009-040]**

16 **2. Applicability**

17 In addition to the other Articles in this Code, the requirements of this Chapter shall apply to all
18 PDDs, modifications to previously approved PDDs, and modifications to previously approved
19 Special Exceptions for planned developments, unless otherwise stated.

20 **a. Previous Approvals**

21 Previously approved planned developments with a Development Order that does not
22 conform to provisions in this Code shall be considered conforming in accordance with Art.
23 1.E, Prior Approvals, where in compliance with the requirements of Art. 3.A.3, Zoning
24 District Consistency with the Future Land Use Atlas (FLUA). **[Ord. 2009-040] [Ord. 2010-**
25 **022] [Ord. 2011-016]**

26 **1) Development Order Amendment**

27 Shall be in compliance with Art. 3.A.3, Zoning District Consistency with the Future Land
28 Use Atlas (FLUA). **[Ord. 2009-040] [Ord. 2011-016]**

29 **2) Additional Requested Uses**

30 Previously approved "Additional Conditional Uses" shall remain conforming uses, and
31 may be modified or expanded, subject to a DOA Approval. **[Ord. 2005-002] [Ord.**
32 **2009-040] [Ord. 2018-002]**

33 **b. Government Facilities**

34 A parcel of land in any FLU category that supports government facilities shall be exempt
35 from the PDD threshold provisions. **[Ord. 2007-013] [Ord. 2009-040]**

36 **3. Conflicts**

37 If a conflict exists between this Chapter and other Articles in this Code, the provisions of this
38 Chapter shall apply to the extent of the conflict.

39 **4. Site Plan/Subdivision Plan Approval Required**

40 All pods shown on a Master Plan shall receive approval of a Final Site Plan or a Final
41 Subdivision Plan pursuant to Art. 2.C, Administrative Processes.

U:\Zoning\CODEREV\Code Amendments\2020\02- LDRAB\05-May 27 2020\5- LDRAB-LDRC Packet\Exh. B - CR-2020-0005 Art. 3 and 4, Plan Requirements for PDDs.docx

Notes:

Underlined indicates **new** text.

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

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

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

EXHIBIT B

ARTICLE 3 – OVERLAYS AND ZONING DISTRICTS ARTICLE 4 – USE REGULATIONS PLAN REQUIREMENTS FOR PDDs

CR-2020-0005
(Updated 5/15/20)

Part 2. ULDC Art. 4.A.9, Use Regulations, User Guide and General Provisions, Development Thresholds, Development Review Officer (page 11 of 199, Supplement 27, is hereby amended as follows:

Reason for amendments: [Zoning]
1. Clarify that a Final Site Plan and/or Subdivision Plan are required for DOs with a Final Master Plan. This language was inadvertently removed in Ordinance No. 2009-040 (Codified in Supplement 7).

1 **CHAPTER A USER GUIDE AND GENERAL PROVISIONS**

2

3 **Section 9 Development Thresholds**

4 **A. Development Review Officer**

5 Any amendment to an existing development, or new construction of projects that meets or exceeds
6 either the maximum square footage or number of units, shall require DRO site plan approval.
7

Table 4.A.9.A – Thresholds for Projects Requiring DRO Approval

Zoning District	Number of Units or Square Feet
RM	16 du
CN	3,000 sq. ft.
CLO	3,000 sq. ft.
CC	8,000 sq. ft.
CHO	8,000 sq. ft.
CG	10,000 sq. ft.
CRE	15,000 sq. ft.
IL	20,000 sq. ft.
IG	20,000 sq. ft.
IPF	20,000 sq. ft. or 16 du
IR	Any project utilizing the Infill Redevelopment Overlay
Notes:	
1.	Approval of a subdivision plan is required for all subdivision of land for which a plat or plat waiver has not been granted pursuant to Art. 11, Subdivision, Platting, and Required Improvements or which exceeds the threshold above.
2.	Projects exceeding the thresholds above shall comply with Art. 5.C, Design Standards.
3.	<u>DOs with a Final Master Plan shall receive approval of a Final Site Plan or Subdivision Plan by the DRO pursuant to Art. 2.C, Administrative Processes.</u>

8

U:\Zoning\CODEREV\Code Amendments\2020\02- LDRAB\05-May 27 2020\5- LDRAB-LDRC Packet\Exh. B - CR-2020-0005 Art. 3 and 4, Plan Requirements for PDDs.docx

Notes:

Underlined indicates **new** text.

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

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

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

EXHIBIT C
ARTICLE 3 – OVERLAYS AND ZONING DISTRICTS
PALM BEACH INTERNATIONAL AIRPORT OVERLAY
LANDSCAPING, NOTIFICATION, AND NOISE

CR-2019-0023
(Updated 03/30/20)

Part 1. ULDC Art. 3.B.9 Overlays and Zoning Districts, Overlays, PBI AO, Palm Beach International Airport Overlay (pages 34-37 of 213 Supplement 27), is hereby amended as follows:

Reason for amendments: [Zoning]
1. Add new language under “Review Procedures” for notification of Property Owners, pursuant to Comprehensive Plan Future Land Use Element Policy 1.2.4-i. “If vacant land within the Overlay is developed as residential, the County shall require the developer to provide notification to property owners within the new residential areas, that they are located within the PBI A-Overlay, and may experience some airport related noise.” The Plan required the ULDC to incorporate the notification requirement.
2. Add minimum notification requirements for developers of residential development in the Palm Beach International Airport Overlay (PBI AO) consistent with previous airport Conditions of Approval.
3. Eliminate language related to landscape buffering in order to defer to Art. 7, Landscaping. <ul style="list-style-type: none"> a. The PBI AO landscape requirements described the need for additional buffering when a use is incompatible with an adjacent development or district. It has a minimum width of ten feet. Art. 7 Incompatibility Buffers are described further based on what a residential development or FLU is abutting. The width and plant materials increase based on the more intense use. Art. 7 minimum Incompatibility Buffers range from ten feet to 20 feet. Art. 7 is more restrictive than the overlay. b. The minimum length described in the overlay is consistent with the required Incompatibility Buffer required in Art. 7. These buffers are installed along the property line abutting incompatible uses. c. Eliminate a required wall by virtue of the PBI AO, and defer to Art. 7 for barriers and screening. d. Eliminate the requirement for trees to alternate on each side of the wall by virtue of the PBI AO, and defer to Art. 7 for tree placement and size.
4. Eliminate duplicative language related to noise compatibility and abatement requirements in order to defer to Art. 16, Airport Regulations which was recently adopted pursuant to Ordinance No. 2019-005.

1 **CHAPTER B OVERLAYS**

2

3 **Section 9 PBI AO, Palm Beach International Airport Overlay**

4

5 **E. Review Procedures**

6 All development requests within the PBI AO shall comply with the following: **[Ord. 2004-051]**

7

8 **3. Notification**

9 If vacant land within the overlay is developed as residential, the developer shall provide
10 notification to Property Owners within the new residential areas, that they are located within
11 the PBI AO, and may experience some airport-related noise.

12 a. The developer shall include in all Property Owners’ Association documents, as well as, but
13 not limited to written sales brochures, sales contracts, Master Plans and related Site or
14 Subdivision Plans, and a disclosure statement notifying prospective residents that the
15 community is within the PBI AO.

16 b. The disclosure shall state that the residence is located within the Palm Beach International
17 Airport Overlay and will be subject to aircraft noise at varying levels, vibrations, odors,
18 fumes, and other impacts from the aircraft operations conducted at the airport or within the
19 vicinity. It shall be in a prominent location within each document described above with a
20 bold font no less than nine point.

21 c. The developer shall provide documentation evidence of compliance with the notification
22 requirements on an annual basis to the Planning and Development Division of the
23 Department of Airports, until all units within the development have been sold or the
24 Property Owner turns over control to the Property Owners’ Association.

U:\Zoning\CODEREV\Code Amendments\2020\02- LDRAB\05-May 27 2020\5- LDRAB-LDRC Packet\Exh. C - CR-2019-0023 Art. 3, PBI AO Landscaping, Notification, and Noise.docx

Notes:

Underlined indicates **new** text.

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

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

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

EXHIBIT C
ARTICLE 3 – OVERLAYS AND ZONING DISTRICTS
PALM BEACH INTERNATIONAL AIRPORT OVERLAY
LANDSCAPING, NOTIFICATION, AND NOISE

CR-2019-0023
(Updated 03/30/20)

F. Property Development Regulations (PDRs)

Applications shall comply with the PDRs of the underlying districts except as follows.

1. Lot Dimensions, Yard Setbacks and Building Height

Setbacks and lot dimensions for commercial and industrial development shall comply with the PDRs in Art. 3.D, Property Development Regulations (PDRs), unless modified herein. **[Ord. 2004-051]**

a. Lot Size

The minimum lot size shall be one acre unless a legal lot of record pursuant to Art. 1.F.4, Nonconforming Use. **[Ord. 2004-051] [Ord. 2008-037]**

b. Setbacks

The minimum building setbacks shall be as follows: **[Ord. 2004-051]**

- 1) No rear setbacks shall be required where an industrial lot abuts an existing or proposed railroad R-O-W or spur. **[Ord. 2004-051]**
- 2) Setbacks from all other property lines shall be required according to Table 3.B.9.F, PBIAO Setbacks. **[Ord. 2004-051]**

Table 3.B.9.F – PBIAO Setbacks

Yard	Minimum Setback
Front	25 feet/50 feet in CG
Side, Interior	15 feet
Side, Street	25 feet
Rear	50 feet
[Ord. 2004-051]	

c. Height

1) Maximum Height for Industrial and Commercial Development

When adjacent to an existing residential use, building height shall be limited to a maximum of 35 feet. The building height may be increased provided that two feet is added to all setbacks for each foot of building height above 35 feet. **[Ord. 2004-051]**

2. Commercial Vehicle Parking and Loading

No truck, or tractor-trailer parking or loading shall be permitted closer than 75 feet to the lot lines abutting a residential district (inclusive of the buffer), unless the area is designated as display parking as permitted by Art. 4.B, Use Classification. **[Ord. 2004-051]**

3. Landscaping

~~In addition to the provisions of Art. 7, Landscaping, the following provisions shall be met where a use is proposed that is incompatible with an adjacent development or district. **[Ord. 2004-051]**~~

~~**a. Minimum Dimensions of Landscape Buffer**~~

~~**1) Minimum Width**~~

~~Ten feet. **[Ord. 2004-051]**~~

~~**2) Minimum Length**~~

~~The length of the property line between the commercial or industrial lot and the abutting lot or district. **[Ord. 2004-051]**~~

~~**b. Mandatory Landscape Barrier**~~

~~A landscape barrier shall be constructed within the landscape buffer. The landscape barrier shall consist of a solid (CBS) concrete block and steel wall with a continuous footing or an alternative acceptable to the Zoning Director, having a height no less than six feet. The exterior side of the masonry wall shall be given a finished architectural treatment that is compatible with the existing development. **[Ord. 2004-051]**~~

~~**c. Planting Instructions**~~

~~Trees shall be planted on alternating sides of the wall at intervals of 20 feet. Trees shall have a minimum height of ten feet. An 18-inch-high hedge shall be planted on the exterior side of the wall, between the trees and wall, and running the length of the wall. **[Ord. 2004-051]**~~

~~**d. Lighting**~~

~~In addition to the standards of Art. 5.E.4.E, Outdoor Lighting, and Art. 16, Airport Regulations, lighting within the PBIAO shall comply with the following: **[Ord. 2004-051]**~~

~~1)a. Roof top lighting shall be permitted; **[Ord. 2004-051]**~~

~~2)b. Lighting fixtures shall be limited to the minimum needed for essential lighting of the site and building; and **[Ord. 2004-051]**~~

~~3)c. Lighting shall be scaled to pedestrians for sites or buildings adjacent to residential uses. **[Ord. 2004-051]**~~

U:\Zoning\CODEREV\Code Amendments\2020\02- LDRAB\05-May 27 2020\5- LDRAB-LDRC Packet\Exh. C - CR-2019-0023 Art. 3, PBIAO Landscaping, Notification, and Noise.docx

Notes:

Underlined indicates **new** text.

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

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

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

EXHIBIT C
ARTICLE 3 – OVERLAYS AND ZONING DISTRICTS
PALM BEACH INTERNATIONAL AIRPORT OVERLAY
LANDSCAPING, NOTIFICATION, AND NOISE

CR-2019-0023
(Updated 03/30/20)

- 1 **G. Supplemental Regulations**
2 ~~**1. Noise Compatibility and Abatement Requirements**~~
3 ~~**a. Noise Abatement**~~
4 ~~For any commercial or industrial use, noise abatement measures incorporated into the~~
5 ~~design and construction of the structure must be used to achieve Noise Level Reduction~~
6 ~~(NLR) demonstrable to 25 L_{dn}, for reception, lounge, and office areas. [Ord. 2004-051]~~
7 ~~**b. Speakers**~~
8 ~~No outdoor speakers shall be allowed that are audible at the property line. [Ord. 2004-051]~~
9 **21. Unified Control**
10 Any development within PBAIO district shall be developed under common ownership or unity
11 of control as provided in Art. 3.E, Planned Development Districts (PDDs).
12 ~~**32. Enclosed Activities**~~
13 ~~In addition to standards in Art. 5.B.1.A.3, Outdoor Storage and Activities, all activities except~~
14 ~~storage and sales of landscape material, shall be operated within enclosed buildings. [Ord.~~
15 ~~2004-051]~~
16 ~~**43. Renovation and Expansion of Non-Residential Uses**~~
17 ~~When a structure used for industrial or commercial uses, lying in a residential district or~~
18 ~~adjacent to a residential district, is renovated or expanded by more than 20 percent of GFA, in~~
19 ~~any one or more expansions or the cumulative total of previous expansions, the PDRs of the~~
20 ~~PBAIO district shall apply. [Ord. 2004-051]~~

U:\Zoning\CODEREV\Code Amendments\2020\02- LDRAB\05-May 27 2020\5- LDRAB-LDRC Packet\Exh. C - CR-2019-0023 Art. 3, PBAIO Landscaping, Notification, and Noise.docx

Notes:

Underlined indicates **new** text.

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

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

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

This page left blank intentionally

EXHIBIT D

ARTICLES 2, 4, AND 11 – LANDSCAPE SERVICE IN THE AR/RSA ZONING DISTRICT AND ACCESS REQUIREMENTS

CR-2020-0003
(Updated 05/11/2020)

Part 1. ULDC Art. 2.B.7.D, Application Processes and Procedures, Public Hearing Processes, Types of Applications, Type 2 Waiver (page 35 and 36 of 101, Supplement 27 is hereby amended as follows:

<p>Reason for amendments: [Land Development/Zoning]</p> <p>At the December 19, 2019 and January 27, 2020 Board of County Commissioners (BCC) Zoning hearings, the BCC directed Staff to modify the Code relating to AR/RSA and AGR Zoning Districts for Collocated Landscape Service uses.</p> <p>The BCC directed Staff to modify the Landscape Service use in the AR/RSA district to remove an allowance for a size up to one and one-half acres, as the results of the increased size had significant impacts on the residential uses within that same district.</p> <p>Additionally, the BCC directed Staff to modify the Code related to processing deviations from the access requirements of Art. 11, Subdivision, Platting, and Required Improvements, for the Collocated Landscape Service use in the AR and AGR districts. Staff presented four options for their consideration in which direction was given. The amendment below requires a Collocated Landscape Service use in the AR/RSA and AR/USA districts to seek a Type 2 Waiver (requires a BCC decision), rather than a Type 2 Variance (Zoning Commission decision) when the use does not comply with the requirements of Article 11. It further revises Articles 4 and 11, to describe the requirements for access in the AGR district. If the existing access to the property is determined to be legal, it would be reviewed as an Administrative Approval, and if it does not have existing legal access, it would be reviewed as a Type 2 Variance by the Zoning Commission.</p>
<ol style="list-style-type: none"> 1. Add access Waiver for the AR/RSA and AR/USA districts to the Summary of the Type 2 Waivers Table. 2. Add cross reference to Article 11 for a new standard for the review of a Waiver from the access requirements.

1 **CHAPTER B PUBLIC HEARING PROCESSES**

2

3 **Section 7 Types of Applications**

4

5 **D. Type 2 Waiver**

6 **1. Purpose**

7 A Type 2 Waiver is to allow flexibility for mixed use or infill redevelopment projects, or
 8 architectural design, site design or layout, where alternative solutions can be allowed, subject
 9 to performance criteria or limitations. Type 2 Waivers are not intended to relieve specific
 10 financial hardship nor circumvent the intent of this Code. A Type 2 Waiver may not be granted
 11 if it conflicts with other Sections of this Code, or the Florida Building Code. **[Ord. 2011-016]**
 12 **[Ord. 2012-027] [Ord. 2018-002]**

13 **2. Applicability**

14 Requests for Type 2 Waivers shall only be permitted where expressly stated within the ULDC
 15 or indicated in the following Table. **[Ord. 2011-016] [Ord. 2012-027] [Ord. 2018-002]**
 16

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

Urban Redevelopment Overlay (URAO)	Table 3.B.16.G, Type 1 and 2 URAO Waivers
WCRAO Expansion of Existing Non-Conforming Parking	Art. 3.B.14.B.1.a, Expansion of Existing Non-Conforming Parking
WCRAO Density Bonus Programs	Art. 3.B.14.H.2, Other Density Bonus Programs
IRO Residential Setbacks	Art. 3.B.15.F.6.e.4)a), Residential Setbacks
URA Residential Setbacks	Art. 3.B.16.E.3.a, Residential Setbacks
PDD Minimum Frontage	Art. 3.E.1.C.2.a.1)a), Type 2 Waiver – Infill Development
PDD Cul-de-sacs	Art. 3.E.1.C.2.a.5)b), Type 2 Waiver for additional percentage
AGR Tier – Parking Structure	Art. 3.F.2.A.2.d.1)a), Type 2 Waiver for Parking Structures
AGR-TMD – Block Structure	Art. 3.F.4.D.9.a, Type 2 Waiver for Block Structure
Commercial Communication Towers	Art. 4.B.9.H.5, Type 2 Waiver from Required Dimensional Criteria
Unique Structure	Art. 5.C.1.E.2, Unique Structure
Hours of Operation	Art. 5.E.5.E, Type 2 Waiver
Large Scale Commercial Development – Parking	Art. 6.B.2.A.1.b.1)d), Type 2 Waiver
<u>Minimum Legal Access for Collocated Landscape Service for in the AR/RSA and AR/USA Zoning Districts</u>	<u>Table 11.E.2.A-2, Chart of Minor Streets</u>
[Ord. 2018-002] [Ord. 2018-018] [Ord. 2019-005]	

17

U:\Zoning\CODEREV\Code Amendments\2020\02- LDRAB\05-May 27 2020\5- LDRAB-LDRC Packet\Exh. D - CR-2020-0003 Art. 2, 4, and 11, Landscape Service in the AR-RSA Zoning District and Access Requirements.docx

Notes:

Underlined indicates **new** text. Double underlined indicates **new** text or previously stricken text to remain.
~~Stricken~~ indicates text to be **deleted**. ~~Double stricken~~ indicates **new** or previously-existing text to be **deleted**.
~~Stricken and italicized~~ means text to be totally or partially relocated.
 If being relocated destination is noted in bolded brackets **[Relocated to:]**.
Italicized indicates text to be relocated. Source is noted in bolded brackets **[Relocated from:]**.
 A series of four bolded ellipses indicates language omitted to save space.

EXHIBIT D

ARTICLES 2, 4, AND 11 – LANDSCAPE SERVICE IN THE AR/RSA ZONING DISTRICT AND ACCESS REQUIREMENTS

CR-2020-0003 (Updated 05/11/2020)

3. Standards for a Type 2 Waiver

When considering a DO application for a Type 2 Waiver, the BCC shall utilize the Standards indicated below and any other standards specific to a Type 2 Waiver as contained in this Code. For a Unique Structure, refer to the Standards listed in Art. 2.B.7.D.4 below, and for a commercial communication tower, refer to Art. 4.B.9.H.5.d, Criteria for Granting a Type 2 Waiver. For Minimum Legal Access for Collocated Landscape Service, refer to Art. 11, Subdivision, Platting, and Required Improvements. A Type 2 Waiver, which fails to meet any of the Standards, shall be deemed adverse to the public interest and shall not be approved. [Ord. 2011-016] [Ord. 2012-027] [Ord. 2018-002]

- a. The Waiver does not create additional conflicts with other requirements of the ULDC, and is consistent with the stated purpose and intent for the zoning district or overlay; [Ord. 2010-022] [Ord. 2011-016] [Ord. 2012-027] [Ord. 2018-002]
b. The Waiver will not cause a detrimental effect on the overall design and development standards of the project, and will be in harmony with the general site layout and design details of the development; and, [Ord. 2010-022] [Ord. 2012-027] [Ord. 2018-002]
c. The alternative design option recommended as part of the Waiver approval, if granted, will not adversely impact adjacent properties. [Ord. 2010-022] [Ord. 2012-027] [Ord. 2018-002]
d. For the purpose of Medical Marijuana Dispensing Facility in Art. 4.B.2.C.35.i, the BCC shall make the determination that the location of a medical marijuana dispensing facility promotes the health, safety, and welfare of the community. [Ord. 2017-028] [Ord. 2018-002]

Part 2. ULDC Art. 4.B.2.C.21, Use Regulations, Use Classification, Commercial Uses, Definitions and Supplementary Use Standards for Specific Uses, Landscape Service (pages 42 and 43 of 199, Supplement 27), is hereby amended as follows:

Table with 1 column: Reason for amendments: [Zoning]. Rows include: 1. As part of BCC direction at the January 27, 2020 Zoning BCC hearing... 2. Clarify that the application submitted for Administrative Review... 3. Add the date an application must be submitted... 4. Due to the COVID-19 State of Emergency, the administrative approval process submittal deadline for Collocated Landscape Service uses within the AR-RSA has been extended by an additional 120 days, to September 30, 2020.

CHAPTER B USE CLASSIFICATION

....

Section 2 Commercial Uses

....

C. Definitions and Supplementary Use Standards for Specific Uses

....

21. Landscape Service

....

g. AR District in RSA

Shall be permitted subject to applicable requirements of a Home Occupation pursuant to Art. 4.B.1.E.10, Home Occupation; Art. 4.B.2.C.21.h, Collocated Use; or, as a Principal Use subject to the additional requirements as follows: [Ord. 2019-039]

- 1) Shall be located on a Collector or Arterial Street; and [Ord. 2019-039]
2) Shall be on a minimum of three acres. [Ord. 2019-039]

U:\Zoning\CODEREV\Code Amendments\2020\02- LDRAB\05-May 27 2020\5- LDRAB-LDRC Packet\Exh. D - CR-2020-0003 Art. 2, 4, and 11, Landscape Service in the AR-RSA Zoning District and Access Requirements.docx

Notes:

Underlined indicates new text. Double underlined indicates new text or previously stricken text to remain. Stricken indicates text to be deleted. Double stricken indicates new or previously-existing text to be deleted. Stricken and italicized means text to be totally or partially relocated. If being relocated destination is noted in bolded brackets [Relocated to:]. Italicized indicates text to be relocated. Source is noted in bolded brackets [Relocated from:]. A series of four bolded ellipses indicates language omitted to save space.

EXHIBIT D

ARTICLES 2, 4, AND 11 – LANDSCAPE SERVICE IN THE AR/RSA ZONING DISTRICT AND ACCESS REQUIREMENTS

CR-2020-0003
(Updated 05/11/2020)

h. Collocated Use

Shall be allowed only in conjunction with a Retail or Wholesale Nursery, and both uses shall be operated under the same ownership, subject to the following: [Ord. 2019-039]

1) AGR, AP, CN, CRE, and PO Zoning Districts

a) Approval Process – Full DRO

(1) A minimum of 50 percent of the lot area shall be Retail or Wholesale Nursery; [Ord. 2019-039]

(2) A maximum of 30 percent of the lot area or one and one-half acres, whichever is less, shall be Landscape Service (On-Site Activities); and, [Ord. 2019-039]

(3) The areas designated for Common Operations Area shall be a maximum of 20 percent of the lot area. [Ord. 2019-039]

b) Approval Process – Class A Conditional Use, except the AGR Zoning District

(1) A minimum of 50 percent of the lot area shall be Retail or Wholesale Nursery; [Ord. 2019-039]

(2) A maximum of 45 percent of the lot area or two acres, whichever is less, shall be Landscape Service (On-Site Activities); and, [Ord. 2019-039]

(3) The areas designated for Common Operations Area shall be a maximum of 20 percent of the lot area. [Ord. 2019-039]

2) CC or CG Zoning Districts

a) Approval Process – Full DRO

(1) A minimum of 50 percent of the lot area shall be Retail and/or Wholesale Nursery; [Ord. 2019-039]

(2) A maximum of 30 percent of the lot area or one and one-half acres, whichever is less, shall be Landscape Service (On-Site Activities); and, [Ord. 2019-039]

(3) The area designated for Common Operations Area shall be a maximum of 20 percent of the lot area. [Ord. 2019-039]

3) IL, IG, and IND/L, COM, or IND/G Pods of a PIPD Zoning District

A Landscape Service use may be Permitted by Right when collocated with Wholesale or Retail Nursery. [Ord. 2019-039]

4) AR/RSA Zoning District

a) Shall be on a minimum of three acres; ~~and~~ [Ord. 2019-039]

b) *The area(s) designated for Landscape Service (On-Site Activities) shall be a maximum of 30 percent of the Growing Area or one acre, whichever is less. [Ord. 2019-039] [Relocated from Art 4.B.2.A.21.h.4)c), Lot Size Greater than or Equal to Three Acres and Less]*

c) Approval Process

A Landscape Service shall be subject to a Class A Conditional Use approval process, unless stated otherwise below: [Ord. 2019-039]

(1) Exception

A Landscape Service may be subject to the Full DRO process if the Applicant submits an application and is determined to be sufficient by the DRO within ~~480~~300 calendar days of the effective date of Ordinance 2019-039 (~~June 2, 2020~~September 30, 2020), and provides sufficient evidence that the Landscape Service existed on the subject property prior to ~~that date~~June 2, 2020. The Executive Director of PZB may approve an additional extension to the submittal deadline, through a Departmental PPM, based on a State of Emergency affecting Palm Beach County. [Ord. 2019-039]

~~c) Lot Size Greater Than or Equal to Three Acres and Less Than or Equal to Five Acres~~

~~The area(s) designated for Landscape Service (On-Site Activities) shall be a maximum of 30 percent of the Growing Area or one acre, whichever is less. [Ord. 2019-039] [Relocated to Art 4.B.2.A.21.h.4)b)]~~

~~d) Lot Size Greater Than Five Acres~~

~~The area(s) designated for Landscape Service (On-Site Activities) shall be a maximum of 30 percent of the Growing Area or one and one-half acres, whichever is less. [Ord. 2019-039]~~

U:\Zoning\CODEREV\Code Amendments\2020\02- LDRAB\05-May 27 2020\5- LDRAB-LDRC Packet\Exh. D - CR-2020-0003 Art. 2, 4, and 11, Landscape Service in the AR-RSA Zoning District and Access Requirements.docx

Notes:

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

~~Stricken~~ indicates text to be **deleted**. ~~Double stricken~~ indicates **new** or previously-existing text to be **deleted**.

~~Stricken and italicized~~ means text to be totally or partially relocated.

If being relocated destination is noted in bolded brackets **[Relocated to:]**.

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

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

EXHIBIT D

ARTICLES 2, 4, AND 11 – LANDSCAPE SERVICE IN THE AR/RSA ZONING DISTRICT AND ACCESS REQUIREMENTS

CR-2020-0003
(Updated 05/11/2020)

- 1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
- 5) AR/USA, RE, RT, RM, RS, UC, UI, CH-MUPD, CH-MXPD, NC-TND, and TMD within the U/S, Rural, or Exurban Tiers
- a) Shall be on a minimum of three acres; and [Ord. 2019-039]
- b) **Approval Process – Class A Conditional Use**
- (1) The area(s) designated for Landscape Service (On-Site Activities) shall be a maximum of 30 percent of the Growing Area or one acre, whichever is less. [Ord. 2019-039]
- 6) **Location – Access**
- a) **AR/RSA and AR/USA Zoning Districts**
Minimum access shall be in accordance with Art. 11.E.2.A.2, Minimum Legal Access Requirement, unless a Type 2 Waiver is granted pursuant to Art. 2.B.7.D, Type 2 Waiver.
- b) **AGR Zoning Districts**
Minimum access shall be any Legal Access, as defined by Art. 1.H.2, Definitions, that exists at the time of application for Landscape Service use approval. If the existing access is not legal, then minimum access shall be in accordance with Art. 11.E.2.A.2, Minimum Legal Access Requirement, unless a Type 2 Variance is granted pursuant to Art. 2.B.7.E, Type 2 Variance.
- c) **Other Zoning Districts**
Minimum access in the RE, RT, RM, RS, UC, UI, CH-MUPD, CH-MXPD, NC-TND, and TMD within the U/S, Rural, or Exurban Tier Zoning Districts shall be in accordance with Art 11.E.2.A.2, Minimum Legal Access Requirement, unless a Subdivision Variance is granted pursuant to Art. 2.B.7.E, Type 2 Variance.
-

U:\Zoning\CODEREV\Code Amendments\2020\02- LDRAB\05-May 27 2020\5- LDRAB-LDRC Packet\Exh. D - CR-2020-0003 Art. 2, 4, and 11, Landscape Service in the AR-RSA Zoning District and Access Requirements.docx

Notes:

Underlined indicates **new** text. Double underlined indicates **new** text or previously stricken text to remain.
~~Stricken~~ indicates text to be **deleted**. ~~Double stricken~~ indicates **new** or previously-existing text to be **deleted**.
~~Stricken and italicized~~ means text to be totally or partially relocated.
If being relocated destination is noted in bolded brackets [**Relocated to:**].
Italicized indicates text to be relocated. Source is noted in bolded brackets [**Relocated from:**].
.... A series of four bolded ellipses indicates language omitted to save space.

EXHIBIT D

ARTICLES 2, 4, AND 11 – LANDSCAPE SERVICE IN THE AR/RSA ZONING DISTRICT AND ACCESS REQUIREMENTS

**CR-2020-0003
(Updated 05/11/2020)**

Part 3. ULDC Art. 11.E.2, Subdivision, Platting, and Required Improvements, Required Improvements, Access and Circulation Systems (page 35 and 36 of 45), Supplement 27 is hereby amended as follows:

Reason for amendments: [Land Development]
1. Revise the Chart of Minor Streets Table to indicate a Type 2 Waiver process is allowed for modification of the minimum legal access requirement for a Collocated Landscape Service in the AR (RSA/USA) Zoning District.
2. In addition to the Type 2 Waiver Standards indicated in Article 2.B, a request for a Type 2 Waiver must also comply with a new standard that a deviation from the access requirements will not be detrimental to the public welfare.

1 **CHAPTER E REQUIRED IMPROVEMENTS**

2

3 **Section 2 Access and Circulation Systems**

4

5 **26. Access Waiver for Collocated Landscape Service in the AR Zoning District**

6 The dimensional requirement pursuant to Table 11.E.2.A-2, Chart of Minor Streets shall be
 7 allowed if Standards a through c of Art. 2.B.7.D, Type 2 Waiver and the following is met:

8 a. The Waiver shall not be injurious to the area involved or otherwise detrimental to the public
 9 welfare.

10

Table 11.E.2.A-2 – Chart of Minor Streets

Classification	Minimum Width (Feet)		Maximum Allowable ADT	Allowed as Legal Access For (1)	
	Street (2)	Pavement (3)		Commercial	Residential
Non-Plan Collector (6)	80	24	13,100	X	
Marginal Access	50	24	N/A	X	X
Local Residential (4)					
Gutters	50	20	1,500		X
Swales	60	20	1,500		X
Local Commercial (6)	80	24	13,100	X	X
Residential Access					
One Sidewalk	40	20	800		X
No Sidewalk (5)	32	20	40		X
[Ord. 2014-025] [Ord. 2019-034]					
Notes:					
1.	An "X" under the Commercial or Residential column indicates the corresponding street classification is allowed as legal access.				
2.	Street width refers to standard R-O-W or private street tract width.				
3.	Pavement width represents two travel lanes of equal width and does not include the additional width of paved shoulder where required.				
4.	Allowed as legal access for any type of residential provided that the maximum allowable AD is not exceeded. Also, Streets within a rural subdivision shall be at least 60 feet wide when they are to be constructed without a wearing surface. [Ord. 2018-018]				
5.	Use is restricted to streets providing access to up to four lots. [Ord. 2014-025] [Ord. 2019-034]				
6.	<u>Collocated Landscape Service in the AR/RSA and AR/USA shall have legal access from a Local Commercial or higher classification street, unless a lesser width is granted by a Type 2 Waiver.</u>				

11

U:\Zoning\CODEREV\Code Amendments\2020\02- LDRAB\05-May 27 2020\5- LDRAB-LDRC Packet\Exh. D - CR-2020-0003 Art. 2, 4, and 11, Landscape Service in the AR-RSA Zoning District and Access Requirements.docx

Notes:

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

~~Stricken~~ indicates text to be **deleted**. ~~Double stricken~~ indicates **new** or previously-existing text to be **deleted**.

~~Stricken and italicized~~ means text to be totally or partially relocated.

If being relocated destination is noted in bolded brackets **[Relocated to:]**.

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

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

This page left blank intentionally

EXHIBIT E

ARTICLE 4 – USE REGULATIONS LANDSCAPE SERVICE IN AGR-PUD ZONING DISTRICT PRESERVE AREAS

CR-2020-0004
(Updated 3/30/2020)

Part 1. ULDC Art. 4.B.2.C.21, Use Regulations, Use Classification, Commercial Uses, Landscape Service (pages 42-44 of 199, Supplement 27), is hereby amended as follows:

Reason for amendments: [Planning/Zoning]
1. The purpose of the Agricultural Reserve Tier is to preserve agricultural and environmentally sensitive lands and to foster preservation and a sustainable land use pattern. The purpose of the Conservation Easement recorded for Agricultural Reserve Planned Unit Development Preserves (AGR-PUD/P) is to support, preserve, and perpetuate Bona Fide Agriculture and Open Space uses and to preserve any environmentally significant upland or wetland habitats. The goal of this amendment is to minimize the impact of Landscape Service within the AGR-PUD Preserve, which is considered a commercial use by the ULDC.
2. As part of BCC direction at the January 27, 2020 Zoning BCC hearing, and previously discussed at the December 19, 2019 hearing, the proposed amendment accommodates 24 existing Wholesale Nursery uses within AGR-PUD/P. The proposed amendments give these existing Wholesale Nursery operations within the AGR-PUD/P a mechanism to offer Landscape Service use in conjunction with the Nursery, and ensure consistency with the Comprehensive Plan provisions regarding agriculture in the Agricultural Reserve Tier.
3. The Planning Division previously determined that a minimum of 70 percent of the land area would be required for a Nursery operation within an AGR-PUD/P, and as such, would remain consistent with the provisions of the Agricultural Reserve Tier within the Comprehensive Plan. The BCC did not initiate Comprehensive Plan amendments to amend policies that would allow for a reduction in the 70-percent minimum area for a Nursery use. The land associated with the minimum 70-percent Wholesale Nursery would be for the propagation, cultivation, growing, staging, and storage of plants as well as other elements, commonly defined as Open Spaces in the ULDC, which may include periods where the land is left in a fallow state, but excludes chipping/mulching uses and hardscape materials such as decorative stones.
4. Planning Division Staff also determined that a maximum of 30 percent of the land area could be associated with the Landscape Service use (and would not be considered a principal or collocated use, which would violate the Plan's Future Land Use Element Policy 1.5.1-i). The BCC directed that the restriction be further limited to 30 percent of the land area or one and one-half acres, whichever is less. This area is for the Landscape Service use and would include those components already defined as the Typical On-Site Activities and the Common Operations Area.
5. At the January 27, 2020 Zoning BCC hearing, the BCC directed the additional four AGR parcels with Nursery and Landscape Service uses, as identified by industry (with transactional documents recorded in the public records prior to January 1, 2019), are also eligible to rezone to AGR-PUD as preserves and utilize the provisions for the Wholesale Nursery with the proposed Landscape Service use restrictions as outlined.
6. In December 2019, the Planning Division conducted an analysis of the existing 24 AGR-PUD/P Wholesale Nursery uses with some Landscape Service component, as well as an additional four AGR parcels presented by industry, to determine if they would comply with the proposed 70-percent minimum land area requirement. Furthermore, of the 28 total Nursery operations, 23 would comply with the minimum 70-percent land area requirement for the Nursery use. This analysis was presented to the BCC in graphic form in December 2019, and January 2020, and served as the basis for the proposed Code amendment. Furthermore, the BCC directed staff to apply the proposed amendments to only those existing 24 Wholesale Nurseries within AGR-PUD Preserves and the previously-identified four additional parcels, which must seek subsequent rezoning to AGR-PUD Preserves in the near future.
7. The proposed amendments include limited timeframes to bring these uses into compliance similar to what was already adopted for Wholesale Nursery with Landscape Service uses in the AR/RSA.
8. At the time of this amendment, one of the existing 24 AGR-PUD/P was in the process of being removed as a Preserve. However, a representation was made to staff that the Applicant intends to reincorporate it as a future Preserve within the specified timeframe to comply with the proposed requirements. As of March 2020, the data now reflects the removal of one of the existing preserves and be placed in the additional AGR parcels. The code changes reflect 23 existing AGR-PUD/P and five AGR parcels and is found in Exhibit B.

1 CHAPTER B USE CLASSIFICATION

2

3 Section 2 Commercial Uses

U:\Zoning\CODEREV\Code Amendments\2020\02- LDRAB\05-May 27 2020\5- LDRAB-LDRC Packet\Exh. E - CR-2020-004 Art. 4, Landscape Service in AGR-PUD Zoning District Preserve Areas.docx

Notes:

Underlined indicates **new** text.

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

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

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

EXHIBIT E

ARTICLE 4 – USE REGULATIONS LANDSCAPE SERVICE IN AGR-PUD ZONING DISTRICT PRESERVE AREAS

CR-2020-0004
(Updated 3/30/2020)

....
C. Definitions and Supplementary Use Standards for Specific Uses

....
21. Landscape Service

a. Definition

An establishment engaged in the maintenance or installation of landscaping. [Ord. 2019-039]

b. Typical On-Site Activities

Includes administrative office; customer and employee parking; and, storage or parking of landscape vehicles, chemicals, fertilizers, landscape materials, and equipment. [Ord. 2019-039]

c. Typical Off-Site Activities

May include, but are not limited to: lawn mowing; trimming of vegetation including trees, shrubs, or hedges; irrigation; fertilizer application; leaf blowing; landscaping design; maintenance; or installation. [Ord. 2019-039]

d. Common Operations Area

A common area that is shared between the Nursery and the Landscape Service, which may include, but is not limited to: drive aisles; customer parking; and, structures that are commonly shared between the Nursery and the Landscape Service. It shall not include areas, structures, or facilities which serve solely the Landscape Service (On-Site Activities). [Ord. 2019-039]

e. Nursery Growing Area

Consists of an area(s) used solely for the propagation, cultivation, growing, storage, and staging of plants. [Ord. 2019-039]

f. Easements

The Applicant may allocate drainage or street/canal right-of-way easements to the Common Operations, Nursery, or Landscape Service Areas based on their proximity to each respective area and the purpose and scope of the easement, subject to the approval by the DRO. [Ord. 2019-039]

g. AR District in RSA

Shall be permitted subject to applicable requirements of a Home Occupation pursuant to Art. 4.B.1.E.10, Home Occupation; Art. 4.B.2.C.21.h, Collocated Use; or, as a Principal Use subject to the additional requirements as follows: [Ord. 2019-039]

1) Shall be located on a Collector or Arterial Street; and [Ord. 2019-039]

2) Shall be on a minimum of three acres. [Ord. 2019-039]

h. AGR-PUD Zoning District Preserve Area

1) Applicability

Landscape Service under this Section shall be permitted only for existing Landscape Service uses, on the following 28 sites, subject to the restrictions contained herein:

a) 23 properties within the AGR-PUD Zoning District Preserve Area, as depicted in the list of AGR-PUD Preserve properties attached as Exhibit B in Ordinance No. 2020-_____.

b) Five additional properties within the AGR Zoning District, as depicted in the list of AGR-PUD Preserve properties attached as Exhibit B in Ordinance No. 2020-_____.

(1) These five properties shall provide sufficient evidence demonstrating that the Property Owner has entered into a private transactional agreement, such as an assignment agreement or other similar agreement, recorded in the Official Records of PBC prior to January 1, 2019, with the intent of converting the property to the AGR-PUD Zoning District Preserve Area.

2) Landscape Service must be compact and contiguous in design and not located in more than two separate locations on a site; and,

3) Landscape Service shall be allowed only in conjunction with a Wholesale Nursery and both uses shall be operated under the same ownership.

4) Approval Process – Full DRO

a) The DRO shall determine what Agencies will review the proposed application.

b) The 23 properties located within the AGR-PUD Zoning District Preserve Area shall submit an application to allow a Landscape Service and be determined to be sufficient by the DRO within 180 calendar days of the effective date of Ordinance No. 2020-_____.

c) Prior to January 1, 2021, the five properties within the AGR Zoning District shall submit an application and be determined to be sufficient by the DRO, for a rezoning to the AGR-PUD Zoning District Preserve Area. These five properties shall then

U:\Zoning\CODEREV\Code Amendments\2020\02- LDRAB\05-May 27 2020\5- LDRAB-LDRC Packet\Exh. E - CR-2020-004 Art. 4, Landscape Service in AGR-PUD Zoning District Preserve Areas.docx

Notes:

Underlined indicates **new** text.

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

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

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

EXHIBIT E

ARTICLE 4 – USE REGULATIONS LANDSCAPE SERVICE IN AGR-PUD ZONING DISTRICT PRESERVE AREAS

CR-2020-0004
(Updated 3/30/2020)

- 1 submit an application to allow the Landscape Service and be determined to be
2 sufficient by the DRO within 60 days of the effective date of the rezoning to the
3 AGR-PUD Zoning District Preserve Area.
4 d) A minimum of 70 percent of the lot area shall be a Wholesale Nursery, and may
5 also include limited areas for Open Space.
6 e) A maximum of 30 percent of the lot area or one and one-half acres, whichever is
7 less, shall include Typical On-Site Activities, Common Operation Areas, and any
8 buildings not associated with the propagation, cultivation, growing, storage, and
9 staging of plants.
10 f) Driveways shall be allocated to either the Wholesale Nursery or Typical On-Site
11 Activities and Common Operation Areas based on their proximity to each
12 respective area, subject to approval by the DRO.
13 **5) Location – Access**
14 Minimum access shall be any Legal Access, as defined by Art. 1.H.2, Definitions, that
15 exists at the time of application for use approval. If the existing access is not legal, then
16 minimum access shall be in accordance with Art. 11.E.2.A.2. Minimum Legal Access
17 Requirement, unless a Variance is approved pursuant to Art. 2.B.7.E, Type 2 Variance.
18 [Re-letter accordingly]

U:\Zoning\CODEREV\Code Amendments\2020\02- LDRAB\05-May 27 2020\5- LDRAB-LDRC Packet\Exh. E - CR-2020-004 Art. 4, Landscape Service in AGR-PUD Zoning District Preserve Areas.docx

Notes:

Underlined indicates **new** text.

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

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

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

This page left blank intentionally

EXHIBIT E
AGR TIER ANALYSIS AND LOCATIONS FOR AGR-PUD PRESERVES

Owner:	VANDERVOORT JOSEPH N	Zoning:	AGR PUD Preserve	Total Acres:	4.75	Percentage of Buildings & Parking:	26%
Company:	CE-New Leaf Ventures	Control:	2004-00369 PDD/W-2004-00504	MapID:	13-017pr	Percentage of Growing Area:	74%
PCN:	00414524050020000	1st Reso:	R-2005-0390, ½ Preserve 2	Easement:	Yes	Meets 70/30:	Yes
Code Case:	CE-2015 05040023, Adjudicated/Liens						
2005		2019 (Jan.)		% Use Analysis			
							

**EXHIBIT E
AGR TIER ANALYSIS AND LOCATIONS FOR AGR-PUD PRESERVES**

Owner:	CRITCHFIELD RICHARD H II &	Zoning:	AGR PUD Preserve	Acres:	4.90	Percentage of Buildings & Parking:	24%
Company:	AVERY FARMS	Control:	2004-00206 PDD-2004-00232	MapID:	13-014pr	Percentage of Growing Area:	76%
PCN:	00424618030010000	1st Reso:	R-2004-2037 Preserve 2	Easement:	Yes	Meets 70/30:	Yes
Code Case:	C-2018-01220015, NOV/Abeyance						
2005*		2019 (Jan.)					
							
% Use Analysis							

**EXHIBIT E
AGR TIER ANALYSIS AND LOCATIONS FOR AGR-PUD PRESERVES**

Owner:	BS INVESTMENTS LLC	Zoning:	AGR PUD Preserve	Acres:	4.99	Percentage of Buildings & Parking:	30%
Company:	LAKE AND WETLAND MANAGEMENT, INC	Control:	2000-00032 Sussman	MapID:	13-006pr	Percentage of Growing Area:	70%
PCN:	00424327050450970	1st Reso:	R-2016-1235 Preserve 5	Easement:	Yes	Meets 70/30:	Yes
Code Case:	C-2019-05060009, NOV/Abeyance						
2015*		2019 (Jan.)					
							
% Use Analysis							

EXHIBIT E
AGR TIER ANALYSIS AND LOCATIONS FOR AGR-PUD PRESERVES

Owner:	NANAKS ORNAMENTALS & DESIGN INC	Zoning:	AGR PUD Preserve	Acres:	10.03	Percentage of Buildings & Parking:	22%
Company:	ACE-Nanaks Ornamental & Design/ Nanak's Landscaping Inc.	Control:	2002-00068; PDD/DOA-2014-00939	MapID:	13-022pr	Percentage of Growing Area:	78%
PCN:	00424327050520381	1st Reso:	R-2015-0008 Preserve 14	Easement:	Yes	Meets 70/30:	Yes
Code Case:	CE-2016 01140029, NOV/Abeyance						
2015		2019 (Jan.)					
							
% Use Analysis							

**EXHIBIT E
AGR TIER ANALYSIS AND LOCATIONS FOR AGR-PUD PRESERVES**

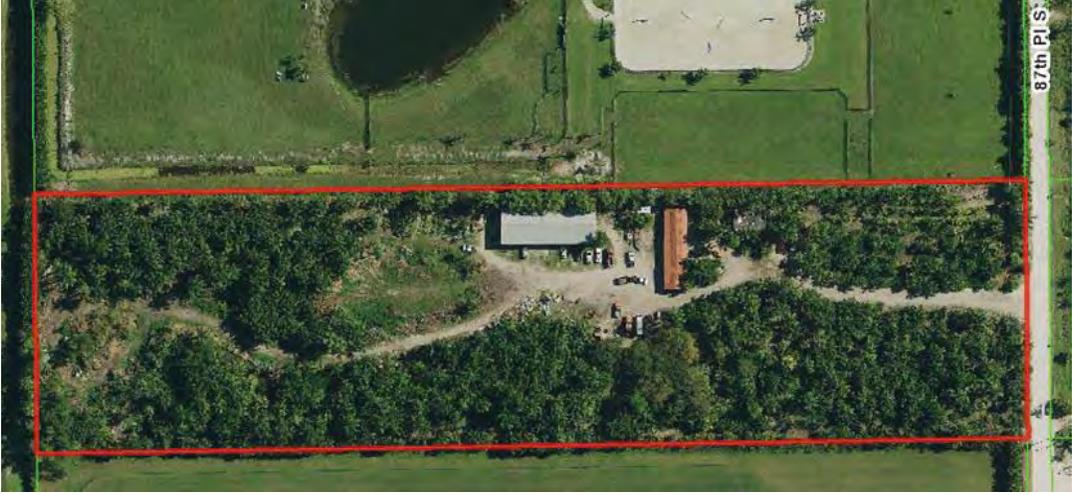
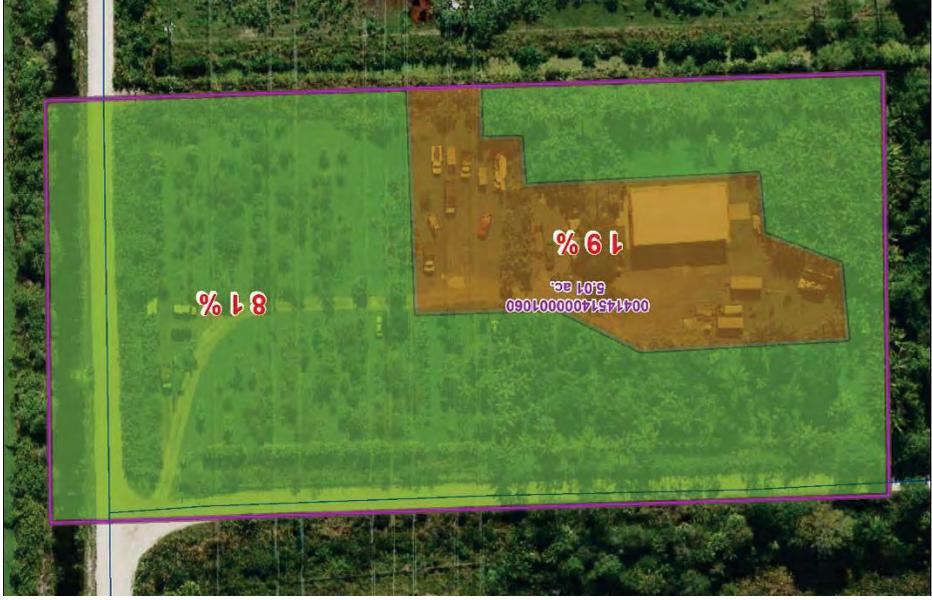
Owner:	TOP NOTCH TREE FARM INC	Zoning:	AGR PUD Preserve	Acres:	9.69	Percentage of Buildings & Parking:	18%
Company:	CE-Top Notch Tree Farm Inc/ Top Notch Landscaping and Design	Control:	2002-00068 PDD/DOA-2014-00939	MapID:	13-022pr	Percentage of Growing Area:	82%
PCN:	00424327050450720	1st Reso:	R-2015-0008 Preserve 11	Easement:	Yes	Meets 70/30:	Yes
Code Case:	CE-2017 12070020, NOV/Abeyance						
2015		2019 (Jan.)					
							
% Use Analysis							

EXHIBIT E
AGR TIER ANALYSIS AND LOCATIONS FOR AGR-PUD PRESERVES

Owner:	USA GARDEN SERVICES LLC	Zoning:	AGR PUD Preserve	Acres:	5.01	Percentage of Buildings & Parking:	19%
Company:	CE-Usa Garden Services Lic	Control:	Original 2004-616/ TDD/RW/2004-1029	MapID:	13-017pr	Percentage of Growing Area:	81%
PCN:	00414514000001060	1st Reso:	R-200XX Preserve 4	Easement:	Yes	Meets 70/30:	Yes
Code Case:	CE-2018 01020011, NOV/Abeyance						
2005		2019 (Jan.)		% Use Analysis			
							

**EXHIBIT E
AGR TIER ANALYSIS AND LOCATIONS FOR AGR-PUD PRESERVES**

Owner:	DOBSON CLIFFORD A & ENID R TRUST	Zoning:	AGR PUD Preserve	Acres:	5.0	Percentage of Buildings & Parking:	27%
Company:	CE-Dobson Clifford A & Enid R Trust	Control:	2004-00369, ZV/PDD/DOA-2014-00940	MapID:	13-017pr	Percentage of Growing Area:	73%
PCN:	00424327050450980	1st Reso:	R-2015-0010; Preserve 29	Easement:	Yes	Meets 70/30:	Yes
Code Case:	CE-2018 01020014, NOV/Abeyance						
2015		2019 (Jan.)					
							
2015		2019 (Jan.)					
% Use Analysis							
							

**EXHIBIT E
AGR TIER ANALYSIS AND LOCATIONS FOR AGR-PUD PRESERVES**

Owner:	BOLLING J SCOTT	Zoning:	AGR PUD Preserve	Acres:	9.48	Percentage of Buildings & Parking:	24%
Company:	CE-Bolling, Scott J. / Master Gardeners Landscaping, Inc.	Control:	2004-00206/ PDD-2004-00232	MapID:	13-014pr	Percentage of Growing Area:	76%
PCN:	00424618040010000	1st Reso:	R-2004-2037 Preserve 3	Easement:	Yes	Meets 70/30:	Yes
Code Case:	CE-2018 01090039, NOV/Abeyance						
		2005*		% Use Analysis			
		2019 (Jan.)		% Use Analysis			
				% Use Analysis			
							

EXHIBIT E
AGR TIER ANALYSIS AND LOCATIONS FOR AGR-PUD PRESERVES

Owner:	BLUE JAY LANE TEN LLC	Zoning:	AGR PUD Preserve	Acres:	5.028	Percentage of Buildings & Parking:	25%
Company:	CE-Blue Jay Lane Ten LLC/ Caribbean Farms, Inc	Control:	2004-00369/ PDD/W-2004-00504;	MapID:	13-017pr	Percentage of Growing Area:	75%
PCN:	00414514050070000	1st Reso:	R-2005-0390; Pres 7 Blue Jay.	Easement:	Yes	Meets 70/30:	Yes
Code Case:	CE-2018 01220014, NOV/Abeyance						
		2005		2019 (Jan.)		% Use Analysis	
							

**EXHIBIT E
AGR TIER ANALYSIS AND LOCATIONS FOR AGR-PUD PRESERVES**

Owner:	D C J LLC	Zoning:	AGR PUD Preserve	Acres:	5.02	Percentage of Buildings & Parking:	27%
Company:	CE-D C J Lic / Treasure Coast Landscape	Control:	2004-00369 ZV/PDD/DOA-2012-2436	MapID:	13-017pr	Percentage of Growing Area:	73%
PCN:	00424327050451060	1st Reso:	R-2013-0204 Preserve 16 DCJ	Easement:	Yes	Meets 70/30:	Yes
Code Case:	CE-2018-01220017n, NOV/Abeyance						
2013		2019 (Jan.)		% Use Analysis			
							

EXHIBIT E
AGR TIER ANALYSIS AND LOCATIONS FOR AGR-PUD PRESERVES

Owner:	15200 State Road 7 LLC	Zoning:	AGR PUD Preserve	Acres:	10.00	Percentage of Buildings & Parking:	0%
Company:		Control:	2000-00032 ZV/PDD/DOA-2016-00269	MapID:	13-017pr	Percentage of Growing Area:	100%
PCN:	00424327050670160	1st Reso:	R-2016-1235 Preserve 6-18	Easement:	Yes	Meets 70/30:	Yes
Code Case:	C-2019-03200027, NOV/Abeyance						
2015		2019 (Jan.)					
							
							

**EXHIBIT E
AGR TIER ANALYSIS AND LOCATIONS FOR AGR-PUD PRESERVES**

Owner:	GALIT JEFFREY S	Zoning:	AGR PUD Preserve	Acres:	5.42	Percentage of Buildings & Parking:	9%
Company:	BIG ORANGE LANDSCAPING, INC.	Control:	2000-00032	MapID:	13-006pr	Percentage of Growing Area:	91%
PCN:	00424327050500682	1st Reso:	R-2016-1235 10b	Easement:	Yes	Meets 70/30:	Yes
Code Case:	C-2018-06040021, No Violation Found, Case Closed						
2015*		2019 (Jan.)		% Use Analysis			
							

EXHIBIT E
AGR TIER ANALYSIS AND LOCATIONS FOR AGR-PUD PRESERVES

Owner:	GALIT JEFFREY S	Zoning:	AGR PUD Preserve	Acres:	5.42	Percentage of Buildings & Parking:	21%
Company:		Control:	2000-00032/ ZV/PDD/DOA-2016-00269	MapID:	13-006pr	Percentage of Growing Area:	79%
PCN:	00424327050500672	1st Reso:	R-2016-1235 Preserve 10a	Easement:	Yes	Meets 70/30:	Yes
Code Case:	C-2019-06270038, No Violation Found, Case Closed						
2015*		2019 (Jan.)					
							
		% Use Analysis					

EXHIBIT E
AGR TIER ANALYSIS AND LOCATIONS FOR AGR-PUD PRESERVES

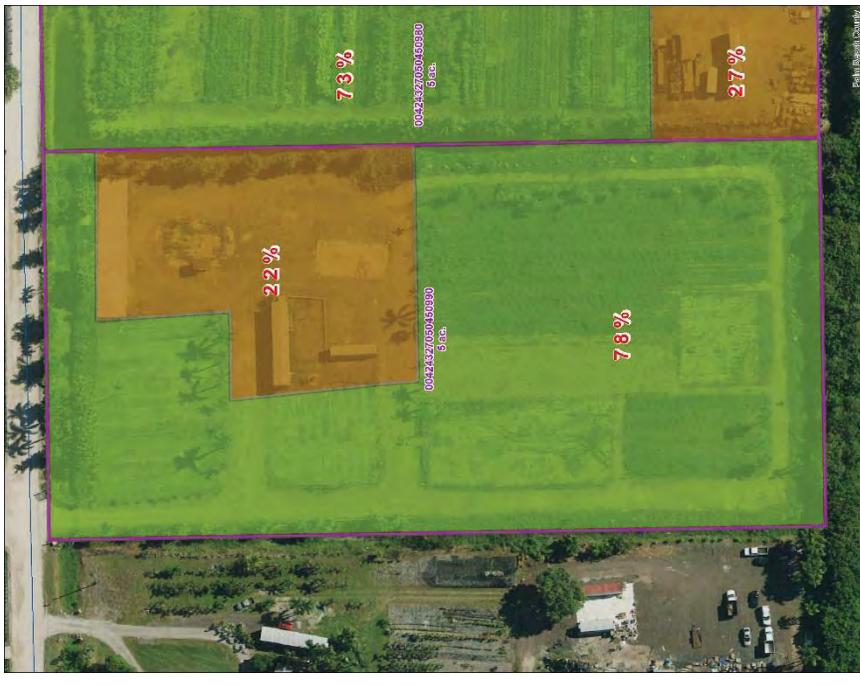
Owner:	Patagonic Green Leaf, LLC	Zoning:	AGR PUD Preserve	Acres:	5.01	Percentage of Buildings & Parking:	22%
Company:	CE-Protek Nurseries, LLC	Control:	2005-00455 ZV/PDD/DOA-2014-00089	MapID:	13-021pr	Percentage of Growing Area:	78%
PCN:	00424327050450990	1st Reso:	R-2014-0729 Preserve 5	Easement:	No	Meets 70/30:	Yes
Code Case:	CE-2017 07130002, Case Closed						
2013*							
2018 and 2019 (Jan.)							
							

EXHIBIT E
AGR TIER ANALYSIS AND LOCATIONS FOR AGR-PUD PRESERVES

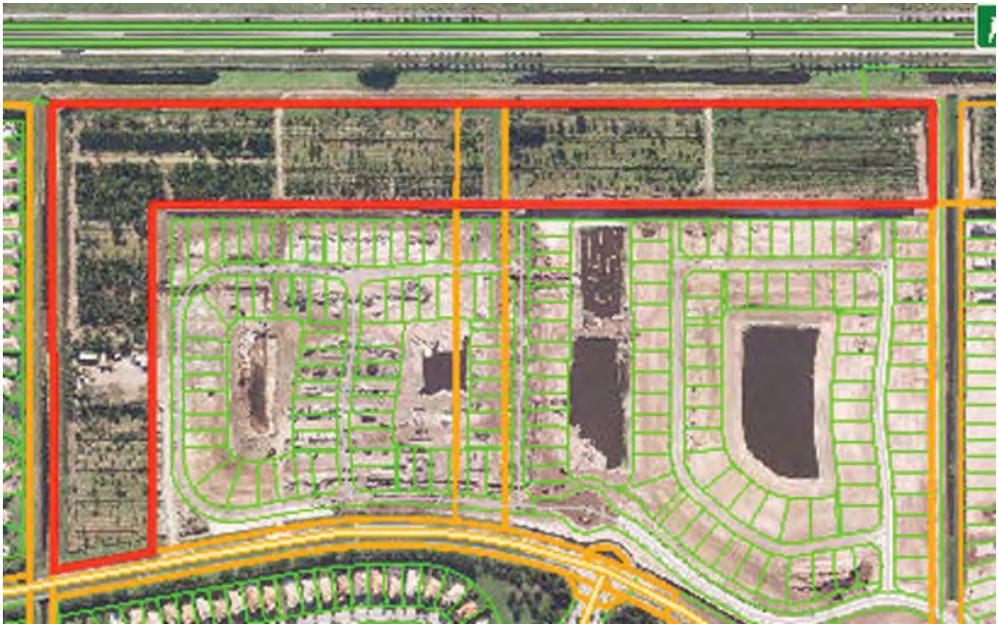
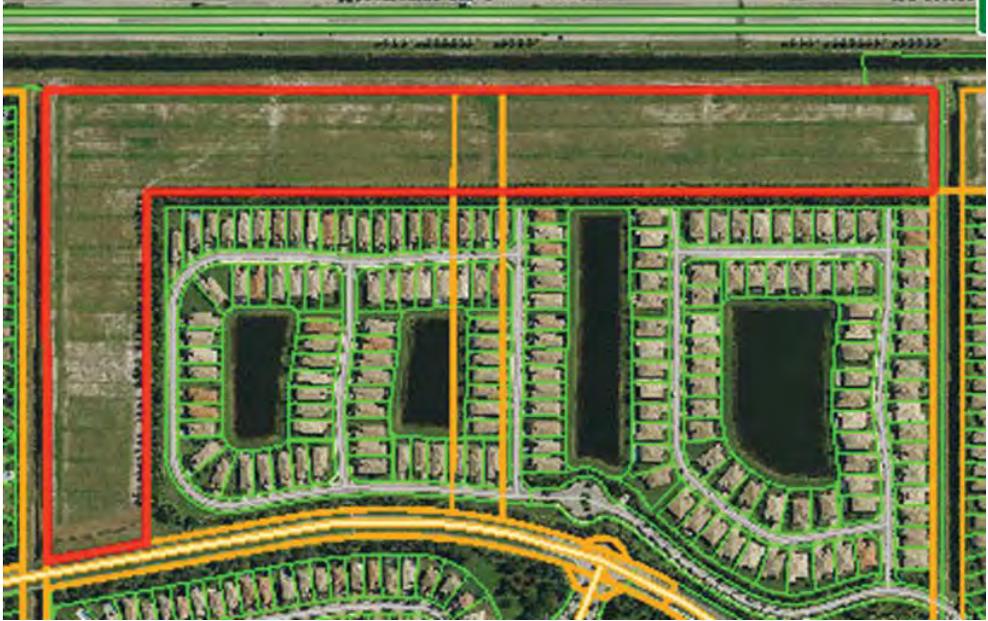
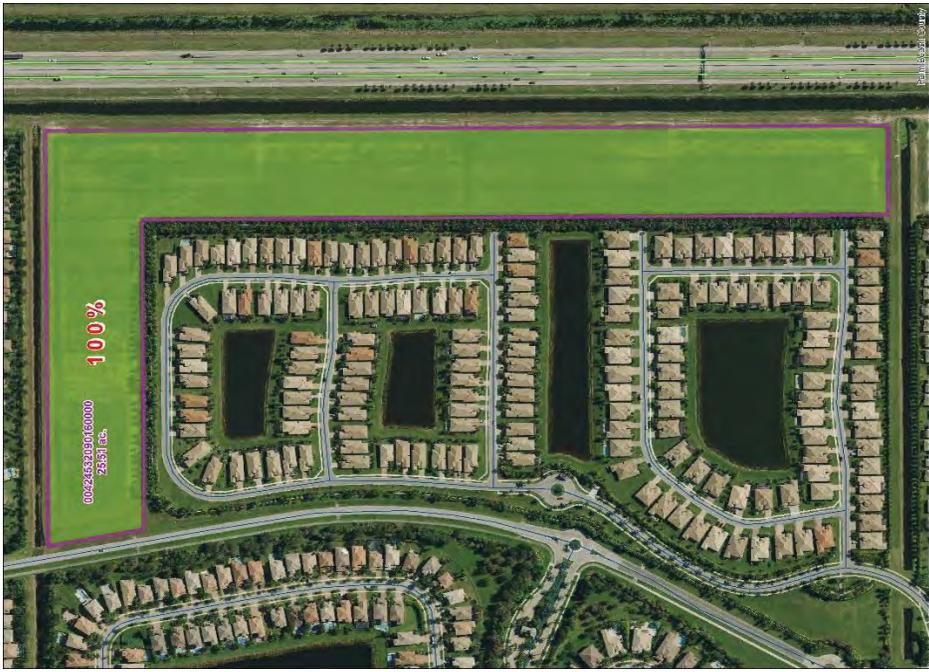
Owner:	Valencia Cove Homeowners Association, Inc.	Zoning:	AGR PUD Preserve	Acres:	25.51	Percentage of Buildings & Parking:	0%
Company:	11596 Acme Dairy Road	Control:	2004-00369 ZV/PDD/DOA-2016-00269	MapID:	13-017pr	Percentage of Growing Area:	100%
PCN:	00424532090160000	1st Reso:	R-2015-0531 Preserve 17-12	Easement:	Yes	Meets 70/30:	Yes
Code Case:	C-2017 10050022, Case Closed						
		2015		% Use Analysis			
		2019 (Jan.)		% Use Analysis			
							

EXHIBIT E AGR TIER ANALYSIS AND LOCATIONS FOR AGR-PUD PRESERVES

Owner:	VIKING GROWERS INC	Zoning:	AGR PUD Preserve	Acres:	6.49	Percentage of Buildings & Parking:	76%
Company:	CE-Viking Growers Inc	Control:	2004-00369; ZV/PDD/DOA-2014-00940	MapID:	13-017pr	Percentage of Growing Area:	24%
PCN:	00424327050520422	1st Reso:	R-2015-0010; Preserve 25	Easement:	Yes	Meets 70/30:	No
Code Case:	CE-2017 03030065e, Contractor Storage Yard/ Adjudicated/Liens						
2005		2019 (Jan.)					
							
% Use Analysis							
							

EXHIBIT E
AGR TIER ANALYSIS AND LOCATIONS FOR AGR-PUD PRESERVES

Owner:	ASHCAR PROPERTIES LLC	Zoning:	AGR PUD Preserve	Acres:	2.33	Percentage of Buildings & Parking:	47%
Company:	4 EVER GREEN LAWN CARE R K P INC	Control:	2002-00068	MapID:	13-022pr	Percentage of Growing Area:	53%
PCN:	00424327050520134	1st Reso:	R-2015-0008 Preserve 12 Rynar	Easement:	Yes	Meets 70/30:	No
Code Case:	C-2018-01220020, NOV/Abeyance	2019 (Jan.)					
2015		% Use Analysis					
							

EXHIBIT E
AGR TIER ANALYSIS AND LOCATIONS FOR AGR-PUD PRESERVES

Owner:	VTV LLC	Zoning:	AGR PUD Preserve	Acres:	4.91	Percentage of Buildings & Parking:	49%
Company:	CE-Southern Scapes / Maximum Services	Control:	2004-00369 ZV/PDD/DOA-2012-2436	MapID:	13-017pr	Percentage of Growing Area:	51%
PCN:	00424618010000460	1st Reso:	R-2013-0204 Preserve 22	Easement:	Yes	Meets 70/30:	No
Code Case:	CE-2018 01020013, NOV/Abeyance						
2013		2019 (Jan.)		% Use Analysis			
							

EXHIBIT E
AGR TIER ANALYSIS AND LOCATIONS FOR AGR-PUD PRESERVES

Owner:	KLEINRICHERT CATHERINE A &	Zoning:	AGR PUD Preserve	Acres:	5.03	Percentage of Buildings & Parking:	10%
Company:	TROPICAL LANDSCAPERS, INC	Control:	Original 2004-616/ TDD/RW/2004-1029	MapID:	13-017pr	Percentage of Growing Area:	90%
PCN:	00414514000005110	1st Reso:	R-XXX 1/2 of Preserve 2	Easement:	Yes	Meets 70/30:	Yes
Code Case:							
2005		2019 (Jan.)					
							
2005		2019 (Jan.)					
		% Use Analysis					
							

EXHIBIT E
AGR TIER ANALYSIS AND LOCATIONS FOR AGR-PUD PRESERVES

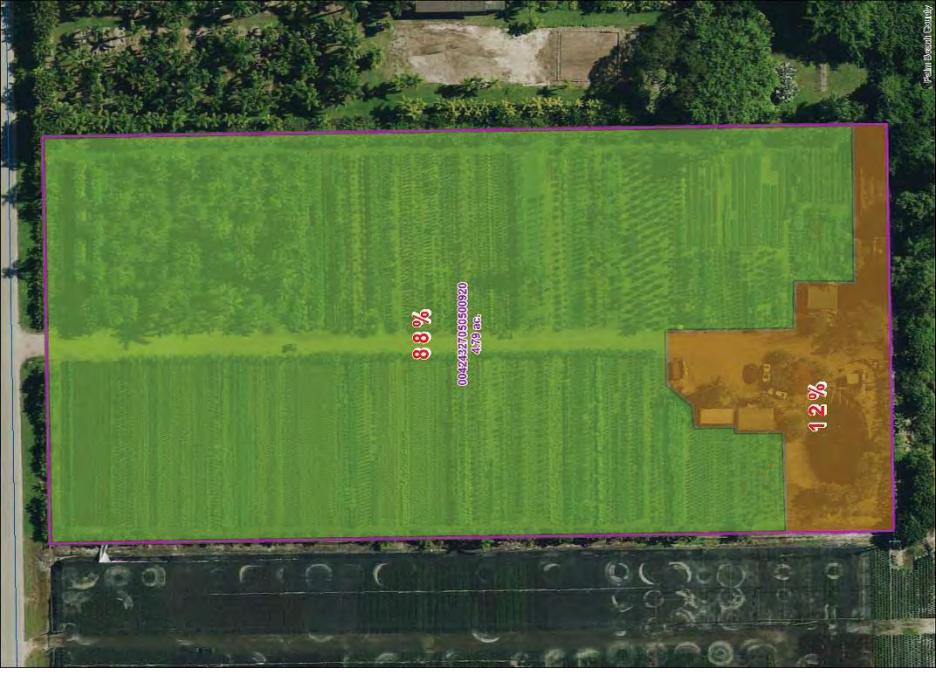
Owner:	MUSTIPHER JAMES &	Zoning:	AGR PUD Preserve	Acres:	4.78	Percentage of Buildings & Parking:	12%
Company:	J M NURSERY & LANDSCAPING Sign says JM Landscaping & Nursery	Control:	2000-00032 ZV/PDD/DOA-2016-269	MapID:	13-006pr	Percentage of Growing Area:	88%
PCN:	00424327050500691 (old) 00424327050500920 (new)	1st Reso:	R-2016-1235 Preserve 15	Easement:	Yes	Meets 70/30:	Yes
Code Case:							
2016		2018		% Use Analysis			
							

EXHIBIT E AGR TIER ANALYSIS AND LOCATIONS FOR AGR-PUD PRESERVES

Owner:	G L HOMES OF PALM BEACH ASSOCIATES LTD	Zoning:	AGR PUD Preserve on 1/2	Acres:	3.66 acres of a 9.59 ac pcn	Percentage of Buildings & Parking:	21%
Company:	Formerly owned by McGrath Farms INC. (Boynton Botanicals LLC)?	Control:	2004-00250/ PDD/DOAW/CA-2016-02029	MapID:	13-016pr part	Percentage of Growing Area:	79%
PCN:	00424327050451080 (portion)	1st Reso:	R-2017-0974 Preserve 10	Easement:	No	Meets 70/30:	Yes
Code Case:							
2015*		2019 (Jan.)					
							

EXHIBIT E
AGR TIER ANALYSIS AND LOCATIONS FOR AGR-PUD PRESERVES

Owner:	STARKEY ROAD PROPERTIES LLC	Zoning:	AGR PUD Preserve	Acres:	29.69	Percentage of Buildings & Parking:	21%
Company:	BRAD'S BEDDING PLANTS, INC.	Control:	2002-00067 . PDD-2002-00067	MapID:	13-012pr	Percentage of Growing Area:	79%
PCN:	00424608030010000	1st Reso:	R-2003-0564 Pres 6	Easement:	Yes	Meets 70/30:	Yes
Code Case:							
2005*		2019 (Jan.)		% Use Analysis			
							

EXHIBIT E
AGR TIER ANALYSIS AND LOCATIONS FOR AGR-PUD PRESERVES

AGR ZONING (BCC Directed 5 AGR parcels to be included in the Code Amendments)

Owner:	Gasper / Isabel TOMAS ISABEL, GASPER TOMAS	Zoning:	AGR	Acres:	4.79	Percentage of Buildings & Parking:	20%
Company:		Control:	None	MapID:	None	Percentage of Growing Area:	80%
PCN:	00424327050500940	1st Reso:	None	Easement:	None	Meets 70/30:	Yes
Code Case:	Purchase in 2017						
2005*		2019 (Jan.)		% Use Analysis			
							

EXHIBIT E
AGR TIER ANALYSIS AND LOCATIONS FOR AGR-PUD PRESERVES

Owner:	Tree Z	Zoning:	AGR	Acres:	4.99	Percentage of Buildings & Parking:	29%
Company:	South Florida Landscape Maintenance	Control:	2018-00021; 2018-00037	MapID:		Percentage of Growing Area:	71%
PCN:	00424619010001250	1st Reso:	DRO 2018-00593; ZR-2018-0029	Easement:	158 th Rd easement	Meets 70/30:	Yes
Code Case:	Purchase 1999						
		2005		2019 (Jan.)		% Use Analysis	
							

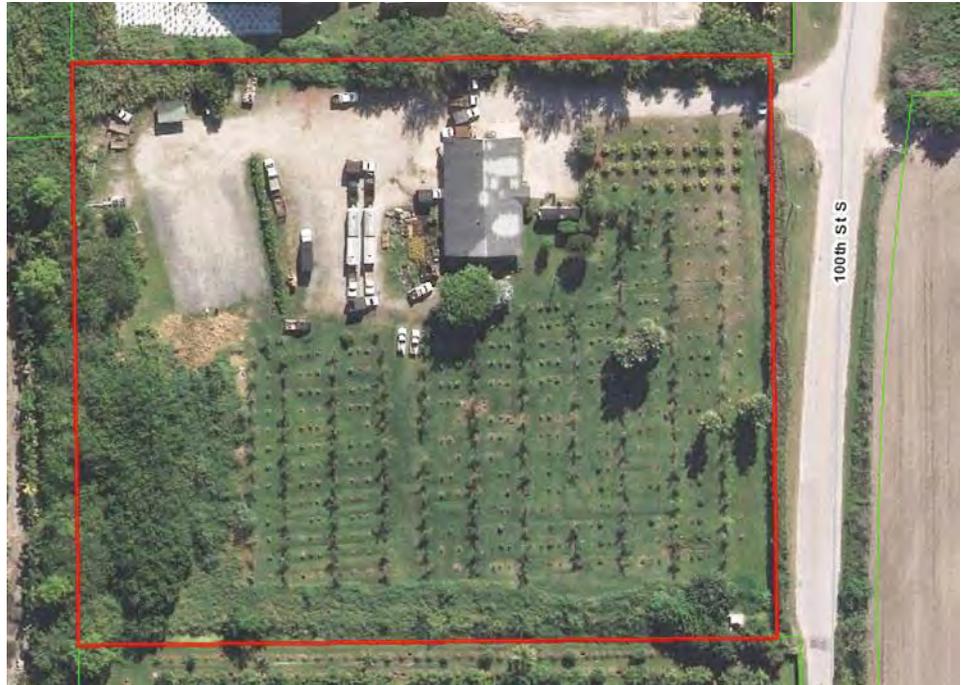
**EXHIBIT E
AGR TIER ANALYSIS AND LOCATIONS FOR AGR-PUD PRESERVES**

Owner:	Gaglianella	Zoning:	AGR	Acres:	4.99	Percentage of Buildings & Parking:	25%
Company:	Sun & Shade Landscaping, Stina Brothers Landscape	Control:	None	MapID:		Percentage of Growing Area:	75%
PCN:	00424619010001020	1st Reso:	None	Easement:	158th Road easement	Meets 70/30:	Yes
Code Case:	Owned Since 1978						
2005		2019 (Jan.)		% Use Analysis			
							

**EXHIBIT E
AGR TIER ANALYSIS AND LOCATIONS FOR AGR-PUD PRESERVES**

Owner:	TWIN STATES HOLDINGS LLC	Zoning:	AGR PUD Preserve as of March 11, 2020	Acres:	4.85	Percentage of Buildings & Parking:	28%
Company:	CE-Kaufman Lawn Services / Twin States Marketing	Control:	2004-00369, ZV/PDD/DOA-2014-00940	MapID:	13-017pr	Percentage of Growing Area:	72%
PCN:	00424327050520461	1st Reso:	R-2015-0010; Preserve 34 "Active nursery with shade structures"	Easement:	No	Meets 70/30:	Yes
Code Case:	CE-2018 01220009, NOV/Abeyance	NOTE: This parcel was removed from the AGR-PUD					

2015



2019 (Jan.)



% Use Analysis



EXHIBIT F
ARTICLE 4 – USE REGULATIONS
COMMERCIAL RECREATION ZONING DISTRICT WITH RURAL
RESIDENTIAL FUTURE LAND USE DESIGNATION

CR-2019-0032
(Updated 03/30/2020)

Part 1. ULDC Art. 4.B.2.C, Use Regulations, Use Classification, Commercial Uses, Definitions and Supplementary Standards for Specific Uses (page 41 and 55 of 199, Supplement 27), is hereby amended as follows:

Reason for amendments: [Zoning]
1. As part of the 2019-02 Round of Amendments, references to the Commercial Recreation (CRE) Zoning District with a Rural Residential (RR) Future Land Use (FLU) designation were deleted from the Code as there were no existing parcels that met the criteria. Further review of the Code by Staff found that there are uses in Art. 4, Use Regulations that reference approval processes based on parcels zoned CRE with an RR FLU. These additional provisions are also being removed from the Code since the use can no longer be done in the CRE Zoning District.

1 **CHAPTER B USE CLASSIFICATION**

2

3 **Section 2 Commercial Uses**

4

5 **C. Definitions and Supplementary Standards for Specific Uses**

6

7 **18. Hotel or Motel**

8

9 **b. Approval Process**

10 ~~1) CRE District~~

11 ~~May only be located in an RR FLU designation subject to a Class A Conditional Use.~~

12 ~~2) TMD District – U/S Tier~~

13 The use may be Permitted by Right when located in the CH FLU designation.

14

15

16 **38. Single Room Occupancy (SRO)**

17 **a. Definition**

18 An establishment with lodging for five or more persons housed in individual rooms, where
19 meals may or may not be regularly prepared and served, and facilities such as kitchen and
20 bathrooms may be shared with other residents.

21 ~~b. Zoning District – CRE~~

22 ~~SRO may only be allowed in the RR FLU designation.~~

23 **39. Theater and Performance Venue**

24

25 **c. Approval Process**

26 ~~1) In the CRE Zoning District, the use shall not be allowed in RR FLU designation.~~

27 ~~2) May be Permitted by Right if it is indoor and less than 15,000 square feet of GFA, and~~
28 ~~located in the zoning districts where the use is allowed, unless stated otherwise.~~

29

30

Part 2. ULDC Art. 4.B.2.C, Use Regulations, Use Classification, Institutional, Public, and Civic Uses, Definitions and Supplementary Standards for Specific Uses (page 74 of 199, Supplement 27), is hereby amended as follows:

31

32 **Section 4 Institutional, Public, and Civic Uses**

33

34 **7. Day Care**

35

36 ~~e. Zoning District – CRE District~~

37 ~~A General Day Care shall not be located in a CRE Zoning District with an RR FLU~~
38 ~~designation.~~

39

40 **[Re-letter accordingly]**

U:\Zoning\CODEREV\Code Amendments\2020\02- LDRAB\05-May 27 2020\5- LDRAB-LDRC Packet\Exh. F- CR-2019-0032 Art. 4, CRE Zoning District with RR FLU Designation.docx

Notes:

Underlined indicates **new** text.

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

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

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

This page left blank intentionally

EXHIBIT G

ARTICLE 4 – USE REGULATIONS TEMPORARY USES

CR-2019-0024
(Updated 03/30/2020)

Part 1. ULDC Art. 4.B.11.C.3, Use Regulations, Use Classification, Temporary Uses, Definitions and Supplementary Standards for Specific Uses (page 193 and 197 of 199, Supplement 27), is hereby amended as follows:

Reason for amendments: [Zoning]
1. This amendment modifies the definition of Mobile Retail Sales to include the sale of food as the current definition only addresses Retail Sales. The average application request under this use approval is for food vendors, which results in the need to expand the use definition.
2. Staff has suggested recommending new criteria for when Mobile Retail Sales is separated from residential by a right of way (R-O-W). An 80-foot-wide R-O-W separating a Mobile Retail Sales use from residential ensures adequate distance from the residential use.
3. The replacement of “vehicles” with “temporary parking areas” clarifies that temporary parking for a Special Event will have to be set back a minimum of 200 feet from a residential use. Existing parking is not subject to the 200-foot requirement.
4. Remove rule related to the 200-foot setback applicable to residential FLU designation from Special Events. This is a temporary use and the impact of the use is only to the existing adjacent uses, instead of the future uses of the land.

1 **CHAPTER B USE CLASSIFICATION**

2

3 **Section 11 Temporary Uses**

4

5 **C. Definitions and Supplementary Use Standards for Specific Uses**

6

7 **3. Mobile Retail Sales**

8 **a. Definition**

9 General ~~r~~Retail ~~s~~Sales, including the sale of food, from a mobile vehicle or a portable trailer
10 without a fixed or permanent location.

11

12 **d. Setbacks**

13 The use shall be set back a minimum of 200 feet from any property line of an existing
14 residential use, unless:

15 1) This requirement shall not apply if a permanent building or structure blocks the view of
16 the Mobile Retail Sales from residential; or

17 2) a minimum 80-foot Local Commercial Street separates both uses.

18

19

20 **8. Special Event**

21

22 **g. Setbacks**

23 All buildings, trailers, ~~vehicles~~temporary parking areas, tents, mechanical devices, rides,
24 animals, and related equipment and activities shall be set back as follows:

25 1) A minimum of 50 feet from any adjacent streets.

26 2) A minimum of 200 feet setback is required from any property line with an existing
27 residential use ~~or FLU designation. This requirement may be exempt if the residential~~
28 ~~parcel has no existing residential structures.~~

29

U:\Zoning\CODEREV\Code Amendments\2020\02- LDRAB\05-May 27 2020\5- LDRAB-LDRC Packet\Exh. G - CR-2019-0024 Art. 4, Mobile Retail Sales.docx

Notes:

Underlined indicates new text.

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

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

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

This page left blank intentionally

EXHIBIT H

ARTICLE 5 – SUPPLEMENTARY STANDARDS
WORKFORCE HOUSING PROGRAM LOW-INCOME CATEGORY
RENTAL REQUESTS

CR-2020-0008
(Updated 04/07/20)

Part 1. ULDC Art. 5.G.1.D.2.f, Supplementary Standards, Density Bonus Programs, Workforce Housing Program, Delivery of WHP Units, Rental Units, Compliance Reporting (page vi of 106, Supplement 27), is hereby amended as follows:

Reason for amendments: [County Administration/Planning]
1. Some projects with Workforce Housing Program (WHP) rental units are reporting that the market conditions in their areas do not support charging rents in even the lowest rent category permissible in the WHP. This change will permit those Property Owners to request approval to rent to households with incomes that fall below the Low-Income category, at rents below the minimum in the Low-Income category.

1 CHAPTER G DENSITY BONUS PROGRAMS

2 Section 1 Workforce Housing Program

3

4 D. Delivery of WHP Units

5

6 2. Rental Units

7

8 f. Compliance Reporting

9 The owner of the WHP unit shall submit to the Planning Director, or designee, on a form
10 provided by the County, an annual report containing information and documentation to
11 demonstrate continued compliance with the WHP. The County may conduct site visits at
12 reasonable times, or perform other independent investigation to verify continued
13 compliance with the WHP. The owner of the WHP units shall also provide notice to the
14 Planning Director or designee of a change in management company no later than 30 days
15 after the change occurs. The owner of a WHP unit may request approval from the Executive
16 Director of the Planning, Zoning and Building Department, or designee to rent the unit to a
17 household having an income below 60 percent of Area Median Income, at a price below
18 the minimum rent for the Low-Income category. The request is to include documentation
19 of the owner's efforts to market the unit in the WHP income categories and other
20 information demonstrating that current area market conditions do not support the rental of
21 the unit to households in the 60 to 80 percent Low-Income category. The Executive Director
22 of the Planning, Zoning and Building Department, or designee, in consultation with the
23 Department of Housing and Economic Sustainability, shall consider the documentation
24 provided, the income characteristics of the census block(s) or tract(s) where the
25 development is located, and any other relevant information in determining whether to grant
26 the request. [Ord. 2019-033]

27

U:\Zoning\CODEREV\Code Amendments\2020\02- LDRAB\05-May 27 2020\5- LDRAB-LDRC Packet\Exh. H - CR 2020-0008 Art. 5, Workforce Housing Program Low-Income Category Rental Requests.docx

Notes:

Underlined indicates **new** text.

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

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

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

This page left blank intentionally

EXHIBIT I

ARTICLES 1, 3, 4, AND 6 – PARKING GLITCH CORRECTIONS

CR-2020-0007
(Updated 03/30/20)

Part 1. ULDC Art. 1.H.2.P.18, General Provisions, Definitions and Acronyms, Definitions, Parking, Off-Street (page 76 of 111, Supplement 27), is hereby amended as follows:

Table with 2 columns: Reason for amendments: [Zoning] and 1. Update the term "Parking, Off-Street" to "Parking, On-Site" to be consistent with amendments to Article 6, Parking, Loading, and Circulation in Ordinance No. 2020-001.

1 CHAPTER H DEFINITIONS AND ACRONYMS

2

3 Section 2 Definitions

4

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

6

7 18. Parking, Off-StreetOn-Site – for the purposes of Art. 6, Parking, Loading, and Circulation, the
8 minimum number of parking spaces on the same lot or parcel of the facility that it serves.

9

Part 2. ULDC Art. 3.B.4.F.1.e.1), Overlays and Zoning Districts, Overlays, GAO, Glades Area Overlay, Planned Industrial Park Development (PIPD), Development Standard Exceptions, Parking and Loading in Industrial Pods, Loading Area Screening (page 27 of 213, Supplement 27), is hereby amended as follows:

Table with 2 columns: Reason for amendments: [Zoning] and 1. Remove reference to a non-applicable Subsection that was removed per Exhibit G, Part 1 of Ordinance No. 2015-031. 2. Consolidate existing subparagraph a) under Loading Area Screening.

10 CHAPTER B OVERLAYS

11

12 Section 4 GAO, Glades Area Overlay

13

14 F. Planned Industrial Park Development (PIPD)

15 1. Development Standard Exceptions

16

17 e. Parking and Loading in Industrial Pods

18 1) Loading Area Screening

19 a) Loading spaces, docks and, associated maneuvering areas not visible from a
20 public street are exempt from screening requirements of Art. 6.E.4.A.3.b, Loading
21 Area Screening; and [Ord. 2014-025]

22 b) Loading areas are not subject to the provisions of Art. 6.B.1.F.3, Single Tenant.
23 [Ord. 2014-025]

24

25 Part 3. ULDC Art. 4.B.11, Use Regulations, Use Classification, Temporary Uses (page 194 and 195 of 199, Supplement 27), is hereby amended as follows:

Table with 2 columns: Reason for amendments: [Zoning] and 1. Remove language for Real Estate Sales and Management Office, PDD or TDD parking requirements that references Florida Statutes on enforcement of handicapped parking, some of which are obsolete, rather than construction standards, and cross reference the applicable section of Art. 6.B.1.C, Parking Spaces for Persons Who Have Disabilities. 2. Remove duplicative language for Real Estate Sales Model, PDD or TDD already covered in Table 6.B.1.B, Minimum Parking and Loading Requirements.

26 CHAPTER B USE CLASSIFICATION

27

28 Section 11 Temporary Uses

U:\Zoning\CODEREV\Code Amendments\2020\02- LDRAB\05-May 27 2020\5- LDRAB-LDRC Packet\Exh. I - CR-2020-0007 Art. 1, 3, 4, and 6, Parking Reference Glitch Corrections.docx

Notes: Underlined indicates new text. Stricken indicates text to be deleted. Stricken and italicized means text to be totally or partially relocated. If being relocated destination is noted in bolded brackets [Relocated to:]. Italicized indicates text to be relocated. Source is noted in bolded brackets [Relocated from:]. A series of four bolded ellipses indicates language omitted to save space.

EXHIBIT I

ARTICLES 1, 3, 4, AND 6 – PARKING GLITCH CORRECTIONS

**CR-2020-0007
(Updated 03/30/20)**

1
2 **C. Definitions and Supplementary Use Standards for Specific Uses**

3
4 **5. Real Estate Sales and Management Office, PDD or TDD**

5
6 **e. Parking**
7 A minimum of two parking spaces, plus one for each employee on the shift of greatest
8 employment, shall be provided. All parking areas, with the exception of handicap spaces
9 and access, shall be provided on a hard surface of pavement, asphalt, shell rock, or mulch,
10 provided the subgrade is compacted. Handicap spaces and access shall be provided in
11 accordance with ~~F.S. § 316.1955, F.S. § 316.1956, and F.S. § 553.48~~**Art. 6.B.1.C, Parking**
12 **Spaces for Persons Who Have Disabilities. [Ord. 2019-005]**

13
14 **6. Real Estate Sales Model, PDD or TDD**

15
16 ~~**g. Parking**~~
17 ~~A minimum of two parking spaces per model shall be provided. The parking area shall~~
18 ~~comply with Art. 6, Parking, Loading, and Circulation.~~
19 ~~....[Re-letter accordingly]~~

Part 4. ULDC Art. 6.B.1.B, Parking, Loading, and Circulation, Parking and Loading, Calculation, Minimum Parking Requirements (page 5 of 35, Supplement 27), is hereby amended as follows:

Reason for amendments: [Zoning]
1. Remove a requirement for guest parking for Cottage Homes inadvertently left in for the Final Adoption of Ordinance No. 2020-001, which was proposed to be removed in previous hearings.

20 **CHAPTER B PARKING AND LOADING**

21 **Section 1 Calculation**

22
23 **B. Minimum Parking Requirements**

Table 6.B.1.B – Minimum Parking and Loading Requirements

	Parking	Loading
Use Classification: Residential		
Congregate Living Facility, Type 1, Type 2, Type 3	0.6 spaces per unit or 0.25 per resident/bed whichever is greater; plus 1 space per 250 sq. ft. of office space	A (12)
Multifamily and Cottage Home (Multiple Units on a Single Lot)	1 space per efficiency unit; 1.75 spaces per unit (1 bedroom or more); plus 1 guest parking space per 4 units with common parking areas	N/A
Single Family, Cottage Home (Single Unit on a Single Lot), Zero Lot Line Home, Townhouse, Farm Residence, or Mobile Home Dwelling	2 spaces per unit; plus 1 guest parking space per 4 units with common parking areas for Cottage Homes	N/A
....		

25

U:\Zoning\CODEREV\Code Amendments\2020\02- LDRAB\05-May 27 2020\5- LDRAB-LDRC Packet\Exh. I - CR-2020-0007 Art. 1, 3, 4, and 6, Parking Reference Glitch Corrections.docx

Notes:
Underlined indicates **new** text.
~~Stricken~~ indicates text to be **deleted**. ~~Stricken and italicized~~ means text to be totally or partially relocated. If being relocated destination is noted in bolded brackets **[Relocated to:]**.
Italicized indicates text to be relocated. Source is noted in bolded brackets **[Relocated from:]**.
 A series of four bolded ellipses indicates language omitted to save space.

EXHIBIT I

ARTICLES 1, 3, 4, AND 6 – PARKING GLITCH CORRECTIONS

CR-2020-0007
(Updated 03/30/20)

Part 5. ULDC Art. 6.E.2.A.2, Parking, Loading, and Circulation, Loading Standards, Calculation, Loading Standards, Fractions, (page 31 of 35, Supplement 27), is hereby amended as follows:

Reason for amendments: [Zoning]
1. Remove “off-street” in the Fractions Subsection of Loading Standards inadvertently left per reorganization of Art. 6, Parking in Ordinance No. 2020-001, where similar instances of which it was removed.

1 **CHAPTER E LOADING STANDARDS**

2

3 **Section 2 Calculation**

4 **A. Loading Standards**

5

6 **2. Fractions**

7 When calculation of the number of required ~~off-street~~ loading spaces results in a fractional
8 number, a fraction of less than one-half shall be disregarded and a fraction of one-half or more
9 shall be rounded to the next highest full number. **[Ord. 2016-042]**

U:\Zoning\CODEREV\Code Amendments\2020\02- LDRAB\05-May 27 2020\5- LDRAB-LDRC Packet\Exh. I - CR-2020-0007 Art. 1, 3, 4, and 6, Parking Reference Glitch Corrections.docx

Notes:

Underlined indicates **new** text.

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

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

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

This page left blank intentionally

EXHIBIT J

ARTICLE 3 – OVERLAYS AND ZONING DISTRICTS ZERO LOT LINE RESIDENTIAL USES

CR-2017-0029
(Updated 05/15/20)

Part 1. ULDC Art. 3.D.1.D.5, Overlays and Zoning Districts, Property Development Regulations (PDRs), PDRs for Standards Zoning Districts, PDRs, Setback Exceptions (pages 122 and 126 of 213, Supplement 27), is hereby amended as follows:

Reason for amendments: [Zoning]
1. Add new footnote relating to a ZLL home adjacent to a Single Family Dwelling (SFD), requiring an increased setback of from seven and one-half feet to ten feet, when the ZLL side abuts the SF lot. This will ensure the same distance from the SF home as if it were a ZLL home.
2. Add in missing measurement references. Measurement references (unit of measurement) will be added to the entire Table.
3. Modify the setback exceptions for balconies. The existing language was adopted in August 2005 to allow for balconies on SF and ZLL homes. The proposed amendment will delete repeated front setback references described in the beginning sentence, but keep reference that the encroachment will not apply to a balcony that is included as part of the home where there is a reduced setback for the side loading garage. Addition of a cross reference to setback exceptions for the side loading garage.
3. Delete the restriction that the balcony width is limited to 25 percent of the total width of the front façade. This limitation is too restrictive and has impacts of the design and proportion to the home.
4. Deletion of the ten-foot setback from the ZLL property line, and inclusion of setbacks for ZLL home balconies included under the ZLL Section of the Code. Setbacks are proposed to be modified to be consistent with other setback requirements of ZLL.

1 **CHAPTER D PROPERTY DEVELOPMENT REGULATIONS (PDRs)**

2 **Section 1 PDRs for Standard Zoning Districts**

3 **A. PDRs**

4 The minimum lot dimensions, density, maximum FAR, maximum building coverage, and minimum
5 setbacks in each Standard Zoning District are indicated in Table 3.D.1.A, Property Development
6 Regulations (PDRs) unless otherwise stated. Front, side, side street, and rear setbacks shall be
7 applied in accordance with the lot orientation as defined by lot frontage. **[Ord. 2005-041] [Ord.**
8 **2019-005]**

Table 3.D.1.A – Property Development Regulations

Zoning District	Min. Lot Dimensions			Density (5)	Max. FAR (6)	Max. Building Coverage	Min. Setbacks (11)			
	Size	Width and Frontage	Depth				Front	Side	Side Street	Rear
....										
Residential										
AR	(2)(3)(4)	300'	300'	-	0.15	15%	100'	50'	80'	100'
RE	2.5 ac.	200'	200'	-	-	20%	50'	40'	50'	50'
RT (LR-1)	20,000 sq. ft.	100'	125'	-	-	30%	25'	15'	25'	25'
RT (LR-2)	14,000 sq. ft.									
HR-18										
RS	6,000 sq. ft.	65'	75'	-	-	40%	25'	7.5' (14)	15'	15'
RM	(5)	65'	75'	-	-	40%	25'	15'	25'	15' (12)
....										
[Ord. 2005-002] [Ord. 2005-041] [Ord. 2010-005] [Ord. 2010-022] [Ord. 2012-027] [Ord. 2016-042] [Ord. 2017-007]										
Notes:										
1.	The only density allowed in the AP Zoning District is for properties in the LR-1 FLU category located north of Pahokee, on the east side of U.S. 441, for the unincorporated community of Canal Point, in the Glades Tier only. [Ord. 2005-002]									
....										
14.	<u>Side setback for a SFD shall be increased to ten feet when adjacent to the ZLL side property line of a ZLL home, pursuant to Art. 3.D.2.B.1.d, ZLL Adjacent to Other Housing Types. The SF lot shall have an easement recorded pursuant to Art. 3.D.2.B.3.e, Access, Maintenance, and Roof Overhang Easement.</u>									

10
11
12

13 **5. Setback Exceptions**

The following structures, projections, and improvements shall be allowed within required setbacks:

14 **a. Structures, Projections, and Improvements Permitted in Setbacks**

- 15 1) Arbors and trellises less than ten feet in height, subject to a minimum three-foot setback;
- 16 2) Balconies projecting a maximum of three feet into the front setback of a SFD or ZLL home, ~~subject to the following limitations:~~ **[Ord. 2005-041]**

17
18
19 U:\Zoning\CODEREV\Code Amendments\2020\02- LDRAB\05-May 27 2020\5- LDRAB-LDRC Packet\Exh. J - CR 2017-0029 Art. 3, Zero Lot Line Residential Uses.docx

Notes:

Underlined indicates **new** text.

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

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

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

EXHIBIT J

**ARTICLE 3 – OVERLAYS AND ZONING DISTRICTS
ZERO LOT LINE RESIDENTIAL USES**

**CR-2017-0029
(Updated 05/15/20)**

- 1 a) ~~Limited to the front setback only,~~ not including ~~reduced~~ setbacks allowed for side
2 loading garages pursuant to ~~Table 3.D.2.B, ZLL Property Development~~
3 ~~Regulations, Table 3.D.2.B, Double ZLL Property Development Regulations, or~~
4 ~~Art. 3.E.2.E.1.b, Side Loading Garage;~~ [Ord. 2005-041]
5 b) ~~Total combined width of balconies projecting into front setback shall not exceed 25~~
6 ~~percent of the total width of the front façade;~~ [Ord. 2005-041]
7 c) ~~ZLL homes with balconies projecting into the front setback shall have a minimum~~
8 ~~ten-foot side setback from the ZLL; and,~~ [Ord. 2005-041]
9 d) ~~Excluding side loading garages.~~ [Ord. 2005-041]
10 3) Permanent/retractable awnings, canopies, or Bahama shutters projecting a maximum
11 of three feet into a setback, and having no support other than provided by the wall or
12 structure to which it is attached; [Ord. 2005-041] [Ord. 2014-025]
13

Part 2. ULDC Art. 3.D.2.B, Overlays and Zoning Districts, Property Development Regulations (PDRs), PDRs for Specific Housing Types (pages 129-134 of 213, Supplement 27), is hereby amended as follows:

Reason for amendments: [Zoning]
1. Reorganize and consolidate Art. 3.D.2.B, Zero Lot Line (ZLL) and Art. 3.D.2.C, ZLL Design Standards so that ZLL requirements are in one Heading.
2. Modify the ZLL PDR Table to provide clarification on the setbacks for the different ZLL home types. The different types are based on the subdivision plan and the location of the ZLL side property line.
3. Add in missing measurement references.
4. Delete Footnote 1 as it is redundant to other Sections of Art. 3.D, Property Development Regulations (PDRs) on how to measure setbacks. Lot frontage is also defined in Art. 1.H.2, Definitions.
5. Delete Footnote 2, as the requirements for connections to driveways to streets are described in Article 6, Parking Loading and Circulation.
6. Delete Footnote 3, as the requirements for mechanical equipment screening is described in Article 5. Article 3 has an exception for mechanical equipment and its allowance within the setback.
7. Delete Figure for ZLL Property Development Regulations. Figure will be replaced under Part 4.

14 **CHAPTER D PROPERTY DEVELOPMENT REGULATIONS (PDRs)**

15

16 **Section 2 PDRs for Specific Housing Types**

17

18 **B. Zero Lot Line (ZLL)**

19 **1. Property Development Regulations**

20 The minimum lot dimensions, maximum height, maximum building coverage, and minimum
21 setbacks for ZLL homes in all districts where they are permitted, shall be as follows:
22

Table 3.D.2.B – ZLL Property Development Regulations

Lot Dimensions			Max. Height	Building Coverage	Setbacks				
Size	Width and Frontage	Depth			Front	ZLL Side	Side	Side Street	Rear
4,500 sq. ft.	45' – i Interior 50' – c corner 55' – s side street home	75'	35'	50%	10' – u Unit; 25' – f Front loading garage;	0'	10'	10' N/A	10'
	50' – c Corner 55' – s Side Street home				0'	N/A	10'	10'	
					N/A	10'	10'	10'	
[Ord. 2005-041]									
Notes:									
1.	Lot frontage may be measured from the required front building setback.								
2.	The driveway of a front loading or side loading garage shall intersect the street at or near a 90-degree angle to the road center line. The driveway of a ZLL home shall intersect the street R-O-W at a 90-degree angle for a minimum length of five feet on both sides.								
3.	Mechanical equipment shall be screened and oriented away from the front door and private outdoor space of the adjacent lot.								

23

U:\Zoning\CODEREV\Code Amendments\2020\02- LDRAB\05-May 27 2020\5- LDRAB-LDRC Packet\Exh. J - CR 2017-0029 Art. 3, Zero Lot Line Residential Uses.docx

Notes:

Underlined indicates **new** text.

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

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

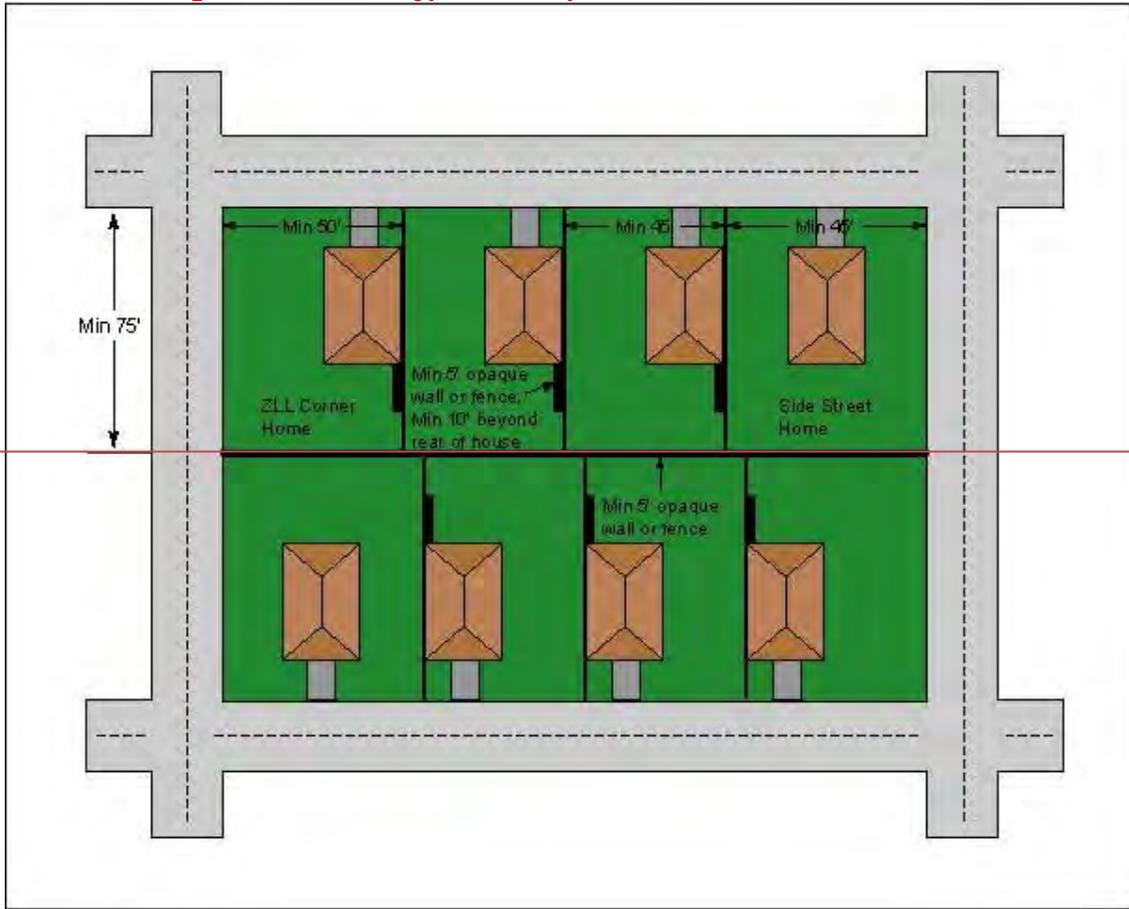
.... A series of four bolded ellipses indicates language omitted to save space.

EXHIBIT J

ARTICLE 3 – OVERLAYS AND ZONING DISTRICTS
ZERO LOT LINE RESIDENTIAL USES

CR-2017-0029
(Updated 05/15/20)

Figure 3.D.2.B-7 – Typical Example of ZLL and Side Street Home



[Ord. 2005-041]

1 [Partially relocated to: Art. 3.D.2.B.2.b, Side Street Home]

Part 3. ULDC Art. 3.D.2.B, Overlays and Zoning Districts, Property Development Regulations (PDRs), PDRs for Specific Housing Types (pages 129-134 of 213, Supplement 27), is hereby amended as follows:

Reason for amendments: [Zoning]
1. Delete Heading C, ZLL Design Standards in order to consolidate Subheadings for ZLL in one location.
2. Delete Heading 1, Location criteria in order to create new Heading for specific property development regulations of ZLL homes.
3. Add new Subheading a ZLL side setback. This Subheading will include existing and relocated language specific for the ZLL side setback in one location. Add an exception for the Side Street Home, as this type of ZLL is not located on a property line, due to the configuration of the subdivision.
4. Add relocated language, from Part 5, that describes the minimum length of a home that is required to be on the ZLL side property line. [Relocated from: Art. 3.D.2.C.6, Zero Setback]
5. Add relocated language, Part 5, requiring a minimum setback from the ZLL side property line for that portion of the home, not constructed at the property line. [Relocated from: Art. 3.D.2.C.7, Remaining Setback] Add an exception reference for the Double ZLL design, and exceptions for Design Criteria relating to the materials for windows and doors.
6. Delete access requirements, as it is redundant to the requirements of Art. 11, Subdivision, Platting, and Required Improvements.
7. Relocate Height Limitations and Figure under new Design Standards heading under Part 6. [Relocated to: Art. 3.D.2.B.3.a, Height Limitation]
8. Delete parking requirements as they are redundant to the requirements described under Parking in Art. 6, Parking, Loading and Circulation.

2 CHAPTER D PROPERTY DEVELOPMENT REGULATIONS (PDRs)

3

U:\Zoning\CODEREV\Code Amendments\2020\02- LDRAB\05-May 27 2020\5- LDRAB-LDRC Packet\Exh. J - CR 2017-0029 Art. 3, Zero Lot Line Residential Uses.docx

Notes:

Underlined indicates **new** text.

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

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

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

EXHIBIT J

ARTICLE 3 – OVERLAYS AND ZONING DISTRICTS
ZERO LOT LINE RESIDENTIAL USES

CR-2017-0029
(Updated 05/15/20)

Section 2 PDRs for Specific Housing Types

....
B. Zero Lot Line (ZLL)
1. ~~Location~~ Property Development Regulations

....
C. ~~ZLL Design Standards~~

1. ~~Location~~

a. ZLL Side Setback

1) A ZLL home shall be located on a minimum of one, but not more than two, property lines, except as stated in Art. 3.D.2.B.1.b, Side Street Home. [Ord. 2005-002]

2) ~~A minimum of 20 feet of the length of the home under air or occupied by a totally enclosed area under roof which is attached to and directly accessible from an air conditioned living area, such as a garage or storage area, shall be located on one lot line and shall have a zero-foot setback from the lot line.~~ [Relocated from: Art. 3.D.2.C.6, Zero Setback]

(a) ~~The remaining portion of the home along the ZLL side shall be set back a minimum of four feet from the zero property line, unless otherwise stated herein Art. 3.D.2.B.1.c, Double ZLL Home, and Art. 3.D.2.B.3, Design Standards.~~ [Relocated from: Art. 3.D.2.C.7, Remaining Setback]

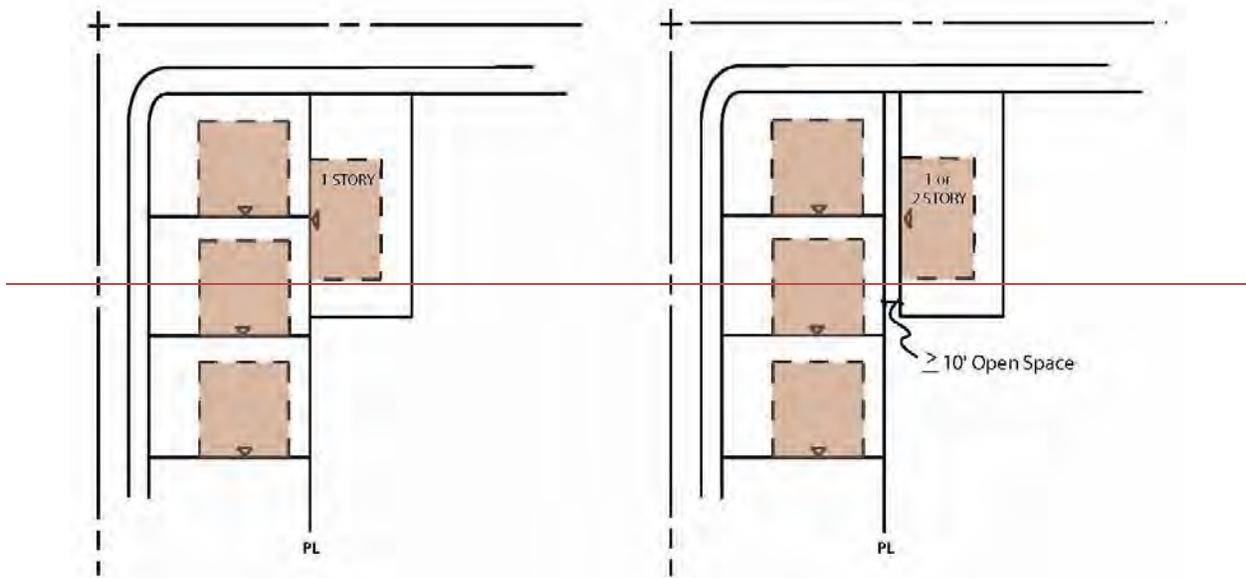
2. ~~Access~~

~~ZLL homes and side street homes within a planned development may front on a Residential Access Street subject to Table 11.E.2.A-1, Chart of Access of Hierarchy. Residential subdivisions located outside of a planned development shall provide access to lots as required by Art. 11.E.2.A.25, Guardhouses.~~

3. ~~Height Limitation~~

~~Buildings or structures shall not exceed 35 feet in height. Lots with a ZLL side that abuts or is separated from the rear property line of an adjacent lot by less than 10 feet shall be limited to one story in height.~~ [Ord. 2009-040] [Relocated to: Art. 3.D.2.B.3.a, Height and Story Limitation]

Figure 3.D.2.C – ZLL Height Limitations Based on Separation



[Ord. 2009-040]

[Relocated to: Art. 3.D.2.B.3.a, Height and Story Limitation]

4. ~~Parking~~

~~Each ZLL and side street home shall have a minimum of two parking spaces and shall comply with the requirements of Art. 6, Parking, Loading, and Circulation.~~

U:\Zoning\CODEREV\Code Amendments\2020\02- LDRAB\05-May 27 2020\5- LDRAB-LDRC Packet\Exh. J - CR 2017-0029 Art. 3, Zero Lot Line Residential Uses.docx

Notes:

Underlined indicates **new** text.

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

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

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

EXHIBIT J

ARTICLE 3 – OVERLAYS AND ZONING DISTRICTS ZERO LOT LINE RESIDENTIAL USES

CR-2017-0029
(Updated 05/15/20)

Part 4. ULDC Art. 3.D.2.B, Overlays and Zoning Districts, Property Development Regulations (PDRs), PDRs for Specific Housing Types (pages 129-134 of 213, Supplement 27), is hereby amended as follows:

Reason for amendments: [Zoning]
1. Relocate requirements for ZLL Side Street homes to be under the Property Development Regulations Subheading. Relocation consolidates the requirements for the PDRs under the same Heading. The Side Street home does not abut a property line due to the layout of the subdivision and the ZLL sides. The ZLL side property line may not abut a street. Addition of a cross reference to the PDR Table for the required setbacks.
2. Add Figure for the different ZLL lot layouts as described in Part 2, Table 3.D.2.B – ZLL Property Development Regulations with Figures and dimensions for the PDRs. Replaced Figure is easier to read without colors and additional references.
3. Add new Heading and associated property development regulations for the Double Zero Lot Line type home. Double Zero Lot Line homes are allowed under the existing Code provisions and under the previous 1973 Code previous. The specific PDRs for the Double ZLL were not carried forward under Ordinance No. 2003-067, but were consolidated with the standard ZLL homes. The added language is to clarify the PDRs should a Double ZLL home be developed, or request for modification of an existing approval.
4. Carried forward existing language for ZLL home that also applied to a Double ZLL for the portion of the home that abuts the side property lines. Include minimum length of 20 feet on the property line when it is a corner lot, and ten feet on each property line when it is the Double ZLL. The total of 20 feet on a property line would be required. The minimum 10 foot dimension is to ensure that the portion of the home on the ZLL side is under air or occupied with an enclosed area, and not an ornamental design feature. Clarify that the portion of the Double ZLL not constructed on the property line must be ten feet from said property line. This is consistent with the 10-foot side setback for the other ZLL homes.
5. Add new Table 3.D.2.B – Double ZLL Property Development Regulations, to describe the minimum lot sizes, height, coverage, and setbacks for Double ZLL projects. Included two Footnotes clarifying the required side setback for the portion of the home not located on the property line and a separation requirement. Footnote 1 includes a prohibition on the allowance of a setback four feet or less. Footnote 2, separation requirement is required between the two different homes that share the location on the same property line, however an exception to the separation is included, provided the home meets the construction requirements of the Florida Building Code as interpreted by the Building Official.
6. Add new Figure depicting the lot dimensions, and property development regulations of a development with Double ZLL homes.
7. As referenced in Part 1, add new requirements relating to ZLL adjacent to other housing types. New criteria is created when a ZLL lot abuts a SF lot. A new ZLL home may not be adjacent to an existing SF lot with an existing Single Family Dwelling. This restriction is created as the setbacks of the SF would create incompatibilities and hindrances on the existing home when the ZLL side is shared with the SF home, as it relates to setbacks and easements. If a ZLL lot is proposed abutting an existing SF lot, but it is vacant, then a ZLL could be allowed subject to the SF home having a 10 foot setback from the ZLL side, and an easement is recorded on the SF lot. If a new subdivision is proposed, that includes the combination of SF and ZLL, then the SF must increase its require setback and require the Access, Maintenance, and Overhang Easement when the two lots share a property line with the ZLL side. Include allowances for the ZLL to abut MF or Cottage Homes (Multiple Units on a Single Lot) provided a 15-foot side setback is provided. Restrict the allowance of ZLL abutting a Cottage Home (Single Unit on a Single Lot) or a Townhouse, due to the smaller lot sizes, setbacks/separations and unit's sizes for the Cottage Homes.

1 CHAPTER D PROPERTY DEVELOPMENT REGULATIONS (PDRs)

2

3 Section 2 PDRs for Specific Housing Types

4

5 B. Zero Lot Line (ZLL)

6

U:\Zoning\CODEREV\Code Amendments\2020\02- LDRAB\05-May 27 2020\5- LDRAB-LDRC Packet\Exh. J - CR 2017-0029 Art. 3, Zero Lot Line Residential Uses.docx

Notes:

Underlined indicates **new** text.

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

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

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

EXHIBIT J

ARTICLE 3 – OVERLAYS AND ZONING DISTRICTS
ZERO LOT LINE RESIDENTIAL USES

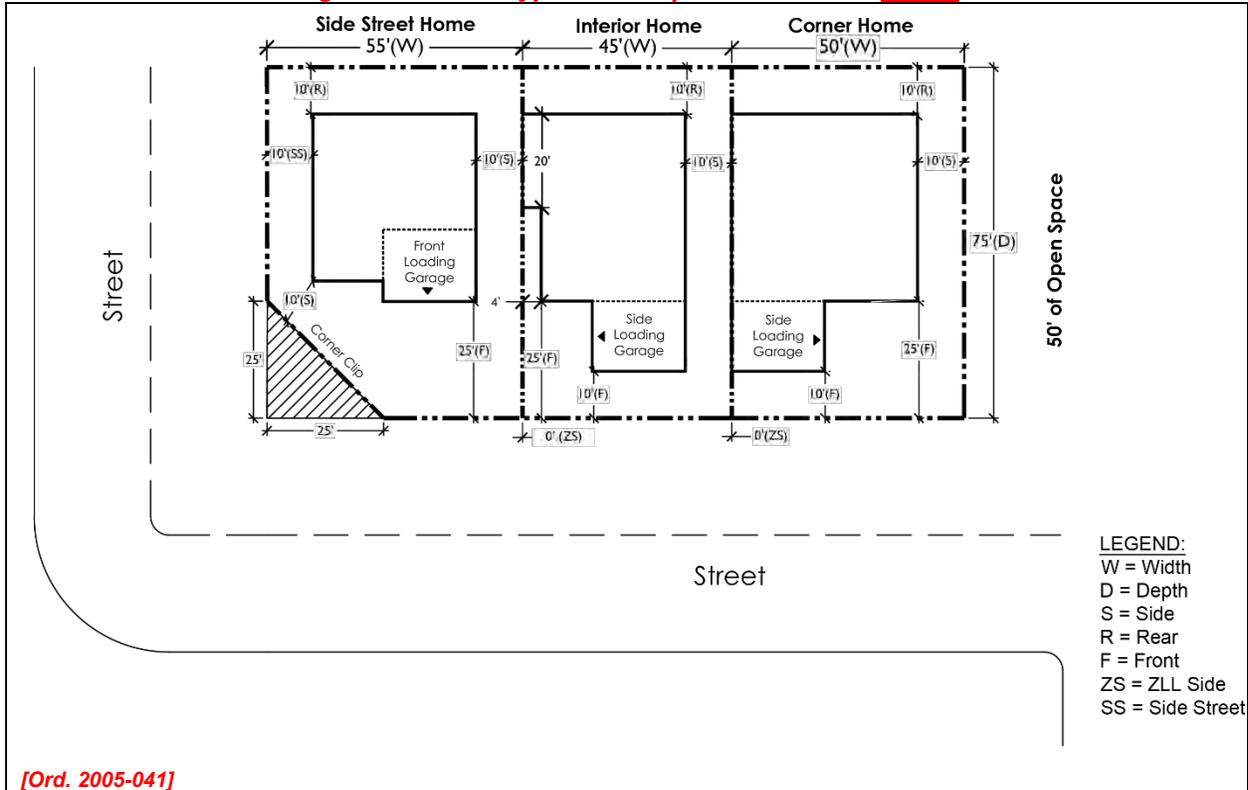
CR-2017-0029
(Updated 05/15/20)

1. Property Development Regulations

b. Side Street Home

A Side Street home shall be located on a lot having one side of the unit abutting a street, abutting a minimum of 50 feet of open space, or a combination thereof. A Side Street home shall comply with the setbacks pursuant to Table 3.D.2.B, ZLL Property Development Regulations. [Partially relocated from: Art. 3.D.2.C.9.f, Side Street Home]

Figure 3.D.2.B – Typical Example of ZLL Home PDRs



c. Double ZLL Home

A Double ZLL home is constructed with portions of the home located on two side property lines.

- 1) The portion of the home abutting the ZLL side shall be under air or occupied by a totally enclosed area, such as a garage or storage area; and
- 2) A Corner home shall have a minimum of 20 feet of the length of the home located on one lot line and shall have a zero-foot setback from the lot line; or
- 3) An Interior Double ZLL home shall have a minimum of ten feet of length of the home on each ZLL side property, for a minimum total of 20 feet.

Table 3.D.2.B – Double ZLL Property Development Regulations

Size	Lot Dimensions		Max. Height	Building Coverage	Setbacks			
	Width	Depth			Front	ZLL Side (1)(2)	Side Street	Rear
4,500 sq. ft.	45' – Interior	75'	35'	50%	10' – Unit; 25' – Front loading garage; 10' – Side loading garage	0' – For a min. 10' on each ZLL side;	N/A	10'
	50' – Corner					10' – Portion of unit not built on the ZLL side		
	55' – Side Street home					0' – For a min. 10' on each ZLL side;	10' – Portion of unit not built on the ZLL side	10'

Notes:

1. A minimum ten-foot setback shall be provided for the portion of the Double ZLL home that is not built with a zero-foot setback. Reduction in setbacks, as described in Art. 3.D.2.B.3.b.3) Windows and Doors, shall be prohibited.
2. A minimum six-foot separation between the exterior walls and a minimum four-foot separation for overhangs, shall be provided between Double ZLL units located on the same ZLL side with the zero-foot setback unless waived by the Building Official based on requirements of the current edition of the Florida Building Code.

U:\Zoning\CODEREV\Code Amendments\2020\02- LDRAB\05-May 27 2020\5- LDRAB-LDRC Packet\Exh. J - CR 2017-0029 Art. 3, Zero Lot Line Residential Uses.docx

Notes:

Underlined indicates new text.

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

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

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

EXHIBIT J

ARTICLE 3 – OVERLAYS AND ZONING DISTRICTS
ZERO LOT LINE RESIDENTIAL USES

CR-2017-0029
(Updated 05/15/20)

Reason for amendments: [Zoning]
DRO application. The existing 30-percent modifications to setbacks/separations and heights continue to be allowed provided the modification is compliant with the minimum property development regulations of the current Code. Other standards are also carried forward.
5. Relocate requirements for the Zero Setback and the Remaining Setback to the Property Development Regulations Heading as described in Part 3. <i>[Relocated to: Art. 3.D.2.B.1.a, ZLL Side Setback]</i> . Delete the requirement that when a home is on two property lines the minimum length shall be the sum of the length on both lot lines, in order to clarify a minimum of ten feet on each line for a total of 20, under the Heading of Double Zero Lot line.

1 CHAPTER D PROPERTY DEVELOPMENT REGULATIONS (PDRs)

2

3 Section 2 PDRs for Specific Housing Types

4

5 B. Zero Lot Line (ZLL)

6

7 ~~52.~~ Replacement

8 In an effort to address current building trends and needs of homeowners to modify existing
9 units the following procedures have been established to facilitate replacement and expansion
10 of existing units, and to ensure the consistency of replacement units with the character of the
11 overall community. In the event an existing home built is being replaced, modified, or expanded,
12 the following shall apply: [Ord. 2008-037]

13 a. General

14 *The application of a provision in this Section, which was not allowed prior to the effective*
15 *date of this Code, shall require:*

- 16 1) *consent from the HOA;*
- 17 2) *submittal of an application, pursuant to Art. 2, Application Processes and Procedures,*
18 *to amend the prior DO;*
- 19 3) *the amendment to apply to an entire pod; and,*
- 20 4) *the pod to be brought into conformance with the remainder of this Code, to the extent*
21 *possible. [Relocated from: Art. 3.D.2.C.9.g, Additional Requirements]*

22 ab. Process

23 1) Building Permit Review

24 An application for Building Permit shall be consistent with either a typical unit detail
25 that is shown on the Final Plan approved ~~on~~by the DRO site plan or the original Building
26 Permit. If no typical unit detail is included on the Final Plan, then sStaff willshall rely on
27 the ~~tabular data~~Site Data Table for setbacks/separations and height required at the
28 time of issuance of the original DO. [Ord. 2008-037]

29 2) ~~DRO Zoning Review~~Administrative Modifications

30 An application for Full ~~DRO Zoning Review~~ shall be required to reflect proposed
31 changes to a ~~DRO approved site on the subdivision or regulation~~ plan typical unit detail
32 including: tabular data, setbacks/separations, and height. [Ord. 2008-037]

33 a)a) Standards for Review

34 Setbacks/separations may be decreased a maximum of 30 percent of the required
35 minimum standard at time of issuance of the DO, (provided the development was
36 not approved utilizing flexible regulations or received prior ~~v~~Variance relief) and
37 the setbacks are not less than the requirements pursuant to Table 3.D.2.B, ZLL
38 Property Development Regulations or Table 3.D.2.B, Double ZLL Property
39 Development Regulations. ~~A 30 percent increase in the maximum allowable height~~
40 ~~may be permitted. [Ord. 2008-037]~~ [Relocated to: below]

41 b) ~~A 30 percent increase in the maximum allowable height approved in the original~~
42 ~~DO may be permitted, provided it does not exceed the height limitations described~~
43 ~~in Table 3.D.2.B, ZLL Property Development Regulations or Table 3.D.2.B, Double~~
44 ~~ZLL Property Development Regulations, and complies with the requirements of~~
45 ~~Art. 3.D.2.B.3.a, Height and Story Limitation. [Ord. 2008-037]~~ [Relocated from:
46 above]

47 (~~1c~~)The Applicant shall dDemonstrate compliance with all applicable parking,
48 landscaping, and drainage provisions. [Ord. 2008-037]

49 (~~2d~~)The Applicant must cComply with all applicable application requirements. [Ord.
50 2008-037]

U:\Zoning\CODEREV\Code Amendments\2020\02- LDRAB\05-May 27 2020\5- LDRAB-LDRC Packet\Exh. J - CR 2017-0029 Art. 3, Zero Lot Line Residential Uses.docx

Notes:

Underlined indicates new text.

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

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

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

EXHIBIT J

ARTICLE 3 – OVERLAYS AND ZONING DISTRICTS
ZERO LOT LINE RESIDENTIAL USES

CR-2017-0029
(Updated 05/15/20)

- 1 ~~(3e)~~The Applicant must submit a letter of support from the applicable community
- 2 HOA/POA; and, [Ord. 2008-037]
- 3 f) Any proposed deviation that exceeds the above standards will require a variance
- 4 relief pursuant to Art. 2.C.5.D, Type 1 Variance. [Ord. 2008-037]
- 5 **6. Zero Setback**
- 6 *A minimum of 20 feet of the length of the home under air or occupied by a totally enclosed area*
- 7 *under roof which is attached to and directly accessible from an air conditioned living area, such*
- 8 *as a garage or storage area, shall be located on one lot line and shall have a zero-foot setback*
- 9 *from the lot line. If a home is located on two lot lines, the minimum length shall be the sum of*
- 10 *the length on both lot lines.* [Partially relocated to: Art. 3.D.2.B.1.a, ZLL Side Setback]
- 11 **7. Remaining Setback**
- 12 *The remaining portion of the home along the ZLL side shall be set back a minimum of four feet*
- 13 *from the zero property line.* [Relocated to: Art. 3.D.2.B.1.a, ZLL Side Setback]

Part 6. ULDC Art. 3.D.2.B, Overlays and Zoning Districts, Property Development Regulations (PDRs), PDRs for Specific Housing Types (pages 129-134 of 213, Supplement 27), is hereby amended as follows:

Reason for amendments: [Zoning]
1. Add New Heading called Design Standards with Subheadings pertaining to Height and Story Limitation; ZLL Side Façade; Covered Porches, Courtyards, and Balconies; Privacy Walls or Fences; and, Access, Maintenance, and Roof Overhang Easement.
2. Relocate existing language and Figure, from Part 3, pertaining to the number of stories for a home when the ZLL side is adjacent to the rear of another home. Clarifying story as one floor, and two-story as having two floors. Clarifying the allowance of two-story when there is a separation of the lot lines by open space ten feet or greater.

14 CHAPTER D PROPERTY DEVELOPMENT REGULATIONS (PDRs)

15

16 Section 2 PDRs for Specific Housing Types

17

18 B. Zero Lot Line (ZLL)

19

20 **3. Design Standards**

21 **a. Height and Story Limitation**

22 *Buildings or structures shall not exceed 35 feet in height. Lots with a ZLL side that abuts*

23 *the rear property line of an adjacent lot or is separated from the rear property line of an*

24 *abutting lot by less than ~~10~~ten feet of open space shall be limited to a home one story (one*

25 *floor) in height. If the lots are separated with open space ten feet or greater, the homes*

26 *may have two stores (two floors).* [Ord. 2009-040] [Partially relocated from: Art.

27 **3.D.2.C.3, Height Limitation]**

U:\Zoning\CODEREV\Code Amendments\2020\02- LDRAB\05-May 27 2020\5- LDRAB-LDRC Packet\Exh. J - CR 2017-0029 Art. 3, Zero Lot Line Residential Uses.docx

Notes:

Underlined indicates new text.

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

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

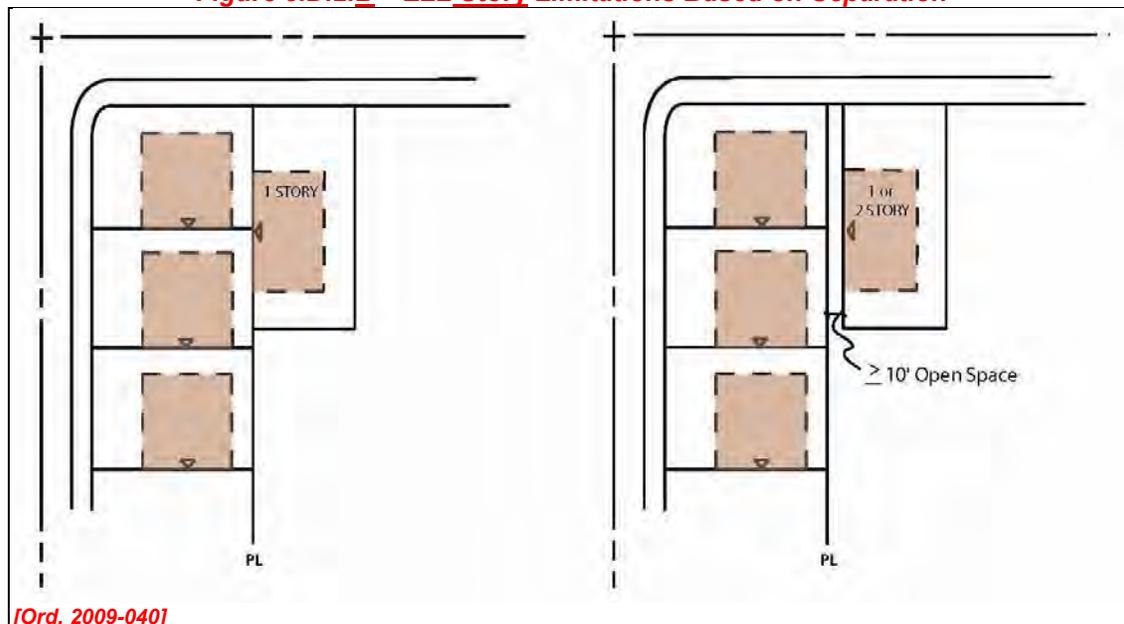
.... A series of four bolded ellipses indicates language omitted to save space.

EXHIBIT J

ARTICLE 3 – OVERLAYS AND ZONING DISTRICTS ZERO LOT LINE RESIDENTIAL USES

CR-2017-0029
(Updated 05/15/20)

Figure 3.D.2.B – ZLL Story Limitations Based on Separation



[Ord. 2009-040]

[Relocated from: Art. 3.D.2.B.C, Height Limitation]

Part 7. ULDC Art. 3.D.2.B, Overlays and Zoning Districts, Property Development Regulations (PDRs), PDRs for Specific Housing Types (pages 129-134 of 213, Supplement 27), is hereby amended as follows:

Reason for amendments: [Zoning]
1. Part 7 reorganizes and clarifies the allowances and restrictions of what is allowed on the façade of a home when it is constructed on the ZLL side property line.
2. Add in clarification that ZLL homes approved under a previous Code relating to the zero side façade, are not considered non-conforming structure as it relates to Art. 1.F, Nonconformities, and how much a structure may renovate when not in compliance with the current Code.
3. Clarify the list of prohibited opening and attachments and include exceptions that are stated under other Subheadings.
4. Add electrical outlets to the prohibition list at the request of the Building Division. The outlets may be permitted elsewhere rather than on the side that is restricted by access.
5. Modify the list of permitted opening and relocate language into new Headings for windows and doors, window material, and courtyards.
6. Modify Heading for Glass Block to create section for windows and doors. Carry forward language defining translucent windows or doors, as it pertains to the percent of light transmission. This requirement was also described in Zoning PPM #ZO-O-024, which is proposed to be codified herein.
7. Add new requirements based on Previous PPM #ZO-O-024 relating to the construction of windows and doors and the proximity to the ZLL side, and their location on the façade on the first or second floor.
8. Addition of requirements related to windows and doors on the first floor to codify PPM #ZO-O-024, and what has been permitted through Building Permit review. <ul style="list-style-type: none"> • If the ZLL façade is constructed less than five feet from the property line, windows and doors shall be constructed with translucent material. Doors are prohibited at a zero setback and doors are prohibited. A five-foot-high privacy wall must be constructed beginning at the end of the home with a zero setback and extending a minimum distance of ten feet beyond the rear of the home toward the rear property line. • If the ZLL façade is constructed less than five feet from the property line, windows and doors that are constructed with transparent material, shall install. A 6'-8" high privacy wall must be constructed beginning at the end of the home with a zero setback and extending a minimum distance of two feet beyond the transparent window or door. The remaining wall/fence shall be five feet extending ten feet beyond the rear of the home toward the rear property line. <ul style="list-style-type: none"> • The ZLL façade is constructed five feet or greater from the ZLL side, windows and doors may be translucent or transparent. A privacy wall would only be required for the rear of the home. It would be a minimum feet in height extending ten feet beyond the rear of the home. The allowance to eliminate the wall and have transparent windows would be consistent with

U:\Zoning\CODEREV\Code Amendments\2020\02- LDRAB\05-May 27 2020\5- LDRAB-LDRC Packet\Exh. J - CR 2017-0029 Art. 3, Zero Lot Line Residential Uses.docx

Notes:

Underlined indicates **new** text.

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

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

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

EXHIBIT J

ARTICLE 3 – OVERLAYS AND ZONING DISTRICTS
ZERO LOT LINE RESIDENTIAL USES

CR-2017-0029
(Updated 05/15/20)

Reason for amendments: [Zoning]
a standard Single Family Dwelling (SFD). A SFD has min side setbacks of seven and one-half feet (meaning a 15-foot separation between units) and no privacy wall requirements.
<ul style="list-style-type: none"> All second floor windows and doors constructed on a façade less than five feet must be translucent. If the façade is five feet or greater, the windows may be translucent or transparent. Included specific requirements for translucent windows and doors for the Double ZLL, and an exception to allow the second floor to have transparency for the portion meeting the ten-foot setback.
9. Carried forward exception language for ZLL side abutting open space or a landscape buffer; the required surface area, and limitations on new construction only unless consent is provided from the HOA.
10. Added new Figure to visually depict requirements for the windows and doors.

1 CHAPTER D PROPERTY DEVELOPMENT REGULATIONS (PDRs)

2

3 Section 2 PDRs for Specific Housing Types

4

5 B. Zero Lot Line (ZLL)

6

7 3. Design Standards

8

9 b. ZLL Side Façade

10 *Certain openings and attachments shall not be allowed to penetrate or be attached to any*
11 *portion of the home on the ZLL side, except as otherwise listed below. [Partially relocated*
12 *from: Art. 3.D.2.C.8, Prohibited Openings and Attachments]*

13 **81) Prohibited Openings and Attachments**

- 14 a.) ~~Openings and attachments shall not be allowed to penetrate and/or be attached to~~
15 ~~any portion of the home on the ZLL side. Examples of p~~Prohibited openings and
16 attachments include, but are not limited to, the following: [Ord. 2005-002]
17 [Partially relocated to: Art. 3.D.2.B.3.b, ZLL Side Façade]
18 (1) A/C condensate drain; [Ord. 2005-002]
19 (2) A/C emergency overflow drain; [Ord. 2005-002]
20 (3) Exhaust ducts, such as, but not limited to, kitchens, bathrooms, clothes dryers,
21 etc.; [Ord. 2005-002]
22 (4) Garage vents; [Ord. 2005-002]
23 (5) Temperature or pressure relief line; [Ord. 2005-002]
24 (6) Doors, except as otherwise stated below; [Ord. 2005-002]
25 (7) Windows ~~(other than glass block or other translucent material pursuant to Art.~~
26 ~~3.D.2.C.9.b, Glass Blocks), except as otherwise stated below~~; [Ord. 2005-002]
27 (8) Electric meters; [Ord. 2005-002]
28 (9) Hose bibs; ~~and~~ [Ord. 2005-002]
29 (10) Satellite dishes; ~~and~~, [Ord. 2005-002]
30 (11) Electrical outlets.

31 b.) Exceptions may be considered only for those existing projects where an opening
32 or attachment was permitted on the ZLL wall for the models or more than 30
33 percent of the total ZLL units of that project. [Ord. 2005-002]

34 **9.2) Permitted Openings and Attachments**

35 **a.—Openings/Attachments**

36 ~~The following openings and attachments~~Clean out fittings and soffit vents shall be
37 allowed to penetrate and/or be attached to the portion of the home on the ZLL side; ~~;~~
38 [Ord. 2005-002]

- 39 ~~1) Clean out fittings;~~ [Relocated to: above]
- 40 ~~2) Soffit vents;~~ [Relocated to: above]
- 41 ~~3) Glass block or other translucent material pursuant to Art. 3.D.2.C.9.b, Glass~~
42 ~~Blocks;~~
- 43 ~~4) Atrium/courtyard exit pursuant to Art. 3.D.2.C.9.d, Atrium/Courtyard; and,~~
- 44 ~~5) Windows and doors facing an atrium/courtyard, or in a recessed portion of the~~
45 ~~home if the outdoor area is completely screened from view from the adjacent~~
46 ~~home. [Ord. 2005-002]~~

47 **b.3) Glass Blocks Windows and Doors**

U:\Zoning\CODEREV\Code Amendments\2020\02- LDRAB\05-May 27 2020\5- LDRAB-LDRC Packet\Exh. J - CR 2017-0029 Art. 3, Zero Lot Line Residential Uses.docx

Notes:

Underlined indicates new text.

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

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

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

EXHIBIT J

ARTICLE 3 – OVERLAYS AND ZONING DISTRICTS
ZERO LOT LINE RESIDENTIAL USES

CR-2017-0029
(Updated 05/15/20)

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27
28
29
30
31
32
33
34
35
36
37
38
39
40
41
42
43
44
45
46
47
48
49
50
51
52
53
54
55
56
57
58
59
60

~~Glass block or other translucent~~Window and door materials may be used along the portion of the home on the ~~Zero Lot Line~~ZLL side, as follows pursuant to the following:

4a) ~~Light Transmission~~Translucent Windows or Translucent/Solid Doors

~~Only building m~~Material which allows a maximum 60 percent of exterior light transmission according to the manufacturer’s specifications shall be used. A notarized affidavit shall be submitted with the Building Permit which verifies the degree of light transmission and the translucency of the material to be used.

b) First Floor

(1) ZLL Façade Constructed Less Than Five Feet from the ZLL Side Property Line

- (a) Windows shall be constructed with translucent material.
- (b) Doors shall be constructed with translucent or solid material and may not be located on any portion of a wall with a zero setback.
- (c) A privacy wall/fence shall be installed pursuant to Art. 3.D.2.B.3.d,a), Privacy Walls or Fences

(d) Exceptions

- i. Windows and doors located on the front or rear façade of the unit may be transparent.
- ii. Windows and doors located on a façade that is perpendicular to the ZLL side may be transparent.
- iii. A ZLL side façade that is recessed off of the ZLL side less than five feet, may have transparent windows and doors constructed on the ZLL side façade that are parallel or angled towards the ZLL side. The height of the privacy wall or fence shall be increased and installed pursuant to Art. 3.D.2.B.3.d,c)(1), Privacy Walls or Fences, Exception.

(2) ZLL Façade Constructed Greater Than or Equal to Five Feet from the ZLL Side Property Line

- (a) A ZLL side façade that is recessed off of the ZLL side five feet or greater, may have transparent or translucent windows and doors constructed on the ZLL side façade that are perpendicular, parallel, or angled towards the ZLL side.
- (b) A privacy wall or fence is only required extending a minimum distance of ten feet beyond the rear of the home toward the rear property line pursuant to Art. 3.D.2.B.3.d,a), Privacy Walls or Fences.

(3) Double ZLL Home

- (a) For the portion of the ZLL home that is constructed at the ZLL side, all windows shall be constructed with translucent material, and doors shall be prohibited. Windows and doors located on a façade that is perpendicular to the ZLL side may be transparent.
- (b) For the portion of the ZLL home that is constructed ten feet from the ZLL side, windows and doors may be transparent or translucent material.
- (c) A privacy wall pursuant to Art. 3.D.2.B.3.d,a), Privacy Walls or Fences is not required.

c) Second Floor

(1) ZLL Façade Constructed Less Than Five Feet from the ZLL Side Property Line

- (a) Windows located on a façade that is parallel or angled toward the ZLL side shall be constructed with translucent material,
- (b) Windows located on a façade that is perpendicular to the ZLL side may be transparent.

(2) ZLL Façade Constructed Greater Than or Equal to Five Feet from the ZLL Side Property Line

- (a) A ZLL side façade that is recessed off of the ZLL side five feet or greater, may have transparent or translucent windows constructed on the ZLL side façade that are perpendicular, parallel or angled towards the ZLL side.

(3) Double ZLL Home

- (a) For the portion of the ZLL home that is constructed at the ZLL side, all windows shall be constructed with translucent material; and
- (b) For the portion of the ZLL home that is constructed ten feet from the ZLL side, windows and doors may be transparent or translucent material.

U:\Zoning\CODEREV\Code Amendments\2020\02- LDRAB\05-May 27 2020\5- LDRAB-LDRC Packet\Exh. J - CR 2017-0029 Art. 3, Zero Lot Line Residential Uses.docx

Notes:

Underlined indicates **new** text.
~~Stricken~~ indicates text to be **deleted**. ~~Stricken and italicized~~ means text to be totally or partially relocated. If being relocated destination is noted in bolded brackets [**Relocated to:**].
Italicized indicates text to be relocated. Source is noted in bolded brackets [**Relocated from:**].
.... A series of four bolded ellipses indicates language omitted to save space.

EXHIBIT J

ARTICLE 3 – OVERLAYS AND ZONING DISTRICTS ZERO LOT LINE RESIDENTIAL USES

CR-2017-0029
(Updated 05/15/20)

1
2
3
4
5
6
7
8
9
10
11

2d) Exception

Transparent windows may be permitted on the ZLL ~~wall~~ side (first or second story) if the ~~wall~~ ZLL side façade abuts a dedicated open space or landscape buffer a minimum of 50 feet in width.

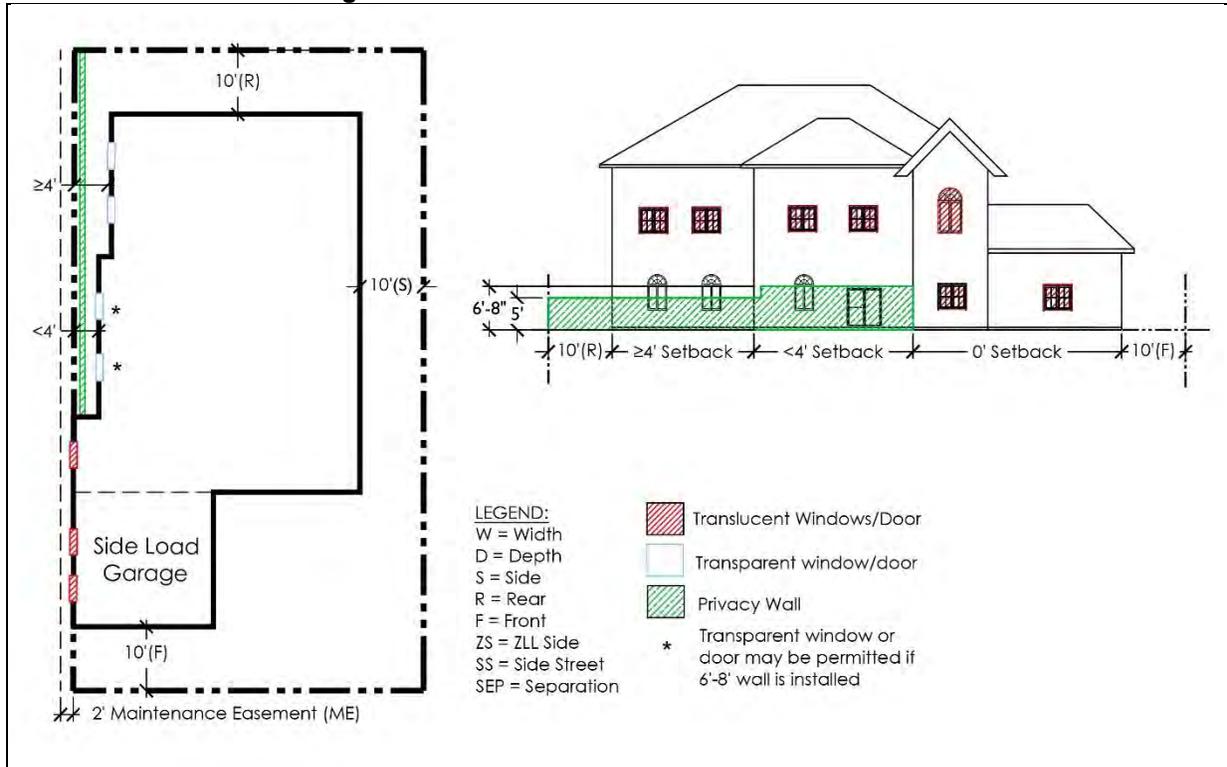
3e) Surface Area

Use shall be limited to a maximum of 50 percent of the surface area of the wall along the portion of the home on the ZLL side.

4f) Limitation

Use shall be limited to new construction only, unless consent from the HOA is submitted with the Building Permit.

Figure 3.D.2.B – ZLL Home Windows and Doors



Part 8. ULDC Art. 3.D.2.B, Overlays and Zoning Districts, Property Development Regulations (PDRs), PDRs for Specific Housing Types (pages 129-134 of 213, Supplement 27), is hereby amended as follows:

Reason for amendments: [Zoning]
1. Relocate Maintenance and Roof Overhang Easement to Part 11. <i>[Relocated to: Art. 3.D.2.B.3.e, Access, Maintenance, and Roof Overhang Easement]</i>
2. Add a new Heading called Covered Porches, Courtyard, and Balconies. This Section will codify requirements described in Zoning PPM #ZO-O-024. The Section is separated into two Headings for requirements of covered porches in the front and at the rear of the home. The allowance of the front porch at the front of the home, along the ZLL side is permitted and describes requirements for the materials of the windows and doors, when they are parallel and angled toward the property line when less than five feet or five feet and greater to the property line. No privacy wall is required for the front porch along the ZLL side. Covered porch at the rear of the home has been allowed through the permit review process, with restrictions on the requirement of the height of the privacy wall. With the design of the ZLL on a property line, and reduced setbacks in comparison to a Single Family residence, privacy walls are required at the rear of the home, further described under Part 10. Additionally, with the prohibitions on openings along the ZLL side, the covered porch at the rear must have a wall the entire length of the porch to the height of the covered porch. This is to ensure privacy between the homes at the rear of the house.
2. Add new Figure depicting the requirements of covered porches at the front or rear of a home, along the ZLL side.

U:\Zoning\CODEREV\Code Amendments\2020\02- LDRAB\05-May 27 2020\5- LDRAB-LDRC Packet\Exh. J - CR 2017-0029 Art. 3, Zero Lot Line Residential Uses.docx

Notes:

Underlined indicates **new** text.

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

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

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

EXHIBIT J

ARTICLE 3 – OVERLAYS AND ZONING DISTRICTS
ZERO LOT LINE RESIDENTIAL USES

CR-2017-0029
(Updated 05/15/20)

1 CHAPTER D PROPERTY DEVELOPMENT REGULATIONS (PDRs)

2

3 Section 2 PDRs for Specific Housing Types

4

5 B. Zero Lot Line (ZLL)

6

7 3. Design Standards

8

9 ~~c. Maintenance and Roof Overhang Easement~~

10 ~~The subdivision plan and plat shall indicate a maintenance and roof eave encroachment~~
11 ~~easement along the ZLL for each ZLL lot for the purpose of allowing maintenance of the~~
12 ~~portion of the home with a zero setback and to accommodate any overhang of the roof~~
13 ~~eave and gutter. Should a fence or wall traverse or be located within a maintenance and~~
14 ~~roof easement, written permission from the POA will be required prior to the issuance of a~~
15 ~~permit by PBC. A gate for access and maintenance purposes will be required. Access for~~
16 ~~the owner of the lot abutting the easement and the easement beneficiaries shall be~~
17 ~~provided after advanced notification and during reasonable hours. No construction,~~
18 ~~landscaping, mechanical equipment, fence, or wall shall prevent perpetual access to said~~
19 ~~easement by the owner of the lot abutting the easement or the easement beneficiaries.~~
20 ~~[Ord. 2013-001] [Ord. 2015-031]~~

21 ~~1) Easement Width~~

22 ~~This easement shall have a minimum width of two feet.~~

23 ~~2) Roof Overhang~~

24 ~~Roof eaves, soffits and gutters may encroach the easement up to a maximum of 24~~
25 ~~inches. Gutters shall be installed along the entire length of the ZLL side to prevent~~
26 ~~water runoff onto the adjacent property.~~

27 ~~3) Drainage~~

28 ~~This easement shall not overlap a drainage easement.~~

29 ~~4) Plat~~

30 ~~The following language shall be on the plat for each ZLL subdivision: Maintenance and~~
31 ~~roof overhang easements are hereby reserved in perpetuity to the owner of the lot~~
32 ~~abutting the easement and the HOA for the purpose of access to and maintenance of~~
33 ~~improvements, the roof overhang, eave, gutters, drainage and utility services,~~
34 ~~decorative architectural treatment, and impact shutters, within and adjacent to said~~
35 ~~easement without recourse to PBC. [Ord. 2013-001] [Ord. 2014-025]~~

36 ~~5) Easement Encroachments~~

37 ~~Projections or improvements may be permitted to encroach into the ZLL maintenance~~
38 ~~and roof overhang easement, upon demonstration that the plat dedication includes the~~
39 ~~items specified, as follows: [Ord. 2014-025]~~

40 ~~a) Mounting hardware for impact shutters, accordion shutters, or roll down shutters,~~
41 ~~projecting a maximum of six inches into the ZLL easement; and, [Ord. 2014-025]~~

42 ~~b) Decorative architectural treatment such as lintels, stone veneer or stucco banding~~
43 ~~extending a maximum distance of three feet measured from the front façade,~~
44 ~~projecting a maximum of two inches into a ZLL easement. [Ord. 2014-025]~~

45 ~~[Relocated to: Art. 3.D.2.B.3.e, Access, Maintenance, and Roof Overhang~~
46 ~~Easement]~~

47 ~~dc. Atrium Covered Porches, Courtyards, and Balconies~~

48 ~~An atrium/courtyard may be constructed along the ZLL side. An atrium/courtyard along the~~
49 ~~ZLL side shall be limited to the ground floor only. The minimum depth shall be four feet. A~~
50 ~~gate may be installed on the ZLL for emergency exit purposes provided the gate is a~~
51 ~~minimum of 36 inches in width, six feet and eight inches in height, opaque, and operable~~
52 ~~only from the inside with the gate opening inward. [Partially relocated to: Art.~~
53 ~~3.D.2.B.3.c.3), Courtyard]~~

54 ~~1) Covered Porch (Front of the ZLL Home)~~

55 ~~A covered porch may be constructed along the ZLL side, at the front of the home. If~~
56 ~~windows and doors are constructed into the façade of the home adjacent to the porch,~~
57 ~~the following shall apply:~~

58 ~~a) Windows or doors, parallel or angled toward and less than five feet from the ZLL~~
59 ~~side shall be constructed with translucent material.~~

U:\Zoning\CODEREV\Code Amendments\2020\02- LDRAB\05-May 27 2020\5- LDRAB-LDRC Packet\Exh. J - CR 2017-0029 Art. 3, Zero Lot Line Residential Uses.docx

Notes:

Underlined indicates **new** text.

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

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

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

EXHIBIT J

ARTICLE 3 – OVERLAYS AND ZONING DISTRICTS
ZERO LOT LINE RESIDENTIAL USES

CR-2017-0029
(Updated 05/15/20)

1
2
3
4
5
6
7
8
9
10

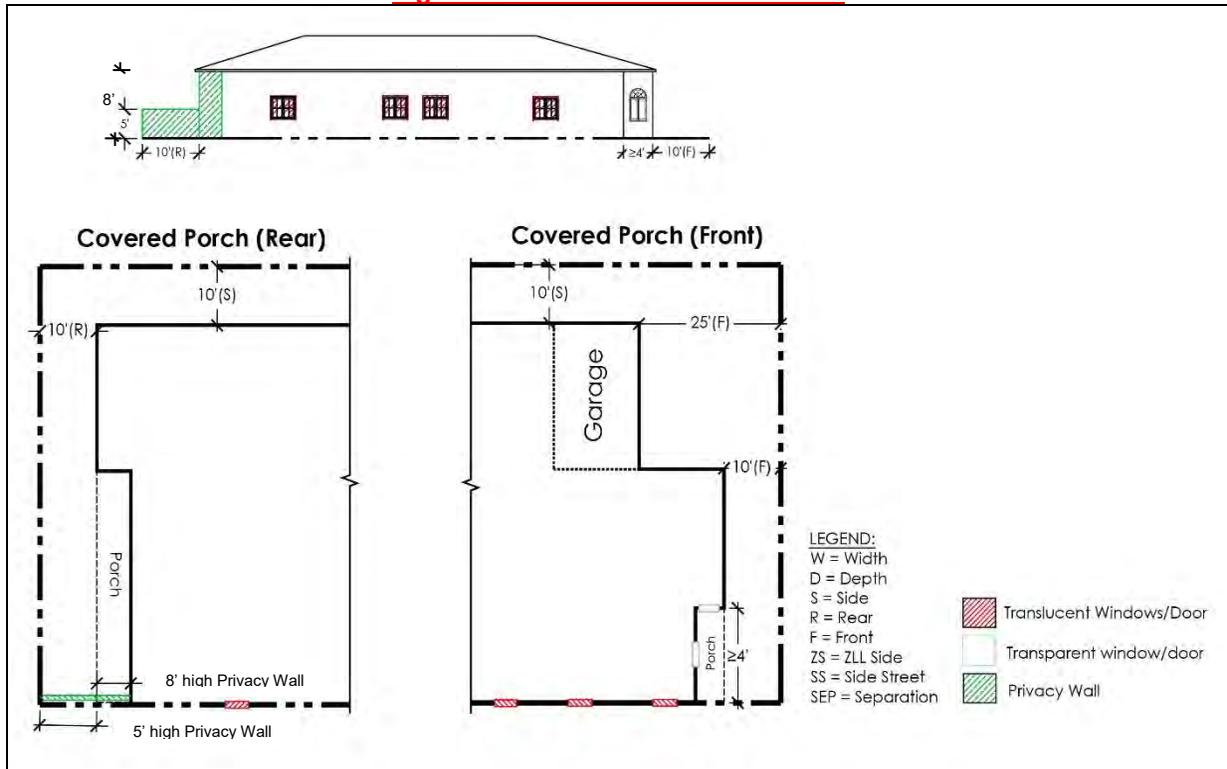
b) Windows or doors, parallel or angled toward and greater or equal to five feet or perpendicular to the ZLL side may be constructed with transparent material.

c) No privacy wall is required adjacent to the covered porch.

2) **Covered Porch (Rear of the ZLL Home)**

A covered porch, with a solid roof, may be constructed along the ZLL side, at the rear of the home. A wall shall be constructed the entire length of the porch along the ZLL side. The height of the wall shall be a minimum of eight feet. The Privacy walls or fences shall be installed in accordance with ZLL wall Art. 3.D.2.B.3.d, Privacy Walls or Fences.

Figure 3.D.2.B – ZLL Covered Porch



Part 9. ULDC Art. 3.D.2.B, Overlays and Zoning Districts, Property Development Regulations (PDRs), PDRs for Specific Housing Types (pages 129-134 of 213, Supplement 27), is hereby amended as follows:

Reason for amendments: [Zoning]	
1.	Relocate requirements for Atrium/Courtyard to Courtyard Heading, deleting term atrium. Courtyard is an outdoor area, versus an atrium which is interior to a building. Modify the height of the wall of a courtyard from six feet eight inches to five feet when translucent windows are used, consistent with other modifications of the Code. Requiring the taller wall when transparent windows are constructed. Proposed is the deletion of the requirement that the courtyard be limited to one story. Based on research, Building Permits had been issued for two-story homes that were designed with the courtyard, recessed area of the building, that extended to the roof. The addition and clarification of the windows on the second floor ensure privacy along the ZLL side even with the recess of the home.
2.	Add Figure depicting the requirements of a Courtyard.

11 CHAPTER D PROPERTY DEVELOPMENT REGULATIONS (PDRs)

12

13 Section 2 PDRs for Specific Housing Types

14

15 B. Zero Lot Line (ZLL)

16

U:\Zoning\CODEREV\Code Amendments\2020\02- LDRAB\05-May 27 2020\5- LDRAB-LDRC Packet\Exh. J - CR 2017-0029 Art. 3, Zero Lot Line Residential Uses.docx

Notes:

Underlined indicates **new** text.

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

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

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

EXHIBIT J

ARTICLE 3 – OVERLAYS AND ZONING DISTRICTS
ZERO LOT LINE RESIDENTIAL USES

CR-2017-0029
(Updated 05/15/20)

3. Design Standards

~~...~~
dc. Atrium Covered Porches, Courtyards, and Balconies

~~...~~
3) Courtyard

A courtyard may be constructed along the ZLL side. A gate shall be installed on the ZLL for emergency exit purposes provided the gate meets the following dimensions:

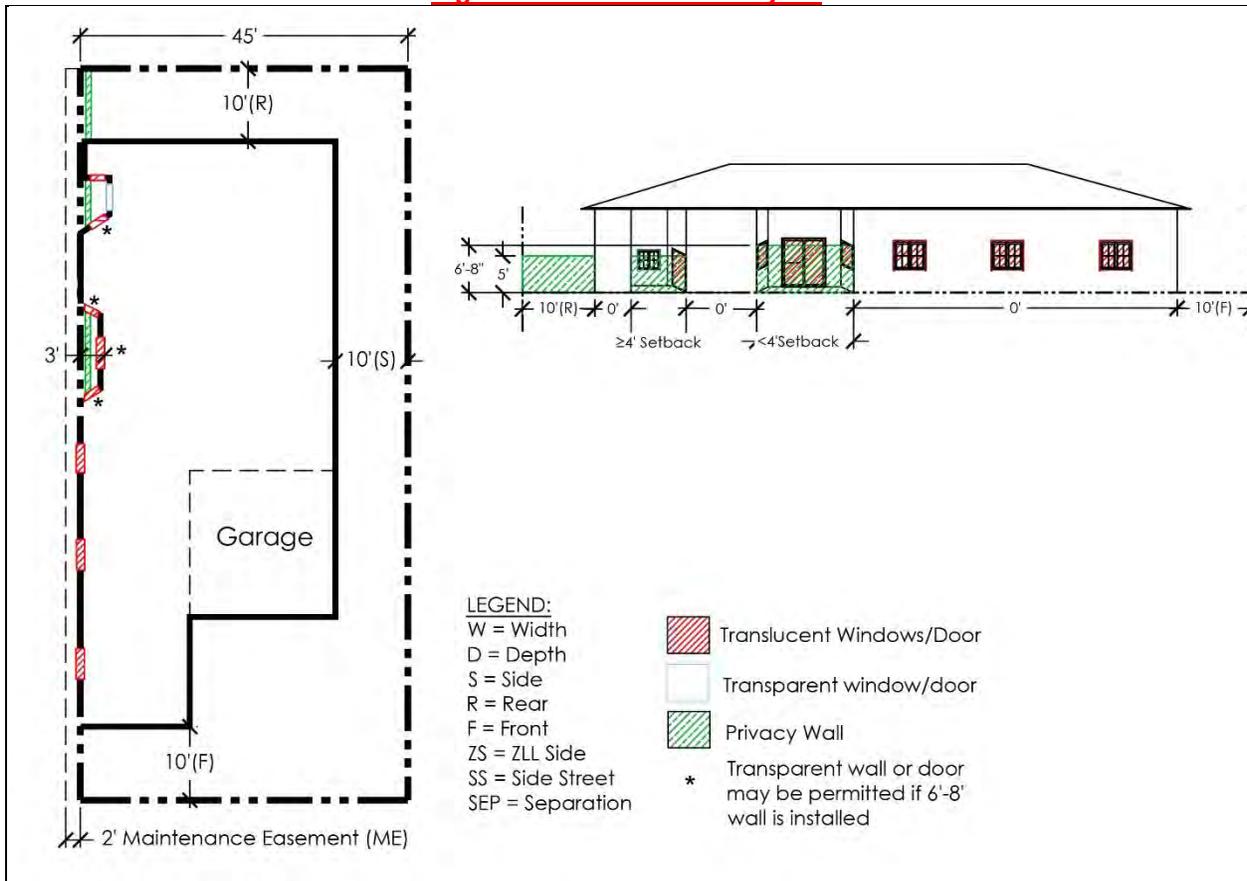
- a) Width: minimum of 36 inches;
- b) Height: minimum of five feet;

(1) Exception

If the ZLL façade, within the courtyard, has windows and doors installed pursuant to Art. 3.D.2.B.3.b.3)b)(1)(c)ii Exceptions, the privacy wall and gate shall be increased in height, six feet eight inches, pursuant to Art.3.D.2.B.3.d Privacy Walls and Fences.

- c) The gate shall be opaque; and,
 - d) Operable only from the inside with the gate opening inward toward the unit.
- [Partially relocated from: Art. 3.D.2.C.9.d, Atrium/Courtyard]**

Figure 3.D.2.B – ZLL Courtyard



Part 10. ULDC Art. 3.D.2.B, Overlays and Zoning Districts, Property Development Regulations (PDRs), PDRs for Specific Housing Types (pages 129-134 of 213, Supplement 27), is hereby amended as follows:

Reason for amendments: [Zoning]
1. Add new Subheading for balconies in order to codify the requirements of PPM #ZO-O-024 and current application through the Building Permit review process. Balconies constructed at the front or rear of the home shall include a privacy wall, with a height dependent on whether or not there is a roof when it is less than five feet from the ZLL side property line.
2. Add Figures to depict the requirements for balconies at the front and rear of homes.
3. Privacy Wall or Fence is proposed to be modified to clarify heights. Five-foot wall or fence is to be provided along the ZLL side of the home beginning at the end of the zero setback, and extends ten feet beyond the house. Staff proposes changes to the wall height requirement for courtyards to be consistent with this height requirement.

U:\Zoning\CODEREV\Code Amendments\2020\02- LDRAB\05-May 27 2020\5- LDRAB-LDRC Packet\Exh. J - CR 2017-0029 Art. 3, Zero Lot Line Residential Uses.docx

Notes:

Underlined indicates **new** text.

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

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

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

EXHIBIT J

ARTICLE 3 – OVERLAYS AND ZONING DISTRICTS
ZERO LOT LINE RESIDENTIAL USES

CR-2017-0029
(Updated 05/15/20)

Reason for amendments: [Zoning]
Staff proposes changes when materials of windows change to transparent and when less than five feet, relating to a homeowner’s privacy due to proximity of the houses. Additionally the heights of the wall increase based on balconies and covered porches, also to protect privacy of the homeowners.
4. Carry forward existing language for wall requirements along the Rear Lot line and Design Requirements for the material used for the wall. Modify the requirements for Roof Enclosures, to delete solid. Solid roof enclosure requirements are proposed to be codified with wall requirements that were described in PPM #ZO-O-24. Deleting the Height Limitation requirement as it is duplicative of language described under Part 6 above.
5. Relocate the Side Street home requirements to the PDR Section in Part 3 above. <i>[Partially relocated to: Art. 3.D.2.B.1.c, Side Street Home]</i>
6. Relocate Additional Requirements to Part 5 relating to modifications of prior approvals. <i>[Partially relocated to: Art. 3.D.2.B.2, Replacement]</i>

1 CHAPTER D PROPERTY DEVELOPMENT REGULATIONS (PDRs)

2

3 Section 2 PDRs for Specific Housing Types

4

5 B. Zero Lot Line (ZLL)

6

7 3. Design Standards

8

9 dc. Atrium Covered Porches, Courtyards, and Balconies

10

11 4) Balconies (Front or Rear of the Home)

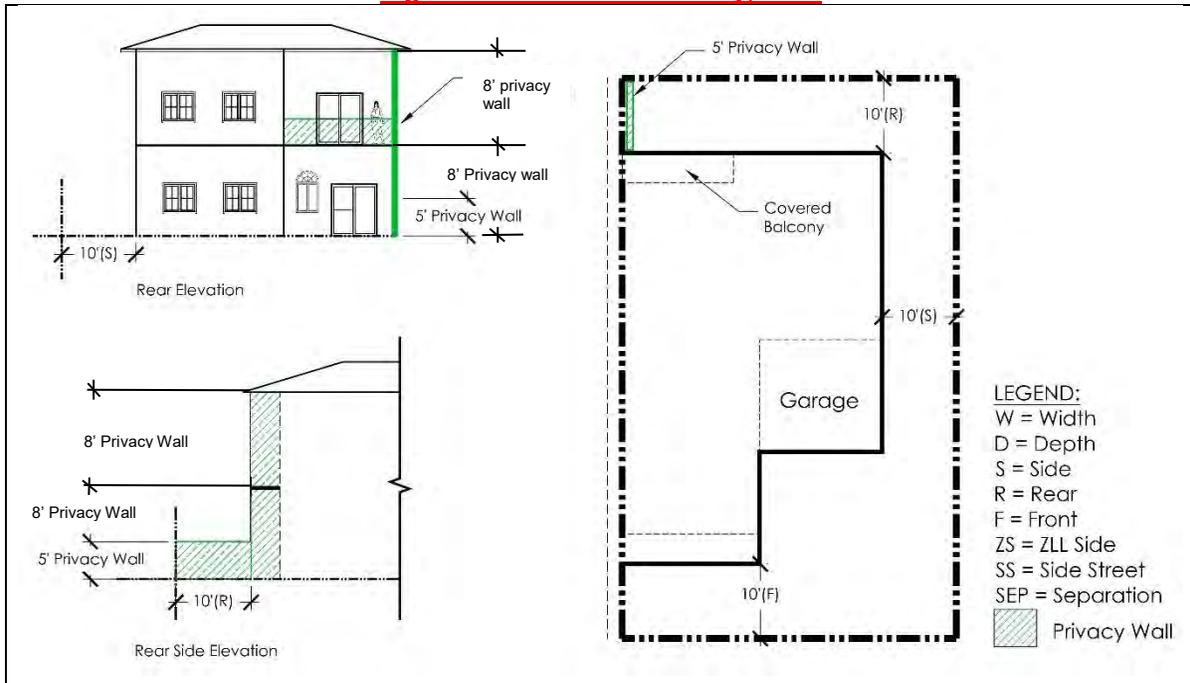
12 In addition to the requirements of Art. 3.D.1.D.5; Setback Exceptions, balconies
 13 located less than five feet from the ZLL side, shall construct a wall the entire length of
 14 the porch along the ZLL side subject to the following:

15 a) No roof: The height of the wall shall be a minimum six feet eight inches.

16 b) Roof: The height of the wall shall be a minimum of eight feet from the floor of the
 17 balcony.

18

Figure 3.D.2.B – ZLL Balcony, Rear



U:\Zoning\CODEREV\Code Amendments\2020\02- LDRAB\05-May 27 2020\5- LDRAB-LDRC Packet\Exh. J - CR 2017-0029 Art. 3, Zero Lot Line Residential Uses.docx

Notes:

Underlined indicates **new** text.

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

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

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

EXHIBIT J

ARTICLE 3 – OVERLAYS AND ZONING DISTRICTS
ZERO LOT LINE RESIDENTIAL USES

CR-2017-0029
(Updated 05/15/20)

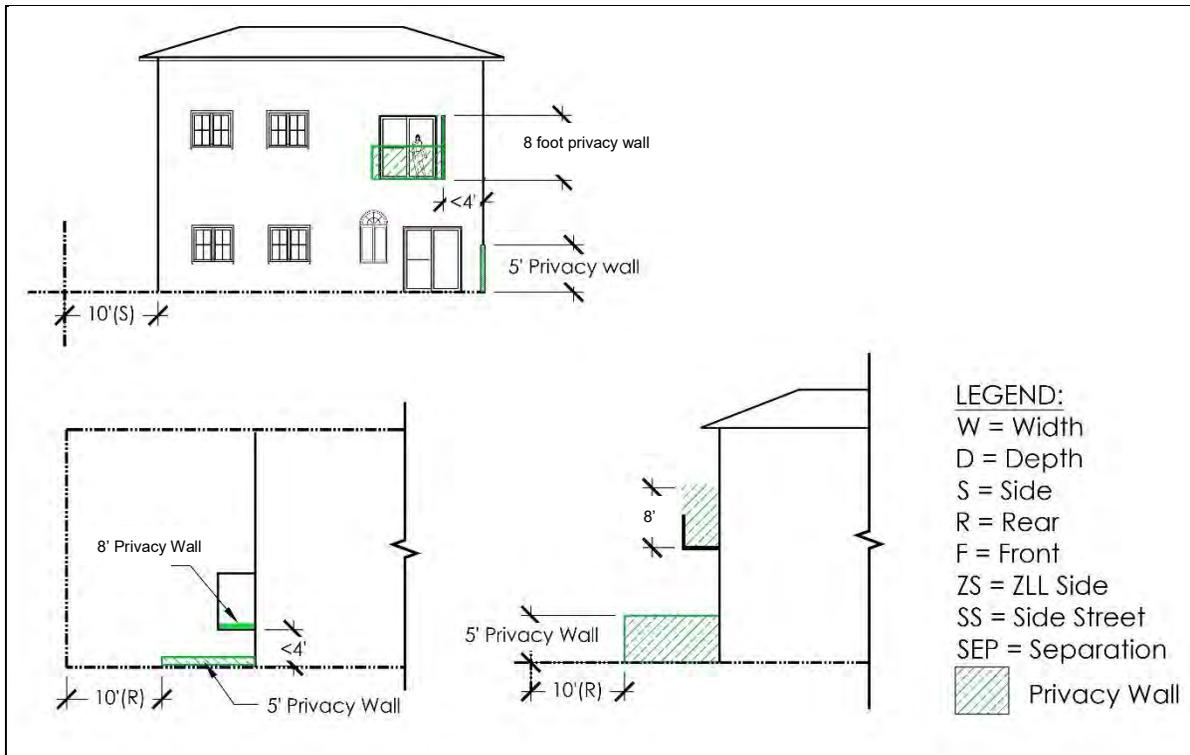
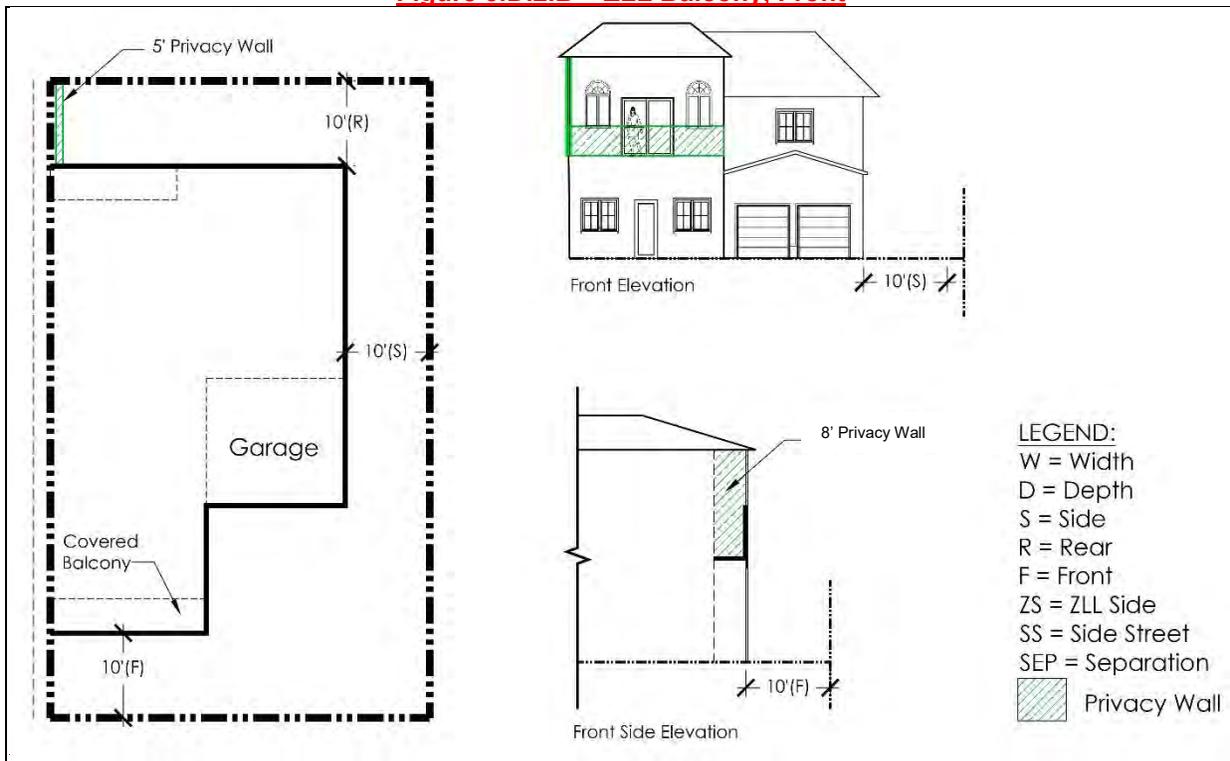


Figure 3.D.2.B – ZLL Balcony, Front



ed. Privacy Walls or Fences

1) ~~ZLL Home Wall or Fence~~

- a) A minimum five-foot-high opaque wall or fence shall be provided along the ZLL side of a ZLL home, beginning at the end of the home with a zero setback and extending a minimum distance of ten feet beyond the rear of the home toward the rear property line.
- b) A minimum five-foot-high opaque wall or fence, including a gate, shall be constructed the entire length of an opening for a courtyard. [Ord. 2005-041]
- ac) Exception
 - (a1) A wall or fence shall not be required if the ZLL side is adjacent to dedicated open space a minimum of 50 feet in width.

U:\Zoning\CODEREV\Code Amendments\2020\02- LDRAB\05-May 27 2020\5- LDRAB-LDRC Packet\Exh. J - CR 2017-0029 Art. 3, Zero Lot Line Residential Uses.docx

Notes:

Underlined indicates **new** text.

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

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

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

EXHIBIT J

ARTICLE 3 – OVERLAYS AND ZONING DISTRICTS
ZERO LOT LINE RESIDENTIAL USES

CR-2017-0029
(Updated 05/15/20)

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27
28
29
30
31
32
33
34
35
36
37
38
39
40
41
42
43
44
45
46
47
48
49
50
51
52
53
54

(2) ZLL Façade Constructed Less Than Five Feet from the ZLL Side Property Line with Transparent Windows or Doors

(a) A minimum six foot eight inch high opaque wall or fence and any courtyard gate shall be provided along the ZLL side of a ZLL home when transparent windows and doors are constructed parallel or angled toward the ZLL side, pursuant to Art. 3.D.2.B.3.b.3)b)(1)(c)ii, Exceptions.

(b) The length of the wall shall begin at the end of the home with a zero setback and extend a minimum two feet beyond the window or door with transparent material. The remaining length of the wall or fence shall be constructed a minimum 5 foot high, pursuant Art. 3.D.2.B.3.d.1)a) Wall or Fence. The two foot extension provision above shall not apply to courtyards fully enclosed by a minimum six foot eight inch high opaque wall or fence and any courtyard gate.

(3) ZLL Façade Constructed Greater Than or Equal to Five Feet from the ZLL Side Property Line

A privacy wall or fence is only required at the point extending a minimum distance of ten feet beyond the rear of the home toward the rear property line, pursuant to Art. 3.D.2.B.3.d,a) Privacy Walls or Fences.

(4) Covered Porch (Rear) and Balconies (front or rear)

Privacy walls shall extend the length of the covered porch or balcony when less than five feet from the property line. The height of the wall shall be a minimum eight feet.

2) Rear Lot Line

A minimum five-foot-high opaque wall or fence shall be provided along the rear lot line between lots with abutting rear lot lines and between lots with abutting side and rear property lines.

3) Design Requirements

If a wall is constructed, the required wall, including any extension, shall be constructed of the same material used to construct the adjoining ZLL wall of the home (e.g. brick home with a brick privacy wall) or any structurally sound, opaque, and permanent material with an exterior finish that matches the style, color, and surface texture of the exterior of the adjoining ZLL wall (e.g. CBS home with stucco finished wood frame wall painted to match the home).

4) Roof Enclosures

When a screened ~~or solid roof~~ enclosure is attached to the ZLL wall, the length and height of the wall shall comply with Art. 5.B.1.A.11, Screen Enclosures.

~~**5) Height Limitation**~~

~~Lots with a ZLL side which abut the rear property line of an adjacent lot shall be limited to one story in height.~~

~~**f. Side Street Home**~~

~~A side street home may be located on a lot having a street, a minimum of 50 feet of open space, or combination along two sides. A side street home shall comply with the minimum setback requirements in Table 3.D.2.B, ZLL Property Development Regulations. A side street home shall be exempt from Art. 3.D.2.C, ZLL Design Standards, unless expressly stated therein. **[Ord. 2005-041] [Partially relocated to: Art. 3.D.2.B.1.b Side Street Home]**~~

~~**g. Additional Requirements**~~

~~The application of a provision in this Section which was not allowed prior to the effective date of this Code shall require:~~

- ~~1) consent from the HOA;~~
- ~~2) submittal of a site plan amendment application to the DRO;~~
- ~~3) the amendment to apply to an entire pod; and,~~
- ~~4) the pod to be brought into conformance with the remainder of this Code, to the extent possible. **[Partially relocated to: Art. 3.D.2.B.2, Replacement]**~~

Part 11. ULDC Art. 3.D.2.B, Overlays and Zoning Districts, Property Development Regulations (PDRs), PDRs for Specific Housing Types (pages 129-134 of 213, Supplement 27), is hereby amended as follows:

Reason for amendments: [Zoning]
1. Relocate language for Maintenance and Roof Overhang Easement to new Heading called Access, Maintenance, and Roof Overhang Easement. Codify requirements described in PPM #ZO-O-10, Zero Lot Line (ZLL) Maintenance and Roof Overhang Easement.

U:\Zoning\CODEREV\Code Amendments\2020\02- LDRAB\05-May 27 2020\5- LDRAB-LDRC Packet\Exh. J - CR 2017-0029 Art. 3, Zero Lot Line Residential Uses.docx

Notes:

Underlined indicates **new** text.
~~Stricken~~ indicates text to be **deleted**. ~~Stricken and italicized~~ means text to be totally or partially relocated. If being relocated destination is noted in bolded brackets **[Relocated to:]**.
Italicized indicates text to be relocated. Source is noted in bolded brackets **[Relocated from:]**.
.... A series of four bolded ellipses indicates language omitted to save space.

EXHIBIT J

ARTICLE 3 – OVERLAYS AND ZONING DISTRICTS
ZERO LOT LINE RESIDENTIAL USES

CR-2017-0029
(Updated 05/15/20)

Reason for amendments: [Zoning]
2. Modify when the easement is to be indicated on a plan, plat, or survey. Clarify the allowance for using the easement in the event of exiting the home in an emergency
3. Revise and remove the plat language and refer to the Land Development Forms Manual, implemented by Land Development Division, where the standard forms and format for Dedication and Reservation language for plats is maintained. When changes to the language is needed it can be done administratively, rather than through an amendment by the Code.
4. Revise the easement encroachment language to include reference access. Staff deleted existing language that required the projections and improvements allowed within an easement to be indicated on the plat. Land Development will update the dedication/reservation language to indicate the allowance of encroachments pursuant to the ULDC.

1 CHAPTER D PROPERTY DEVELOPMENT REGULATIONS (PDRs)

2

3 Section 2 PDRs for Specific Housing Types

4

5 B. Zero Lot Line (ZLL)

6

7 3. Design Standards

8

9 ce. Access, Maintenance, and Roof Overhang Easement

10 *The subdivision plan, plat, and, subsequent surveys submitted with an application for a*
11 *building permit, shall indicate an Access, Maintenance, and Roof Overhang Easement*
12 *along the ZLL for each ZLL lot for the purpose of allowing access for emergency purposes*
13 *of exiting the home and for the maintenance of the portion of the home with a zero setback*
14 *and to accommodate any overhang of the roof eave and gutter. Should a fence or wall*
15 *traverse or be located within the easement, written permission from the POA will be*
16 *required prior to the issuance of a permit by PBC. A gate for access and maintenance*
17 *purposes will be required. Access for the owner of the lot abutting the easement and the*
18 *easement beneficiaries shall be provided after advanced notification and during*
19 *reasonable hours except for emergency purposes as provided for above. No construction,*
20 *landscaping, mechanical equipment, fence, or wall shall prevent perpetual access to said*
21 *easement by the owner of the lot abutting the easement or the easement beneficiaries.*
22 **[Ord. 2013-001] [Ord. 2015-031]**

23 **1) Easement Width**

24 *This easement shall have a minimum width of two feet.*

25 **2) Roof Overhang**

26 *Roof eaves, soffits, and gutters may encroach the easement up to a maximum of 24*
27 *inches. Gutters shall be installed along the entire length of the ZLL side to prevent*
28 *water runoff onto the adjacent property.*

29 **3) Drainage**

30 *This easement shall not overlap a drainage easement.*

31 **4) Plat**

32 *A dedication shall be included on the plat for each ZLL subdivision for an Access,*
33 *Maintenance, and Roof Overhang Easement. The easement language will incorporate*
34 *the purpose and intent as described in Art. 3.D.2.B.3.e, Access, Maintenance, and*
35 *Roof Overhang Easement, in a format approved by the County Engineer, and*
36 *referenced in the Land Development Forms Manual. [Ord. 2013-001] [Ord. 2014-025]*

37 **5) Easement Encroachments**

38 *Projections or improvements may be permitted to encroach into the ZLL Access,*
39 *Maintenance, and Roof Overhang Easement, as follows: [Ord. 2014-025]*

40 *a) Mounting hardware for impact shutters, accordion shutters, or roll-down shutters,*
41 *projecting a maximum of six inches into the ZLL easement; and, [Ord. 2014-025]*

42 *b) Decorative architectural treatment such as lintels, stone veneer, or stucco banding*
43 *extending a maximum distance of three feet measured from the front façade,*
44 *projecting a maximum of two inches into a ZLL easement. [Ord. 2014-025]*

45 **[Relocated from: Art. 3.D.2.C.9.c, Maintenance and Roof Overhang**
46 **Easement]**

U:\Zoning\CODEREV\Code Amendments\2020\02- LDRAB\05-May 27 2020\5- LDRAB-LDRC Packet\Exh. J - CR 2017-0029 Art. 3, Zero Lot Line Residential Uses.docx

Notes:

Underlined indicates **new** text.

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

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

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

EXHIBIT J

**ARTICLE 3 – OVERLAYS AND ZONING DISTRICTS
ZERO LOT LINE RESIDENTIAL USES**

**CR-2017-0029
(Updated 05/15/20)**

Part 12. ULDC Art. 3.D.2.E, Overlays and Zoning Districts, Property Development Regulations (PDRs), PDRs for Specific Housing Types (page 134-135 of 211, Supplement 27), is hereby amended as follows:

Reason for amendments: [Zoning]
1. Add cross references PDRs for a Multiple-Unit Cottage Home to increased setbacks when adjacent to the ZLL lot, and to prohibit the Single Unit on a Single Lot Cottage home from abutting a ZLL.

1 **CHAPTER D PROPERTY DEVELOPMENT REGULATIONS (PDRs)**

2

3 **Section 2 PDRs for Specific Housing Types**

4

5 **E. Cottage Homes**

6 Cottage Homes are detached housing types that may be developed with one unit or multiple units
7 on a single lot. **[Ord. 2019-034]**

8 Cottage Homes shall comply with the following PDRs: **[Ord. 2018-018] [Ord. 2019-034]**

10

Table 3.D.2.E – Cottage Home Property Development Regulations (1)

Lot Dimensions			Height	Building Coverage	Setbacks			
Size	Width and Frontage	Depth			Front	Side (3)	Side Street	Rear
Single Unit on a Single Lot (2)(5)								
1,000 to 2,500 sq. ft. (maximum)	20 to 30-foot (maximum); 30-foot – sSide sStreet home (maximum)	50 feet	35-foot (maximum)	40% (maximum)	20-foot	5-foot	10-foot	5-foot
Multiple Units on a Single Lot (Shared)								
(3)	65-foot	75 feet	35-foot (maximum)	N/A	25-foot (4)	15-foot (4)(6)	25-foot (4)	15-foot (4)
[Ord. 2018-018] [Ord. 2019-034]								
Notes:								
1.	Minimum Property Development Regulations except where it stated as maximum.							
2.	Apply to a Cottage Home that is located on a single lot. This may apply to either a subdivided lot of a pod in a PDD or in a Standard Zoning District. [Ord. 2019-034]							
3.	The minimum lot size of the zoning district which multiple Cottage Homes are located shall apply. [Ord. 2019-034]							
4.	Setbacks shall be measured from the lot. The front setback shall be measured from the property line or base building line, whichever is applicable, where the lot frontage is located. [Ord. 2019-034]							
5.	A Cottage Home (Single Unit on a Single Lot) shall not abut a ZLL home.							
6.	A new subdivision may include ZLL and Cottage Homes (Multiple Units on a Single Lot). If a ZLL lot abuts the Cottage Homes (Multiple Units on a Single Lot), and the shared property line is the ZLL side, the side setback for the Cottage Homes (Multiple Units on a Single Lot) shall be a minimum of 15 feet. The Cottage Homes (Multiple Units on a Single Lot) lot shall have an Access, Maintenance, and Roof Overhang Easement recorded pursuant to Art. 3.D.2.B.3.e, Access, Maintenance, and Roof Overhang Easement.							

11

U:\Zoning\CODEREV\Code Amendments\2020\02- LDRAB\05-May 27 2020\5- LDRAB-LDRC Packet\Exh. J - CR 2017-0029 Art. 3, Zero Lot Line Residential Uses.docx

Notes:

Underlined indicates **new** text.

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

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

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

This page left blank intentionally

EXHIBIT K

ARTICLE 2 – APPLICATION PROCESSES AND PROCEDURES ADMINISTRATIVE PROCESSES

CR-2019-0002 and CR 2019-0007
(Updated 05/14/2020)

Part 1. ULDC Art. 2.A, General (page 15, 21, 22, 26, and 31 of 107, Supplement 27), is hereby amended as follows:

Reason for amendments: [Zoning]
1. Change "Result letter" to "written notification" to allow the use of different ways to communicate an Agent or Applicant on the result or status of an application, and to reflect most current use of ePZB email notification
2. Remove unnecessary use of "governing body" in a standard that indicates the authorities that motion application withdrawals as it should be limited to decision making bodies or decision making person.
3. Amend DO Violation of Conditions standard to include DRO review as part of the processes for which a violation to the Code needs to be rectified prior to the submittal of a Zoning application of a subsequent Development Order.
4. Article 2.E, Monitoring was amended under Ordinance 2020-001 which deleted references to Notice of Intent to Withhold Development Permits, as a result, any reference to the deleted Section should be removed from the Code. This amendment deletes a reference to Art. 2.E under Section 12, Liens and Fines as Monitoring regulations defer now to Art. 10, Code Enforcement instead.

1 **CHAPTER A GENERAL**

2 **Section 4 Concurrent or Separate Applications**

3
4 **D. Type 2 or 3 Concurrent Review**

5
6 **2. PAC**

7 Applications for Concurrent Review shall be subject to the PAC requirements in accordance
8 with Art. 2.A.5, Pre-Application Conference (PAC) or Pre-Application Appointment (PAA). The
9 Applicant shall have six months from the date of the issuance of the PAC Result Letter written
10 notification to submit the Concurrent Review application to the DRO. [Ord. 2018-002]
11

12

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

14
15 **C. Withdrawal**

16 The Applicant shall have the right to withdraw an application for a DO at any time prior to the final
17 action on the application by the decision making body or person. Requests for withdrawal received
18 by the PBC Official responsible for reviewing the application five days prior to a hearing or review
19 date shall be granted without prejudice. Thereafter, the ~~governing body~~ decision making body or
20 person may make a motion on the application for withdrawal with or without prejudice. Withdrawal
21 with prejudice prohibits the filing of a successive application, which is not materially different, as
22 defined in this Section, for one calendar year. [Ord. 2018-002]
23

24

24 **Section 11 Violation of Condition of DO**

25 A violation of any condition in a DO shall be considered a violation of this Code. [Ord. 2018-002]

26 **A.** The violation shall be rectified prior to any public hearing, ~~or public meeting,~~ or DRO review on the
27 issuance of any subsequent ~~Development Order DO~~ for that project, unless the subsequent
28 application seeks to amend the condition that has been violated. Unless otherwise specified in the
29 DO, an approved use must comply with all conditions prior to implementing the approval.

30 **B.** The violation shall be subject to any and all enforcement procedures available as provided by Art.
31 10, Enforcement and by all applicable laws and ordinances.

32 **Section 12 Outstanding Liens or Fines**

33 **A. General**

34 Applications for properties that have outstanding liens or fines owed to PBC shall be restricted as
35 follows: [Ord. 2018-002]

36 **1. Applications subject to Public Hearing Processes**

37 The approving Decision Making Body shall impose a Condition of Approval requiring the
38 payment of any outstanding liens or fines by a date certain or prior to a specific event; ~~and,~~
39 [Ord. 2009-040] [Ord. 2018-002]

40 **2. Applications subject to Administrative Processes**

U:\Zoning\CODEREV\Code Amendments\2020\02- LDRAB\05-May 27 2020\5- LDRAB-LDRC Packet\Exh. K - CR-2019-0002 and 0007 Art. 2, Administrative Modifications.docx

Notes:

Underlined indicates new text.

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

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

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

EXHIBIT K

ARTICLE 2 – APPLICATION PROCESSES AND PROCEDURES
ADMINISTRATIVE PROCESSES

CR-2019-0002 and CR 2019-0007
(Updated 05/14/2020)

1 The DRO shall not approve the application until the payment of any outstanding liens or fines;
2 and, [Ord. 2017-007] [Ord. 2018-002]
3 ~~3. Time extension approved by the ZC or BCC~~
4 ~~The “Notice of Intent to Withhold Development Permits” required by Art. 2.E, Monitoring of~~
5 ~~Development Orders (DOs) and Conditions of Approval, shall not be released until payment of~~
6 ~~any outstanding liens or fines.~~
7 **B. Contest by the Applicant**
8 In the event litigation contesting the validity of the lien or fine is initiated prior to the application for
9 the ~~Development Order DO~~, the time for payment shall be established only after the conclusion of
10 litigation. In this case, a condition shall be in place that requires the owner/developer to notify the
11 County Attorney at Final Order, and if the lien is upheld, payment of the lien shall occur 35 days
12 after the Final Order.
13

14 **CHAPTER B PUBLIC HEARING PROCESSES**

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

16
17 **D. Certification**
18 1. If the resubmitted document(s) satisfy Code requirements and address the DRO’s list of
19 outstanding issues and comments, the DRO shall issue a ~~Result Letter~~ written notification
20 indicating the certification of the application. [Ord. 2018-002] [Ord. 2020-001]
21

22 **Section 6 Public Hearing Procedures**

23
24 **C. Board Action**
25
26 **2. Action by BCC**
27
28 **b Final Decision by the BCC**
29 The BCC shall consider the application, staff report, relevant support materials, DRO
30 certification, the ZC recommendation, public testimony submitted before and given at the
31 hearing. After close of the public hearing, the BCC shall by not less than a majority of a
32 quorum present approve, approve with conditions, modify, or deny the application. The
33 actions shall be based upon the applicable and any Standards specific to the use as
34 required in Art. 4.B, Use Classification, thereby adopting a resolution approving, approving
35 with conditions, or denying the proposed request. The resolution shall be filed with the
36 Clerk of the Circuit Court. For PO Deviations a ~~Result Letter~~ written notification, in lieu of a
37 resolution, is prepared by the DRO, provided to the Applicant, and filed with the Zoning
38 Division. [Ord. 2008-003] [Ord. 2012-027] [Ord. 2017-007] [Ord. 2018-002] [Ord. 2019-
39 005] [Ord. 2020-001]
40

Part 2. ULDC Art. 2.C., Administrative Processes (page 43 to 60 of 101, Supplement 27), is hereby amended as follows:

Reason for amendments: [Zoning]
1. Clarify that Zoning applications submittal requirements need to comply with the Zoning Technical Manual which includes the Sufficiency Checklist, therefore the reference to the Manual needs to be noted. There is no need to repeat the Technical Manual reference for applications request as Art. 2.A already states that applications have to be in compliance with the Technical Manual.
2. Currently, an application that is submitted to the Zoning Division within two months after the ZC or BCC hearing approving the application is deemed a DRO Expedited (DROE) application. This amendment will exempt DROE applications from sufficiency review under the following three scenarios or a combination thereof: a) An original application submitted for ZC or BCC identifies that there are requests for Type 1 Waivers in both the justification and the plan(s). At time of review of an application that is subject to Public Hearing, the Type 1 Waiver shall be analyzed by staff and be part of the overall certification of the application to determine that the subsequent approval of the Type 1 Waiver does not create any tentative site design issues, even though it is not going to be approved by the BCC or ZC, but at the subsequent administrative approval by the DRO;

U:\Zoning\CODEREV\Code Amendments\2020\02- LDRAB\05-May 27 2020\5- LDRAB-LDRC Packet\Exh. K - CR-2019-0002 and 0007 Art. 2, Administrative Modifications.docx

Notes:
Underlined indicates **new** text.
~~Stricken~~ indicates text to be **deleted**. ~~Stricken and italicized~~ means text to be totally or partially relocated. If being relocated destination is noted in bolded brackets [**Relocated to:**].
Italicized indicates text to be relocated. Source is noted in bolded brackets [**Relocated from:**].
.... A series of four bolded ellipses indicates language omitted to save space.

EXHIBIT K

ARTICLE 2 – APPLICATION PROCESSES AND PROCEDURES ADMINISTRATIVE PROCESSES

CR-2019-0002 and CR 2019-0007
(Updated 05/14/2020)

<p>Reason for amendments: [Zoning]</p> <p>b) when the Applicant is making changes only to the DROE application or the plan that addresses conditions of approval required to be resolved and/or incorporated by modification to the ZC or BCC approved Preliminary Plan(s) prior to final approval by the DRO. Changes may also include documents or modifications to plans to reflect direction by the BCC or ZC not necessarily reflected in a condition but recorded at the hearing; and/or,</p> <p>c) when the plans are required to be amended to reflect changes resulting from the BCC or ZC's approval of Type 2 Waivers or Type 2 Variances respectively.</p> <p>Also, this amendment looks to provide predictability and minimize staff's review time by avoiding an unnecessary repetition of sufficiency review on applications already checked by DRO agencies. The proposed procedural exemptions for sufficiency review of DROE applications will save an average of 45 days.</p> <p>3. Provide an option to streamline final DRO approval process of applications that do not require or need any additional changes to BCC or ZC approved Preliminary Plans. In this case, plans approved at Final DRO are proposed to be processed directly by Zoning staff and the agent is not required to submit a new set of the same documents to finalize the application. To accomplish this, Zoning will be requesting the Applicant to indicate the interest to follow this procedure, ensuring that no further changes to the approved plans are needed and to clarify that if modifications are made to the plan, the application will be subject to DRO approval process. The Zoning will be creating a form for this purpose to be completed by the Agent/Applicant at time of BCC or ZC approval.</p> <p>4. Establish a requirement for applicants to indicate at time of submittal if a DROE application is looking to be exempted from sufficiency review, in order to determine if the application schedule. This amendment also requires Zoning staff to confirm within five days of submittal, if the application is meeting the exemptions or if the application needs to be subject to sufficiency review. The five days are established to ensure applications not meeting the exemption are still within the sufficiency review period.</p> <p>5. Sufficiency review is currently 21 calendar days or as established by the Zoning Calendar. This amendment clarifies that the starting time of DROE applications exempted from sufficiency is when a submittal is made as established in the Zoning Calendar.</p>
--

1 CHAPTER C ADMINISTRATIVE PROCESSES

2 Section 1 Purpose

3 To establish procedures and standards for: **[Ord. 2018-002]**

- 4 A. Sufficiency determination of applications that are subject to the Administrative processes; **[Ord. 2018-002]**
- 5
- 6 B. Submittal, Review, Resubmittal, and Approval of applications that are subject to Table 2.C.3, DRO, Administrative Processes; **[Ord. 2018-002]**
- 7
- 8 C. Finalization of approved BCC or ZC DOs by the DRO; **[Ord. 2018-002]**
- 9
- 10 D. Review and final decisions on requests that are subject to the Administrative processes by the DRO; and, **[Ord. 2018-002]**
- 11
- 12 E. Considerations for other Administrative types of processes that will not result in the issuance of a DO. **[Ord. 2018-002]**

13 Section 2 Sufficiency Review

14 A. Sufficiency

15 **1.** The DRO shall ensure the applications meet all submittal requirements pursuant to the Zoning
16 Technical Manual, and the requests are consistent with Art. 2.A, General ~~and the Zoning~~
17 Technical Manual. If the application is determined to be sufficient by the DRO, the DRO shall
18 provide written notification to the Applicant and the application shall be distributed to the
19 applicable County Agencies for review pursuant to the procedures and standards of this Article.
20 **[Ord. 2018-002] [Ord. 2020-001]**

21 **2. Exemptions**

- 22 **a.** A DROE application may be exempt from Sufficiency Review subject to the following:
 - 23 **1)** the Justification Statement and supporting documents provided as part of the ZC or
24 BCC application approval, previously identified all applicable Type 1 Waivers which
25 were reviewed as part of the approved Preliminary Plans;
 - 26 **2)** Revisions to the plan(s) are limited to only those amendments to address specific
27 conditions of approval due at Final DRO; or, any site modifications requested
28 specifically by the Board;

U:\Zoning\CODEREV\Code Amendments\2020\02- LDRAB\05-May 27 2020\5- LDRAB-LDRC Packet\Exh. K - CR-2019-0002 and 0007 Art. 2, Administrative Modifications.docx

Notes:

Underlined indicates **new** text.

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

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

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

EXHIBIT K

ARTICLE 2 – APPLICATION PROCESSES AND PROCEDURES ADMINISTRATIVE PROCESSES

CR-2019-0002 and CR 2019-0007
(Updated 05/14/2020)

- 1 3) Revisions are to reflect amendments necessary to address an approved Type 2 Waiver
2 or a Type 2 Variance.
- 3 b. BCC or ZC Preliminary Plans such as a Master Plan or Site Plan that are not required to
4 be amended at Final DRO, may be processed and finalized pursuant to Art. 2.C.5.A.2,
5 Exceptions.
- 6 **3. Application Review**
- 7 a. DROE application may be exempted from sufficiency review, if the applicant indicates at
8 time of application submittal if the application meets any of the exemptions in Art. 2.C.2.A.2.
9 Staff shall determine within five days of submittal if an application meets the exemptions
10 for Sufficiency review in order to continue to be processed. Applications not meeting the
11 exemptions shall be subject to sufficiency review.
- 12 b. The 120 calendar days review timeframe for DROE applications exempted for sufficiency
13 shall commence on the date when the application is submitted to the Zoning Division.
- 14 **B. Insufficiency**
- 15 If an application is determined to be insufficient pursuant to the Zoning Technical Manual, the DRO
16 shall provide written notification to the Applicant specifying the deficiencies. The notification shall
17 be forwarded to the Applicant within 30-calendar days from the date of the Application's Submittal.
18 **[Ord. 2018-002] [Ord. 2020-001]**
- 19 1. No further action shall be taken on the application until the deficiencies are remedied. **[Ord.**
20 **2018-002]**
- 21 2. The Applicant shall address all insufficiencies no more than 30-calendar days after the
22 application was determined to be insufficient, and resubmit the application on the Submittal
23 date. **[Ord. 2018-002] [Ord. 2020-001]**
- 24 3. If the application is amended and determined to be sufficient by the DRO, the application shall
25 be processed for review. **[Ord. 2018-002]**
- 26 4. If the deficiencies are not remedied, the DRO shall issue a second written notification to the
27 Applicant indicating the application shall be considered withdrawn unless a written request for
28 a time extension has been submitted and approved by the Zoning Director, pursuant to Art.
29 2.C.2.C, Time Extension. **[Ord. 2018-002] [Ord. 2020-001]**
- 30 **C. Time Extension**
- 31 The Applicant may submit a written request for an extension of time to the Zoning Director should
32 additional time be required to address deficiencies of the application. Such request shall be
33 submitted to the Zoning Director no later than five days after the issuance of the second
34 Insufficiency notification. **[Ord. 2018-002] [Ord. 2020-001]**
- 35 **D. Administrative Withdrawal**
- 36 If the Applicant fails to address the insufficiencies; or, request and receive a time extension, it may
37 result in an Administrative withdrawal of the application. **[Ord. 2018-002] [Ord. 2020-001]**

Reason for amendments: [Zoning]
6. Complete the title of a reference to the DRO Administrative Processes table 2.C.3.
7. Delete text noting sequential review of applications as there is no such title in the Code. Concurrent Review regulations for DRO applications are in Art. 2.A.4.D.
8. Allow limited Type 1 Waivers to be reviewed through the ZAR process when limited to the Property Development Regulations (PDRs) for a development in the Native Ecosystem Overlay (NEO) as contained in Art. 3.B.7.D; or, to apply for setback reduction of detached housing types on individual lots when the deviation is below five percent of the requirements in Table. 3.D.1.A, PDRs. Through Ord. 2018-002, these 2 deviations were changed from Type 1A Variance to Type 1 Waiver to simplify the review process of these deviations. As they do not need to be reviewed by the all agencies that are part of any Full DRO application, this amendment allows them to be processed through the ZAR, which will accomplish the goal to make these minor requests more expedited.
9. Relocate provisions that relate to Final DRO under Applications Type for consistency with formatting of standards in Art. 2.

38 Section 3 General

39 The DRO shall coordinate the review of applications with all the applicable Agencies based on the
40 request(s), and in accordance with the Table 2.C.3, DRO, Administrative Processes below. The
41 application(s) shall be assigned by the DRO to be reviewed either through the Full DRO, which consists of
42 all applicable County Agencies, or the Zoning Agency Review (ZAR), which consists of one to a maximum
43 of five Agencies pursuant to Art. 2.C.4.A.3, ZAR. An Applicant may also request ~~Sequential or~~ Concurrent
44 Review by the DRO. **[Ord. 2018-002]**

45

U:\Zoning\CODEREV\Code Amendments\2020\02- LDRAB\05-May 27 2020\5- LDRAB-LDRC Packet\Exh. K - CR-2019-0002 and 0007 Art. 2, Administrative Modifications.docx

Notes:

Underlined indicates **new** text.

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

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

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

EXHIBIT K

ARTICLE 2 – APPLICATION PROCESSES AND PROCEDURES
ADMINISTRATIVE PROCESSES

CR-2019-0002 and CR 2019-0007
(Updated 05/14/2020)

1

Table 2.C.3 – DRO, Administrative Processes

Requests	Processes	
	Full DRO	ZAR
Finalization of BCC or ZC DOs		
Finalize the BCC or ZC DOs and Plans	✓	
Administrative Approval		
A Use subject to Art. 4.A.7.C.2, Development Review Officer (DRO) (1)	✓	✓ (2)
Administrative Modifications to Prior DO in accordance with Table 2.C.5.B	✓	✓ (2)
Subdivision Plan pursuant to Art. 11, Subdivision, Platting, and Required Improvements (3)	✓	
Type 1 Waiver (4)	✓	✓ (7)
Type 1 Variance		✓
Temporary Use pursuant to Art. 4.B.11, Temporary Uses		✓
Special Permit pursuant to Art. 8.H.2, Billboards		(6)
Reasonable Accommodation		✓
Zoning Confirmation Letter (Formal and Non-Site Specific Formal) (5)		✓
Zoning Confirmation Letter (Informal) (5)		✓
Release of Unity of Title (5)		✓
ABN for a prior DO approved by the DRO	✓	✓
[Ord. 2018-002] [Ord. 2018-018]		
Notes:		
1.	Includes where it specifies the process is subject to the DRO in Art. 4.B, Use Classification or in Art. 3.B, Overlays, Art. 5.G.1.B.3, Approval Process for WHP, Table 5.G.2.D, Review Process for AHP, and Art. 5.G.3.K.3, Review Process for TDR.	
2.	There shall be an approved Zoning Plan (Site or Subdivision) for those requests to add a new use or replacement of a use through the ZAR process.	
3.	May be reviewed and approved concurrent with a Final Master Plan that was approved by the BCC.	
4.	Includes Type 1 Waiver for Landscaping.	
5.	This type of request will not issue a DO for the subject property.	
6.	Shall be processed as a Special Permit.	
7.	Limited to NEO and Structural Setback as outlined in Table 2.C.5.E – Summary of Type 1 Waivers.	

2

3

A. Finalization of BCC or ZC DOs

4

1. After the BCC or ZC hearing and approval of a DO, the Applicant shall submit to the DRO for Final Plan approval subject to Art. 2.C.5.A, Final DRO. ~~The DRO shall review the application under the Full DRO process, and shall ensure the DO is consistent with the BCC or ZC approved plan and Conditions of Approval. The Final Plan review shall include any DOs that do not involve changes on the plan. All Preliminary Zoning Plans shall be finalized by the DRO prior to the application of a Building Permit; commencement of any related land development activities; utilization of any use or approval granted by the BCC or ZC. An Applicant may allow to submit for an Expedited Review or for a Concurrent Review under the Full DRO process subject to the following: [Ord. 2018-002] [Relocated to Art. 2.C.5.A, Final DRO] Final Plan approval shall be required for all DOs even for those applications that do not include graphic changes to the Plan(s) such as tables required for Variance or Waiver requests and approvals.~~ [Relocated from Art. 2.C.3.B, Administrative Approval, below]

5

6

7

8

9

10

11

12

13

14

15

Reason for amendments: [Zoning]
10. Provide a cross reference to the Expedited Final DRO applications section, known as DROE, for applications approved by the BCC or ZC. The provisions have been relocated to the section that consolidates all Administrative Review application types.
11. Delete provisions that allow applications subject to BCC approval to be submitted between Zoning Commission (ZC) and BCC approval. The annual Zoning Calendar offers only one submittal (intake of applications) per month, which occurs before the ZC and the BCC hearings. To help expedite applications, this amendment is proposing to eliminate sufficiency review for some DROE applications when the plans need to be finalized with no changes or minimal changes, or to address conditions imposed by the Board that need to be resolved prior to Final DRO approval.
12. Expand references to articles that include DRO approval of uses such Article 3 Overlays and Zoning District and Art. 4, Use Regulations. Also, clarify that DRO approval may be required by the Code on specific cases to make final decisions through the Administrative Approval not necessarily listed in this section. Examples include: Expansion, Maintenance, Renovation or Repairs related to Nonconformities; Eminent Domain; or, Accessory Radio Towers.

16

17

42. DRO Expedited Process Review (DROE)

U:\Zoning\CODEREV\Code Amendments\2020\02- LDRAB\05-May 27 2020\5- LDRAB-LDRC Packet\Exh. K - CR-2019-0002 and 0007 Art. 2, Administrative Modifications.docx

Notes:

Underlined indicates **new** text.

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

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

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

EXHIBIT K

ARTICLE 2 – APPLICATION PROCESSES AND PROCEDURES ADMINISTRATIVE PROCESSES

CR-2019-0002 and CR 2019-0007
(Updated 05/14/2020)

1 ~~Final DRO applications may be expedited when they are consistent with the requirements in~~
2 ~~Art. 2.C.5.A.1, DRO Expedited (DROE) shall be submitted within two months after the final~~
3 ~~decision date of the BCC or ZC to be considered as DROE. [Relocated to Art. 2.C.5.A.1.a,~~
4 ~~DRO Expedited (DROE)]The Applicant may request a DROE application after the ZC~~
5 ~~hearings, and prior to the BCC's final decision hearings provided that: [Ord. 2018-002]~~
6 ~~a. The application must be on the Consent Agenda of the hearings; [Ord. 2018-002]~~
7 ~~b. There is no opposition from the Public; and, [Ord. 2018-002]~~
8 ~~c. The Applicant agrees to and accept all of the Conditions of Approval. [Ord. 2018-002]~~

23. Concurrent Review

9
10 ~~Refer Applications may be reviewed pursuant to Art. 2.A.4.D, Concurrent or Separate~~
11 ~~Applications Type 2 or 3 Concurrent Review.~~

B. Administrative Approval

12
13 1. The DRO shall make a final decision on ~~a permanent or a temporary~~ uses pursuant to Art. 3,
14 ~~Overlays and Zoning Districts, and Art. 4, Use Regulations; Administrative applications~~
15 ~~pursuant to Table 2.C.3, DRO, Administrative Processes; or, where required by this Code.~~

2. Concurrent Review

16 Applications may be reviewed ~~pursuant to under either~~ the ~~Sequential or~~ Concurrent Review
17 process, ~~where applicable in Art. 2.A.4.D, Type 2 or 3 Concurrent Review. The DROE cannot~~
18 ~~be utilized for applications that are subject to the Administrative Approval. [Relocated to Art.~~
19 ~~2.C.5.A, related to Types of Applications, below] Final Plan review shall be required for all~~
20 ~~DOs even for those applications that do not include graphic changes to the Plan(s). [Relocated~~
21 ~~to Art. 2.C.3.A.1, related to Finalization of BCC or ZC DOs, above]~~

22
23 3. All Zoning Plans shall be approved by the DRO prior to applying for a Building Permit;
24 commencing related land development activities; or utilizing any use subject to DRO approval,
25 unless stated otherwise herein. [Ord. 2018-002]

26 Section 4 Review, Resubmittal, and Final Decision

27 Review of an application shall be initiated by the DRO on the date it is deemed sufficient. The deadlines for
28 Staff Comments, Resubmittal by the Applicant, and Certification or Final Decision shall be indicated on the
29 Annual Zoning Calendar [Ord. 2018-002] [Ord. 2020-001]

A. Review

30 Staff review shall be based on applications that are deemed sufficient, and any subsequent
31 resubmittals. The DRO shall prepare a list of issues and comments and make it available to the
32 Applicant. The Applicant shall provide a written response and revised document(s), if applicable,
33 addressing all outstanding issues and comments and revised document(s) on the Resubmittal date
34 indicated on the Annual Zoning Calendar. The written responses and revised document(s) shall
35 address the issues and comments prepared by Staff and shall not significantly modify the
36 application that was determined to be sufficient. [Ord. 2018-002] [Ord. 2020-001]

37 1. Significant modifications shall include, but not limited to the following: [Ord. 2020-001]

38 a. Additional requests to the application; or [Ord. 2020-001]

39 b. Modifications to the site layout or submitted document(s) that would require a new review
40 of the document(s) or impact the timing of a final decision by the DRO. [Ord. 2020-001]

41 2. If the DRO determines that the revised requests and documents are significantly modified from
42 the original request that was deemed to be sufficient, the DRO shall provide a written
43 notification to the Applicant describing what changes significantly modified the application. The
44 Applicant shall: [Ord. 2020-001]

45 a. revise the requests and modify plans to eliminate the significant modification; [Ord. 2020-
46 001]

47 b. submit a written request for a time extension to the Zoning Director to determine if the
48 application is still sufficient or if a new sufficiency review is required. Both parties may agree
49 to a reasonable request for an extension of time; or, [Ord. 2020-001]

50 c. request withdrawal of the application. [Ord. 2020-001]

Reason for amendments: [Zoning]

12. Clarify that five is the maximum number of agencies involved in DRO application review processed through Zoning Agency Review (ZAR) where allowed by the Code. This amendment also indicates the number of agencies involved is determined based on the application's requests identified by the Agents and verified by Zoning staff. The Zoning Division will have a checklist based on the typical elements reviewed by the different agencies to determine the number of agencies involved. This amendment also creates a cross reference to the Technical Manual to maintain the list of agencies involved in different application reviews and help determine if an application is subject to ZAR. The

U:\Zoning\CODEREV\Code Amendments\2020\02- LDRAB\05-May 27 2020\5- LDRAB-LDRC Packet\Exh. K - CR-2019-0002 and 0007 Art. 2, Administrative Modifications.docx

Notes:

Underlined indicates new text.

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

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

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

EXHIBIT K

ARTICLE 2 – APPLICATION PROCESSES AND PROCEDURES
ADMINISTRATIVE PROCESSES

CR-2019-0002 and CR 2019-0007
(Updated 05/14/2020)

Reason for amendments: [Zoning]
amendment indicates that pending on the type of request, if more than five agencies are needed to review an application, it will be subject to Full DRO review instead of ZAR.

3. Zoning Agency Review (ZAR)

DRO applications may be reviewed through the ZAR process, which requires five or less Agencies to review an application. The Applicant shall consider the request(s) to indicate what Agencies are required to review the application based on the Zoning Technical Manual. Zoning staff shall verify whether the Agencies to review the application are correct and confirm if the application is subject to ZAR. If it is determined that more than five Agencies are required, the application shall be subject to the Full DRO process, however the Zoning Director shall render the final decision in cases of a dispute between the Applicant and staff.

Reason for amendments: [Zoning]
13. Change "Result letter" to "written notification" to allow the address proposed method of using ePZB to notify Agent or Applicant on the result or status of applications

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

1. Not Approved

If the 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] [Ord. 2020-001]

a. Resubmittal 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 submitted on the Resubmittal date as established on the Annual Zoning Calendar. [Ord. 2008-003] [Ord. 2018-002] [Ord. 2020-001]

b. Time Extension

Applicants who have applications for a DO that are not approved within 120-calendar days of Sufficiency determination by the DRO, must submit a written request and receive approval for an extension of time from the Zoning Director within the 120-calendar day deadline. Both parties may agree to a reasonable request for an extension of time. [Ord. 2005-002] [Ord. 2018-002] [Ord. 2018-018] [Ord. 2020-001]

c. Failure to Address Issues and Comments

If the Applicant fails to address the listed outstanding issues and comments within the 120-calendar day deadline, and fails to request and receive approval for a reasonable request for an extension of time from the Zoning Director, within the 120-calendar day deadline, the application shall receive a decision of denial from the DRO for failure to comply with the Standards pursuant to Art. 2.C.5, Types of Applications, including the outstanding issues and comments provided by Staff. [Ord. 2020-001]

2. Approved

If the resubmitted document(s) satisfy Code requirements and address the DRO's list of outstanding issues and comments, the DRO shall issue a ~~Result Letter~~ written notification indicating the approval of the application. [Ord. 2018-002] [Ord. 2020-001]

C. Action by the DRO for Type 1 Variance DO Applications

1. Not Certified

If the 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 certified. [Ord. 2020-001]

a. Resubmittal Requirements

The Applicant shall provide a written response addressing all outstanding issues and comments for those applications that were not certified in a manner and form acceptable to the DRO. The revised document(s) shall be submitted on the Resubmittal date as established on the Annual Zoning Calendar. [Ord. 2020-001]

b. Time Extension

Applicants who have applications for a DO that are not certified within 90-calendar days of Sufficiency determination by the DRO, must submit a written request and receive approval for an extension of time from the Zoning Director. Both parties may agree to a reasonable request for an extension of time. [Ord. 2020-001]

2. Certification

a. If the resubmitted document(s) satisfy Code requirements and address the DRO's list of outstanding issues and comments, the DRO shall issue a ~~Result Letter~~ written notification indicating the certification of the application. [Ord. 2020-001]

U:\Zoning\CODEREV\Code Amendments\2020\02- LDRAB\05-May 27 2020\5- LDRAB-LDRC Packet\Exh. K - CR-2019-0002 and 0007 Art. 2, Administrative Modifications.docx

Notes:

Underlined indicates new text.

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

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

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

EXHIBIT K

ARTICLE 2 – APPLICATION PROCESSES AND PROCEDURES ADMINISTRATIVE PROCESSES

CR-2019-0002 and CR 2019-0007
(Updated 05/14/2020)

- 1 b. If the Applicant fails to address the listed outstanding issues and comments within the 90-
2 calendar day deadline, and fails to request and receive approval for a reasonable request
3 for an extension of time from the Zoning Director within the 90-calendar day deadline, the
4 application shall be scheduled to proceed to a public meeting to comply with the timeframes
5 enumerated in the F.S. An Applicant shall receive a recommendation of denial from Staff
6 for failure to comply with the Standards pursuant to Art. 2.C.5.D, Type 1 Variance, including
7 the outstanding issues and comments provided by Staff. **[Ord. 2020-001]**
- 8 **3. Application Modification after Certification**
9 Applications shall not be significantly modified after certification, unless requested or agreed to
10 by the DRO. Significant modifications to the certified plan(s) and applications within ten days
11 of a scheduled public meeting date shall result in a postponement when a decision can be
12 rendered within the timeframe enumerated in the F.S., or if both parties agree to a reasonable
13 request for an extension of time. For the purposes of the Article, a modification shall be
14 considered significant if it exceeds 30 percent or more change from the certified plan or
15 application request. The DRO may consider, but not limited to, intensity, density, land area, or
16 vehicular use areas, to determine whether the certified plans or document(s) exceed the 30-
17 percent threshold. **[Ord. 2020-001]**
- 18 **D. Public Meeting Procedures for Type 1 Variance**
- 19 **1. Notification**
20 Refer to Art. 2.B.5, Notification. **[Ord. 2018-018]**
- 21 **2. Scheduling**
22 Once an application has been certified by the DRO, the DRO shall schedule a public meeting
23 in accordance with the dates established in the Annual Zoning Calendar and pursuant to the
24 F.S. The scheduling of the application for public meeting shall ensure the public notice
25 requirements are satisfied and a decision is rendered pursuant to F.S. **[Ord. 2018-018] [Ord.**
26 **2020-001]**
- 27 **a. Number of Meetings**
28 The DRO shall hold at least one public meeting on applications that are subject to the Type
29 1 Variance process. **[Ord. 2018-018]**
- 30 **3. Continuance or Postponement of the Meeting**
31 The DRO conducting the public meeting, may on its own motion or at the request of an
32 Applicant, consider an application be continued or postponed, when a decision can be
33 rendered within the timeframe enumerated in the F.S., or if both parties agree to a reasonable
34 request within the timeframe enumerated in the F.S., or if both parties agree to a reasonable
35 request for an extension of time. The DRO shall determine if an application shall be postponed
36 when an Applicant fails to submit a written request from postponement five days prior to the
37 meeting. All subsequent requests for continuance or postponement shall be granted at the
38 discretion of the DRO. **[Ord. 2020-001]**
- 39 **a. Postponement by Right**
40 An Applicant may submit a written request to the Zoning Director, no less than five days
41 prior to the public meeting, for an application be postponed when a decision can be
42 rendered within the timeframe enumerated in the F.S., or if both parties agree to a
43 reasonable request for an extension of time. If the postponement is requested less than
44 five days prior to the date of the scheduled meeting, the request for postponement shall be
45 presented at the hearing and at the discretion of the DRO. **[Ord. 2020-001]**

Reason for amendments: [Zoning]
14. Consolidate all DRO application types for ease use of the Administrative Processes provision.
15. Consolidate all existing regulations related to Final DRO under Types of Applications to follow the general format of Art. 2, Application Processes and Procedures.
16. Amend the timing of when a DRO application can be submitted to be considered DROE which are application excluded of some fees as they are expected to be submitted immediately after the BCC or ZC approval. This amendment expands submittal of Final DRO application to be within the next two intake dates after the BCC or ZC approval, instead of two months after the BCC or ZC approval. This change ensures that an application will have two opportunities to submit on those days established in the Zoning Calendar. Keeping the submittal by the 60 days or 2 months created cases in which the Agent only had one opportunity to submit an application as DROE due to the following intake falling outside the 60 days timeframe.
17. Introduce a mechanism to finalize review of applications approved by BCC or ZC expeditiously when: a) The plans are not subject to further amendments and the plans are limited to indicate Final Plan(s) instead of Preliminary Plan(s); or, b) There are no modifications to the plans other than adding Type 2 Waiver or Type 2 Variance tables.

U:\Zoning\CODEREV\Code Amendments\2020\02- LDRAB\05-May 27 2020\5- LDRAB-LDRC Packet\Exh. K - CR-2019-0002 and 0007 Art. 2, Administrative Modifications.docx

Notes:

Underlined indicates **new** text.

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

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

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

EXHIBIT K

ARTICLE 2 – APPLICATION PROCESSES AND PROCEDURES
ADMINISTRATIVE PROCESSES

CR-2019-0002 and CR 2019-0007
(Updated 05/14/2020)

<p>Reason for amendments: [Zoning]</p> <p>These applications may be finalized without filing a new set of plans and documents, provided the Agent indicates the application is subject to these exemptions and submits the plans to be finalized once the resolution of the ZC or BCC approval has a number assigned and is signed by all parts involved. This step reduces significantly the time of applications in the approval process by removing unnecessary applications from final DRO process. Staff shall ensure the final plans provided by the Applicant have no changes by comparing them with the preliminary plans approved by the BCC or ZC.</p>

Section 5. Types of Applications

A. Finalization of BCC or ZC DOs

Plans approved by the BCC or ZC are required to be submitted to the DRO for final approval. The DRO shall review the application under the Full DRO process, and shall ensure the DO is consistent with the BCC or ZC approved plan and Conditions of Approval. The Final Plan review shall include any DOs that do not involve changes on the plan. All Preliminary Zoning Plans shall be finalized by the DRO prior to the application of a Building Permit; commencement of any related land development activities; or utilization of any use or approval granted by the BCC or ZC. An Applicant may submit an Expedited Review or for a Concurrent Review under the Full DRO process. [Ord. 2018-002] [Partially relocated from Art. 2.C.3.A, Finalization of BCC or ZC DOs, above]

1. DRO Expedited Review (DROE)

- a. Final DRO applications are considered DROE when they are submitted within the next two submittal dates indicated in the Zoning Calendar, after the final decision date of the BCC or ZC. [Partially relocated from Art. 2.C.3.A.1, DRO Expedited Process (DROE), above]
- b. The DROE shall not be utilized for applications that are subject to the Administrative Approval. [Relocated from Art. 2.C.3.B, Administrative Approval]

2. Exceptions

- a. Applications approved by the BCC or ZC may be exempt from the submittal requirements for a DROE or Final DRO when the application meets the following:
 - 1) The Preliminary Plans do not require changes other than labeling "Final" Plans;
 - 2) The Final Plan is required to reflect the Type 2 Waiver or Type 2 Variance tables that do not result in modifications to the plan(s).
- b. After the BCC or ZC approval, the Applicant shall indicate intent to take advantage of this provision to submit the Final Plan(s) and obtain final application approval. An application shall be finalized once the Resolution is signed.

<p>Reason for amendments: [Zoning]</p> <p>18. Expand the list of applications that are subject to Administrative approval by referencing the thresholds in Art. 4 Use Regulations, and noting that Full DRO may be explicitly required by the Code for compliance of specific provisions.</p> <p>19. Clarify that applications requesting to have new uses required to be approved by the DRO may be processed through the Zoning Agency Review (ZAR) when the review is limited to five agencies.</p> <p>20. Relocate the language for Conditions and Effect of an Issuance of a Development Order to a section that consolidates these requirements applicable to all DRO application types.</p>

AB. Administrative Approval of New Use

1. Purpose

To establish standards for Administrative Approval of new uses by the DRO; developments that exceed the limitations stated in Art. 4.A.9.A, Thresholds for Projects Requiring DRO approval; or, where a Full DRO process is required by this Code. [Ord. 2018-002]

a. New Use

These uses require individual review by the DRO of the subject property's location, proposed design, site configuration, intensity or density to ensure the appropriateness, and compatibility of uses with its surrounding land uses. [Ord. 2018-002] If there is a previously approved Plan, an application for a new use may be reviewed through the ZAR process pursuant to Art. 2.C.4.A.3, ZAR.

2. Standards

When considering a DO application that are subject to the Administrative Approval processes, the DRO shall utilize the Standards a through c indicated below: **[Ord. 2018-002]**

a. Consistency with the Plan

The proposed use is consistent with the purposes, goals, objectives and policies in the Plan, including standards for densities, and intensities of use. **[Ord. 2018-002]**

b. Consistency with the Code

U:\Zoning\CODEREV\Code Amendments\2020\02- LDRAB\05-May 27 2020\5- LDRAB-LDRC Packet\Exh. K - CR-2019-0002 and 0007 Art. 2, Administrative Modifications.docx

Notes:

Underlined indicates **new** text.

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

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

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

EXHIBIT K

ARTICLE 2 – APPLICATION PROCESSES AND PROCEDURES ADMINISTRATIVE PROCESSES

CR-2019-0002 and CR 2019-0007
(Updated 05/14/2020)

1 The proposed use or amendment is not in conflict with any portion of this Code, and is
2 consistent with the stated purpose and intent of this Code. [Ord. 2018-002]

3 **ac. Adequate Public Facilities**

4 The proposed use complies with Art. 2.F, Concurrency (Adequate Public Facility
5 Standards). [Ord. 2018-002]

6 **3. Conditions**

7 The DRO may impose conditions pursuant to Art. 2.C.6, Conditions of Approval.

8 **34. Effect of an Issuance of a DO**

9 Shall be in effect pursuant to Art. 2.C.7, Effect of an Issuance of a DO.

10 ~~A DO approved by the DRO shall have the following effect and authority: [Ord. 2009-040]~~

11 [Relocated to Art. 2.C.7, Effect of an Issuance of a DO]

12 ~~a. Any permitted uses may occur in conjunction with or in place of the approved use; [Ord.~~

13 ~~2018-002] [Relocated to Art. 2.C.7.A, related to Effect of an Issuance of a DO]~~

14 ~~b. Issuance of a DO approved by the DRO shall be deemed to authorize only the particular~~

15 ~~site configuration, layout, design, level of impacts, and intensity or density which were~~

16 ~~approved pursuant to this Code; and, [Ord. 2018-002] [Relocated to Art. 2.C.7.B, related~~

17 ~~to Effect of an Issuance of a DO]~~

18 ~~c. A DO may only be amended pursuant to the procedures and standards in this Article [Ord.~~

19 ~~2018-002] [Relocated to Art. 2.C.7.C, related to Effect of an Issuance of a DO]~~

20 **BC. Administrative Modifications to Prior ~~Des~~ DOs**

21 **1. Purpose**

22 To establish review criteria for the evaluation of Administrative Modifications to DOs that are
23 approved by the BCC, ZC or the DRO. ~~The DRO shall have the authority to approve~~

24 ~~modifications to a Development Order approved by the BCC or ZC. [Relocated to Art.~~

25 ~~2.C.5.C.2, Modifications to BCC or ZC Approved Plans, below] The authority of the DRO~~

26 ~~to modify a prior approval shall, include but not be limited to Table 2.C.5.BC, Administrative~~

27 ~~Modifications to Prior DOs. [Relocated to Art. 2.C.5.C.3, Applicability, below] The DRO may~~

28 ~~allow the modifications so long the request(s) meet the intent of the BCC or ZC approval, and~~

29 ~~comply with the Conditions of Approval. [Partially relocated to Art. 2.C.5.C.2, Modifications~~

30 ~~to BCC or ZC Approved Plans, below] The DRO shall determine which Agencies will review~~

31 ~~the application, and whether the review shall be subject to the Full DRO or ZAR process. A~~

32 ~~combination of requests may require review through the Full DRO process. In making a~~

33 ~~decision on the requested modification(s), the DRO shall evaluate the application based on the~~

34 ~~Table listed below, unless otherwise stated herein. The Zoning Director shall maintain PPM~~

35 ~~#ZO-O-029, Administrative Modifications to Approved Site Plans, outlining a list of minor~~

36 ~~amendments and establishing items that are exempt from the Administrative Modifications~~

37 ~~process. [Relocated to Art. 2.C.5.C.3, Applicability, below] [Ord. 2008-003] [Ord. 2010-~~

38 ~~005] [Ord. 2010-022] [Ord. 2011-001] [Ord. 2018-002]~~

39 ~~a. Exceptions~~

40 1. All Class A or Class B Conditional Uses shall remain in the location consistent with the

41 plan(s) approved by the BCC or ZC; unless a Condition of Approval allows an

42 alternative location on the same site. [Ord. 2018-002]

43 2. Modifications shall not be allowed if there is a ~~BCC or ZC~~ Condition of Approval that

44 prohibits the amendment request. [Ord. 2018-002]

Reason for amendments: [Zoning]

21. Clarify that the plans finalized by the DRO for BCC or ZC approvals are the controlling plans to be used for amendments processed through the ZAR or Full DRO. In most cases of-the-Board plans or Final plans reflect conditions of approval, modifications discussed at the hearing and amendments to site elements allowed by the Code. They are stamped and signed by Zoning staff and are easy to track and used for future administrative modifications. A definition for "Original Final DRO" was added in Art. 1 to clarify terminology applicability in this standard.

45 **2b. Modifications to BCC or ZC Approved Plans**

46 ~~The DRO shall have the authority to approve modifications to a DO approved by the BCC or~~

47 ~~ZC. The original Final DRO plan(s) shall be used as the controlling document(s) to show~~

48 ~~proposed modifications, unless stated otherwise. The requests shall meet the intent of the~~

49 ~~BCC or ZC approval, and comply with the Conditions of Approval. [Partially relocated from~~

50 ~~Art. 2.C.5.C.1, Purpose, above]. For modifications to a BCC or ZC approved DO, the~~

51 ~~Applicant shall utilize the latest BCC or ZC approved Preliminary Plan for comparison purposes~~

52 ~~to identify the changes. If the Preliminary Plan is finalized by the DRO, then that Plan shall be~~

53 ~~used to show the proposed modifications. [Ord. 2018-002]~~

54 **23. Standards**

U:\Zoning\CODEREV\Code Amendments\2020\02- LDRAB\05-May 27 2020\5- LDRAB-LDRC Packet\Exh. K - CR-2019-0002 and 0007 Art. 2, Administrative Modifications.docx

Notes:

Underlined indicates **new** text.

~~Stricken~~ indicates text to be **deleted**. ~~Stricken and italicized~~ means text to be totally or partially relocated.

If being relocated destination is noted in bolded brackets **[Relocated to:]**.

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

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

EXHIBIT K

ARTICLE 2 – APPLICATION PROCESSES AND PROCEDURES ADMINISTRATIVE PROCESSES

**CR-2019-0002 and CR 2019-0007
(Updated 05/14/2020)**

- 1 When considering a DO request for Administrative Modifications, the DRO shall utilize the
 2 same Standards a through c pursuant to ~~the Art. 2.C.5.B.2, for~~ Administrative Approval ~~of a~~
 3 ~~new use;~~ ~~the~~ The DRO shall also consider the ~~limitations and~~ criteria stated in ~~the following~~
 4 Table 2.C.5.C, Administrative Modifications to Prior DOs:**[Ord. 2018-002]**
- 5 **4. Applicability**
 6 *The authority of the DRO to modify a prior approval shall include but not be limited to Table*
 7 *2.C.5.C, Administrative Modifications to Prior DOs.*
- 8 *a. The DRO shall consider the request(s) to determine which Agencies will review the*
 9 *application, and whether the review shall be subject to the Full DRO or ZAR process*
 10 *pursuant to Art. 2.C.4.A.3, ZAR. A combination of requests may require review through the*
 11 *Full DRO process. In making a decision on the requested modification(s), the DRO shall*
 12 *evaluate the application based on the Table listed below. [Relocated from Art. 2.C.5.C.1,*
 13 *Purpose, above]*
- 14 *b. The Zoning Director shall maintain PPM #ZO-O-029, Administrative Modifications to*
 15 *Approved Site Plans, outlining a list of minor amendments and establishing items that are*
 16 *exempt from the Administrative Modifications process. [Relocated from Art. 2.C.5.C.1,*
 17 *Purpose, above]*

Reason for amendments: [Zoning]
22. The DRO has made the determination of which Agencies would be required to co-review/approve an Administrative Modification request. Therefore, under this amendment, the proposal is to combine the Administrative Modifications for Full DRO (16+ Agencies) and the ZAR (5 or less Agencies), because it is not the criteria that determines the number of Agencies for the review, but the nature of the application's requests.
23. Reformat the Administrative Modifications table show only allowable modifications and criteria.
24. Based on the clarification that five Agencies or less make an application subject to ZAR process, this amendment keeps the maximum relocation of square footage allowed per building to 50 percent, which is the current threshold applicable to Full DRO. The entire site approved relocation of square footage remains limited to 25 percent.
25. Addition or increase of square footage of a building is proposed to be kept at the lesser between five percent and 5,000 square feet, which is currently allowed through Full DRO. Due to the consolidation of the Administrative Modifications criteria, and that the review process is triggered by the number of agencies involved, this amendment deletes the provision that limited increase of building areas to the lesser between five percent or 2,500 square feet of a building which was processed through ZAR to keep the higher threshold only. The criteria that limits the entire site square footage increase to 5,000 square feet is kept, otherwise the application will need to be presented to the Board for a Development Order Amendment.
26. One of the requirements to allow modifications to approved plans is compliance with Conditions of Approval. Most of the time, phase lines are imposed when there are conditions of approval typically from Engineering which are tracked by Monitoring. This amendment is adding the option to delete phase lines through administrative modifications to address those scenarios not associated to conditions of approval.
27. Allow relocation of Workforce Housing Program (WHP) units between pods of a development or to send them off site. This amendment allows to keep track of WHP units relocation as approval includes options to have the units within an approved development or to relocate them to another residential development
28. Allow sites with multiple buildings having one main single use, typically owned by a single entity, to combine relocation and increase of square footage, and exempt them from the percentage standards of relocated square footage contained in Table 2.C.5.C, Administrative Modifications to Prior DOs. This type of developments will be restricted to place building closer to property lines along any site of the development that is adjacent to a residential use.

18
19

U:\Zoning\CODEREV\Code Amendments\2020\02- LDRAB\05-May 27 2020\5- LDRAB-LDRC Packet\Exh. K - CR-2019-0002 and 0007 Art. 2, Administrative Modifications.docx

Notes:

Underlined indicates **new** text.

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

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

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

EXHIBIT K

ARTICLE 2 – APPLICATION PROCESSES AND PROCEDURES ADMINISTRATIVE PROCESSES

**CR-2019-0002 and CR 2019-0007
(Updated 05/14/2020)**

Table 2.C.5.C – Administrative Modifications to Prior DOs

Request/ Allowable Modification	Criteria
Relocation of Building Square Footage (1)(2)(5)	<ul style="list-style-type: none"> • Allow relocation of no more than 25 percent of the total approved square footage or other area indicated as being covered by buildings or structures to portions of the site not previously covered. • Relocation of square footage to a building shall not enlarge the footprint of the building more than 50 percent of the building area as indicated on the latest applicable BCC or ZC approved plan; • Relocated square footage may be requested in conjunction with the increase of square footage; • Relocated square footage shall not be used to create additional freestanding buildings or structures; (4) • Relocation of square footage may be integrated vertically provided the overall height will not exceed ten percent of the approved height and meet setback requirements; and, • Shall not be relocated or constructed closer to perimeter property lines than what was shown on the latest applicable BCC or ZC approved plan, unless the FLU designation, zoning district, or existing use of the adjacent parcel is compatible.
Increase in Square Footage for a Use, Building, Structure or Outdoor Area that is Considered as Square Footage (1)(2)(4)(5)	<ul style="list-style-type: none"> • Allow an increase of a maximum of five percent or 5,000 square feet of any building, structure or outdoor area that is considered as square footage; whichever is less. • The increase shall not exceed a maximum of 5,000 square feet of the total square feet approved by the BCC or ZC; • The increase shall not exceed a maximum of five percent or 5,000 square feet of any building, structure or outdoor area considered as square footage, whichever is less; • The increase shall not be used to create new freestanding building(s) or structure(s); (4) • Shall not be relocated or constructed closer to perimeter property lines than what was shown on the BCC or ZC approved plan, unless the FLU designation, zoning district, or existing use of the adjacent parcel is compatible; • Relocated square footage may be requested in conjunction with the increase of square footage; and, • <u>Subject to Adequate Public Facilities Review.</u>
Reduction in Building Size or Elimination of Building Area	<ul style="list-style-type: none"> • The reduction or elimination of building square feet shall not negatively impact the layout and design of the approved plan; and, • The approved Adequate Public Facilities (Concurrency) is amended to indicate a reduction in or elimination of square feet.
Overall Height Increase of any Building or Structure	<ul style="list-style-type: none"> • Allow a maximum of ten percent • Shall meet setback requirements.
Architectural Elevations	<ul style="list-style-type: none"> • The proposed modifications shall be consistent with the approved Architectural Elevations, and Art. 5.C, Design Standards.
Relocation of Site Elements	<ul style="list-style-type: none"> • Change in location of freestanding ground mounted signs is based on an approved Master Sign Plan. • Relocation of parking or loading spaces does not affect pedestrian and vehicular safety.
Relocation, Addition or Deletion of Internal Access Points	<ul style="list-style-type: none"> • Determine whether the proposed location is in proximity to a street intersection; and, • Whether the proposed location will not negatively impact the existing sidewalk, and maintain the safety of pedestrians.
Addition of External Access Way for Properties within the URAO	<ul style="list-style-type: none"> • The property has a UI or UC Zoning District; • Interconnectivity shall comply with Art. 3.B.16.F.5, Interconnectivity Standards; • Interconnectivity shall align with the existing access way located on an adjacent UI or UC parcel; • Both parcels shall have a recorded Cross Access Easement and Agreement; • No significant increase in traffic above that approved by the BCC as determined by the County Engineer; and, • Notice to the District Commissioner by the Zoning Division.
Addition of External Emergency Access Ways	<ul style="list-style-type: none"> • Required by the PBC Fire-Rescue Department; • Notice to the District Commissioner by the Zoning Division; and, • Access point(s) shall be secured by a gate that has the necessary mechanism to ensure it is closed and secured after each Fire-Rescue emergency call.
Addition of an External Access Way to a Civic Pod	<ul style="list-style-type: none"> • Pod supports a Fire-Rescue station, Government Owned Towers or a Government Facility; • Notice to the District Commissioner by the Zoning Division prior to DRO approval; and, • No substantial increase in traffic impact above that approved by the BCC as determined by the County Engineer.
Relocation of Open Space or Recreation Area(s)	<ul style="list-style-type: none"> • Relocation shall be within the same overall site or pod; • The acreage of the required open space or recreation area(s) shall remain the same; and, • By relocating the open space or recreation area, it will not result an incompatibility issue from the adjacent properties or pods that are internal to the site.

1
2

Table 2.C.5.C – Administrative Modifications to Prior DOs - Continued

Request/ Allowable Modification	Criteria
---------------------------------	----------

U:\Zoning\CODEREV\Code Amendments\2020\02- LDRAB\05-May 27 2020\5- LDRAB-LDRC Packet\Exh. K - CR-2019-0002 and 0007 Art. 2, Administrative Modifications.docx

Notes:

Underlined indicates **new** text.

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

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

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

EXHIBIT K

**ARTICLE 2 – APPLICATION PROCESSES AND PROCEDURES
ADMINISTRATIVE PROCESSES**

**CR-2019-0002 and CR 2019-0007
(Updated 05/14/2020)**

Table 2.C.5.C – Administrative Modifications to Prior DOs - Continued

Phase Lines Addition, Deletion or Modification	<ul style="list-style-type: none"> The addition or modifications are consistent with the intensity or density of the approved DO; and, Addition or modification of the Phase lines shall not exceed the approved Concurrency.
Phase Lines Relocation	<ul style="list-style-type: none"> The ZC or BCC DO has approved Phase lines; Relocation is allowed if the Phase lines are consistent with the intensity or density of the approved DO; and, Relocation of the Phase lines shall not exceed the approved Concurrency.
Addition or Modification of ATM or Freestanding Unmanned Retail Structure	<ul style="list-style-type: none"> Proposed location shall not impede vehicular or pedestrian traffic circulation.
Reconfiguration of a Type 1B Excavation	<ul style="list-style-type: none"> Modification shall not bring the excavation closer to the property line.
Increase Number of Renewable Energy Wind Facility within the AP Zoning District	<ul style="list-style-type: none"> Allow an increase of ten percent or a maximum of ten wind turbines approved by the BCC if the separation or setback requirements from streets, and residential uses and districts as contained for the use in Art. 4, Use Regulations. (3)
Relocation of Wind Turbines, Buildings or Structures of a Renewable Energy Wind Facility within the AP Zoning District	<ul style="list-style-type: none"> Provided they comply with separation or setback requirements from streets, and residential uses and districts, as contained for the use in Art. 4, Use Regulations. (3)
Density Transfer	<ul style="list-style-type: none"> Units must be from one Residential Pod to another Residential Pod in the same PDD; and, The maximum number of units transferred to a Residential Pod or TDD Neighborhood shall not exceed 30 percent above the number of units approved by the BCC for that pod or TDD Neighborhood.
Change in Housing Classification for PDD or TDD (Table 3.E.1.E, Housing Classification)	<ul style="list-style-type: none"> No height increase from the original BCC DO; and If there is a density transfer along with this request, comply with criteria listed below.
Density Decrease	<ul style="list-style-type: none"> The reduction in the number of units shall not negatively impact the layout and design of the approved plan; and, The approved Adequate Public Facilities (Concurrency) is amended to indicate a reduction in the number of units.
Relocation/Transfer of WHP Between Pods of the Same Project or Off-Site Construction Units	<ul style="list-style-type: none"> Allow transfer of WHP units between the sending and the receiving projects that have received an approved DO. Both sending and receiving projects for the WHP units shall be submitted concurrently.
Type 2 Waiver or Type 2 Variance	<ul style="list-style-type: none"> Modification of the approved Waiver or Variance shall increase the degree of conformity with the current Code requirements.
<p>[Ord. 2008-003] [Ord. 2009-040] [Ord. 2011-001] [Ord. 2011-016] [Ord. 2013-021] [Ord. 2014-001] [Ord. 2014-025] [Ord. 2015-006] [Ord. 2015-008] [Ord. 2016-016] [Ord. 2017-007] [Ord. 2018-002] [Ord. 2018-018] [Ord. 2019-005]</p>	
<p>Notes:</p>	
1.	Shall not apply to accessory structures which are not subject to Concurrency review in accordance with PPM #ZO-O-049, Permits Not Subject to Concurrency Review.
2.	Clubhouse located in the Recreation Pod of a PDD shall be exempt from the relocation thresholds. [Ord. 2016-016]
3.	Applicable to the Project Boundary instead of the individual property lines.
4.	Except for Freestanding ATMs and accessory structures.
5.	Relocation and increase of building square footage can be combined between multiple buildings on sites with one single use and ownership for the entire development, as long the location of buildings adjacent to residential uses keep the setbacks shown on the original Final DRO plan(s) following the BCC or ZC approval.

Reason for amendments: [Zoning]
31. Relocate Table 2.C.5.B, Administrative Modification to Prior Development Orders by consolidating ZAR and DRO tables as noted in Reason #22

Table 2.C.5.B – Administrative Modifications to Prior DOs

Request	Allowable Modification	Criteria
Full DRO		
Relocation of Building Square Footage (1)(2) [Relocated to Relocation of Building Square Footage in Table 2.C.5.C – Administrative Modifications to Prior DOs]	<p>Allow relocation of no more than 25 percent of the total approved square footage or other area indicated as being covered by buildings or structures to portions of the site not previously covered. [Relocated to Relocation of Building Square Footage in Table 2.C.5.C – Administrative Modifications to Prior DOs]</p>	<ul style="list-style-type: none"> Relocation of square footage to a building shall not enlarge the footprint of the building more than 50 percent of the building area as indicated on the latest applicable BCC or ZC approved plan; [Relocated to Relocation of Building Square Footage in Table 2.C.5.C – Administrative Modifications to Prior DOs] Relocated square footage may be requested in conjunction with the increase of square footage; [Relocated to Relocation of Building Square Footage in Table 2.C.5.C – Administrative Modifications to Prior DOs] Relocated square footage shall not be used to create additional freestanding buildings or structures; (4) [Relocated to Relocation of Building Square Footage in Table 2.C.5.C – Administrative Modifications to Prior DOs] Relocation of square footage may be integrated vertically provided the overall height will not exceed ten percent of the

U:\Zoning\CODEREV\Code Amendments\2020\02- LDRAB\05-May 27 2020\5- LDRAB-LDRC Packet\Exh. K - CR-2019-0002 and 0007 Art. 2, Administrative Modifications.docx

Notes:

Underlined indicates **new** text.

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

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

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

EXHIBIT K

ARTICLE 2 – APPLICATION PROCESSES AND PROCEDURES
ADMINISTRATIVE PROCESSES

CR-2019-0002 and CR 2019-0007
(Updated 05/14/2020)

Table 2.C.5.B – Administrative Modifications to Prior DOs

		<p>approved height and meet setback requirements; and, [Relocated to Relocation of Building Square Footage in Table 2.C.5.C – Administrative Modifications to Prior DOs]</p> <ul style="list-style-type: none"> Shall not be relocated or constructed closer to perimeter property lines than what was shown on the latest applicable BCC or ZC approved plan, unless the FLU designation, zoning district, or existing use of the adjacent parcel is compatible. [Relocated to Relocation of Building Square Footage in Table 2.C.5.C – Administrative Modifications to Prior DOs]
<p>Increase in Square Footage for Building, Structure or Outdoor Area that is Considered as Square Footage (1)(2) [Relocated to Increase in Square Footage of a Use, Building, Structure or Outdoor Area that is Considered as Square Footage in Table 2.C.5.C – Administrative Modifications to Prior DOs]</p>	<p>Allow an increase of a maximum of five percent or 5,000 square feet of any building, structure or outdoor area that is considered as square footage; whichever is less. Relocated to Increase in Square Footage of a Use, Building, Structure or Outdoor Area that is Considered as Square Footage in Table 2.C.5.C – Administrative Modifications to Prior DOs]</p>	<ul style="list-style-type: none"> The increase shall not exceed a maximum of 5,000 square feet of the total square feet approved by the BCC or ZC; [Relocated to Increase in Square Footage of a Use, Building, Structure or Outdoor Area that is Considered as Square Footage in Table 2.C.5.C – Administrative Modifications to Prior DOs] The increase shall not exceed a maximum of five percent or 5,000 square feet of any building, structure or outdoor area considered as square footage, whichever is less; [Relocated to Increase in Square Footage of a Use, Building, Structure or Outdoor Area that is Considered as Square Footage in Table 2.C.5.C – Administrative Modifications to Prior DOs] The increase shall not be used to create new freestanding building(s) or structure(s); (4) [Relocated to Increase in Square Footage of a Use, Building, Structure or Outdoor Area that is Considered as Square Footage in Table 2.C.5.C – Administrative Modifications to Prior DOs] Shall not be relocated or constructed closer to perimeter property lines than what was shown on the BCC or ZC approved plan, unless the FLU designation, zoning district, or existing use of the adjacent parcel is compatible; Relocated square footage may be requested in conjunction with the increase of square footage; and, Subject to Adequate Public Facilities Review. [Relocated to Increase in Square Footage of a Use, Building, Structure or Outdoor Area that is Considered as Square Footage in Table 2.C.5.C – Administrative Modifications to Prior DOs]
<p>External Emergency Access Ways [Relocated to Addition of External Emergency Access Way in Table 2.C.5.C – Administrative Modifications to Prior DOs]</p>	<p>Addition of emergency access ways.</p>	<ul style="list-style-type: none"> Required by the PBC Fire-Rescue Department; [Relocated to Addition of External Emergency Access Way in Table 2.C.5.C – Administrative Modifications to Prior DOs] Notice to the District Commissioner by the Zoning Division; and, [Relocated to Addition of External Emergency Access Way in Table 2.C.5.C – Administrative Modifications to Prior DOs] Access point(s) shall be secured by a gate that has the necessary mechanism to ensure it is closed and secured after each Fire-Rescue emergency call. [Relocated to Addition of External Emergency Access Way in Table 2.C.5.C – Administrative Modifications to Prior DOs]
<p>External Access Way to a Civic Pod [Relocated to Addition of an External Access Way to a Civic Pod in Table 2.C.5.C – Administrative Modifications to Prior DOs]</p>	<p>Addition of access ways. [Partially relocated to Addition of an External Access Way to a Civic Pod in Table 2.C.5.C – Administrative Modifications to Prior DOs]</p>	<ul style="list-style-type: none"> Pod supports a Fire-Rescue station, Government Owned Towers or a Government Facility; [Relocated to Addition of an External Access Way to a Civic Pod in Table 2.C.5.C – Administrative Modifications to Prior DOs] Notice to the District Commissioner by the Zoning Division prior to DRO approval; and, [Relocated to Addition of an External Access Way to a Civic Pod in Table 2.C.5.C – Administrative Modifications to Prior DOs] No substantial increase in traffic impact above that approved by the BCC as determined by the County Engineer. [Relocated to Addition of an External Access Way to a Civic Pod in Table 2.C.5.C – Administrative Modifications to Prior DOs]
<p>External Access Way for Property within the URAO [Relocated to Addition of External Access Way for Properties within the URAO in Table 2.C.5.C – Administrative Modifications to Prior DOs]</p>	<p>Addition of access ways for Interconnectivity. [Partially relocated to Addition of External Access Way for Properties within the URAO in Table 2.C.5.C – Administrative Modifications to Prior DOs]</p>	<ul style="list-style-type: none"> The property has a UI or UC Zoning district; [Relocated to Addition of External Access Way for Properties within the URAO in Table 2.C.5.C – Administrative Modifications to Prior DOs] Interconnectivity shall comply with Art. 3-B.16.F.5, Interconnectivity Standards; [Relocated to Addition of External Access Way for Properties within the URAO in Table 2.C.5.C – Administrative Modifications to Prior DOs] Interconnectivity shall align with the existing access way located on an adjacent UI or UC parcel; [Relocated to Addition of External Access Way for Properties within the URAO in Table 2.C.5.C – Administrative Modifications to Prior DOs] Both parcels shall have a recorded Cross Access Easement and Agreement; [Relocated to Addition of External Access Way for Properties within the URAO in Table 2.C.5.C – Administrative Modifications to Prior DOs]

U:\Zoning\CODEREV\Code Amendments\2020\02- LDRAB\05-May 27 2020\5- LDRAB-LDRC Packet\Exh. K - CR-2019-0002 and 0007 Art. 2, Administrative Modifications.docx

Notes:

Underlined indicates **new** text.

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

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

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

EXHIBIT K

ARTICLE 2 – APPLICATION PROCESSES AND PROCEDURES
ADMINISTRATIVE PROCESSES

CR-2019-0002 and CR 2019-0007
(Updated 05/14/2020)

Table 2.C.5.B – Administrative Modifications to Prior DOs

		<ul style="list-style-type: none"> No significant increase in traffic above that approved by the BCC as determined by the County Engineer; and, [Relocated to Addition of External Access Way for Properties within the URAO in Table 2.C.5.C – Administrative Modifications to Prior DOs] Notice to the District Commissioner by the Zoning Division [Relocated to Addition of External Access Way for Properties within the URAO in Table 2.C.5.C – Administrative Modifications to Prior DOs]
Relocation of Open Space or Recreation Area(s) [Relocated to Relocation of Open Space or Recreation Area(s) in Table 2.C.5.C – Administrative Modifications to Prior DOs]	Allow the relocation of open space or recreation area(s).	<ul style="list-style-type: none"> Relocation shall be within the same overall site or pod; [Relocated to Relocation of Open Space or Recreation Area(s) in Table 2.C.5.C – Administrative Modifications to Prior DOs] The acreage of the required open space or recreation area(s) shall remain the same; and, [Relocated to Relocation of Open Space or Recreation Area(s) in Table 2.C.5.C – Administrative Modifications to Prior DOs] By relocating the open space or recreation area, it will not result an incompatibility issue from the adjacent properties or pods that are internal to the site. [Relocated to Relocation of Open Space or Recreation Area(s) in Table 2.C.5.C – Administrative Modifications to Prior DOs]
Phase Lines of the Development [Relocated to Phase Lines Addition, Deletion or Modification in Table 2.C.5.C – Administrative Modifications to Prior DOs]	Allow addition and modification of phase line of the development. This may apply to those ZC or BCC approved DO that have no Phase lines. [Relocated to Phase Lines Addition, Deletion or Modification in Table 2.C.5.C – Administrative Modifications to Prior DOs]	<ul style="list-style-type: none"> If the addition or modifications are consistent with the intensity or density of the approved DO; and [Relocated to Phase Lines Addition, Deletion or Modification in Table 2.C.5.C – Administrative Modifications to Prior DOs] Addition or modification of the Phase lines shall not exceed the approved Concurrency. [Relocated to Phase Lines Addition, Deletion or Modification in Table 2.C.5.C – Administrative Modifications to Prior DOs]
Type 2 Waiver or Type 2 Variance [Relocated to Type 2 Waiver or Type 2 Variance in Table 2.C.5.C – Administrative Modifications to Prior DOs]	Modification of the approved Waiver or Variance.	Modification shall increase the degree of conformity with the current Code requirements. [Relocated to Type 2 Waiver or Type 2 Variance in Table 2.C.5.C – Administrative Modifications to Prior DOs]
Renewable Energy Wind Facility within the AP Zoning District [Relocated to Increase Number of Renewable Energy Wind Facility in the AP Zoning District, in Table 2.C.5.C – Administrative Modifications to Prior DOs]	Allow an increase of ten percent or a maximum of ten wind turbines approved by the BCC. [Relocated to Increase Number of Renewable Energy Wind Facility in the AP Zoning District, in Table 2.C.5.C – Administrative Modifications to Prior DOs]	Shall comply with separation or setback requirements from streets, and residential uses and districts as contained for the use in Art. 4, Use Regulations. (3) [Relocated to Increase Number of Renewable Energy Wind Facility in the AP Zoning District, in Table 2.C.5.C – Administrative Modifications to Prior DOs]

1

Table 2.C.5.B – Administrative Modifications to Prior DOs, Cont'd.

Request	Allowable Modification	Criteria
ZAR		
Relocation of Building Square Footage (1)(2) [Relocated to Relocation of Building Square Footage in Table 2.C.5.C – Administrative Modifications to Prior DOs]	Allow relocation of no more than 25 percent of the total approved square feet or other area indicated as being covered by buildings or structures to portions of the site not previously covered. [Relocated to Relocation of Building Square Footage in Table 2.C.5.C – Administrative Modifications to Prior DOs]	<ul style="list-style-type: none"> Relocation of square footage to a building shall not enlarge the footprint of the building more than 25 percent of the building area as shown on the latest BCC or ZC approved plan; Relocated square footage may be requested in conjunction with the increase of square footage; [Relocated to Relocation of Building Square Footage in Table 2.C.5.C – Administrative Modifications to Prior DOs] Relocated square footage shall not be used to create additional freestanding buildings or structures; (4) [Relocated to Relocation of Building Square Footage in Table 2.C.5.C – Administrative Modifications to Prior DOs] Relocation of square footage may be integrated vertically provided the overall height will not exceed ten percent of the approved height and meet setback requirement; and, [Partially relocated to Relocation of Building Square Footage in Table 2.C.5.C – Administrative Modifications to Prior DOs] Shall not be relocated or constructed closer to perimeter property lines than what was originally shown on the BCC or ZC approved plan, unless the FLU designation, zoning district, or existing use of the adjacent parcel is compatible. [Relocated to Relocation of Building Square Footage in Table 2.C.5.C – Administrative Modifications to Prior DOs]

U:\Zoning\CODEREV\Code Amendments\2020\02- LDRAB\05-May 27 2020\5- LDRAB-LDRC Packet\Exh. K - CR-2019-0002 and 0007 Art. 2, Administrative Modifications.docx

Notes:

Underlined indicates **new** text.

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

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

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

EXHIBIT K

ARTICLE 2 – APPLICATION PROCESSES AND PROCEDURES
ADMINISTRATIVE PROCESSES

CR-2019-0002 and CR 2019-0007
(Updated 05/14/2020)

Table 2.C.5.B – Administrative Modifications to Prior DOs, Cont'd.

<p>Increase in Square Footage for Building, Structure or Outdoor Area that is Considered as Square Footage (1)(2) [Relocated to Increase in Square Footage for a Use, Building, Structure or Outdoor Area that is Considered as Square Footage in Table 2.C.5.C – Administrative Modifications to Prior DOs]</p>	<p>Allow an increase of a maximum of five percent or 2,500 square feet of any building, structure or outdoor area that is considered as square footage; whichever is less.</p>	<ul style="list-style-type: none"> • The increase shall not exceed a maximum of 2,500 sq. ft. of the total square feet approved by the BCC or ZC; • The increase shall not exceed a maximum of five or 2,500 square feet of any building, structure or outdoor area considered square footage, whichever is less; • The increase in square feet shall not be used to create new freestanding building(s) or structure(s) (4); and, [Relocated to Increase in Square Footage for a Use, Building, Structure or Outdoor Area that is Considered as Square Footage in Table 2.C.5.C – Administrative Modifications to Prior DOs] • Subject to Adequate Public Facilities Review. [Relocated to Increase in Square Footage for a Use, Building, Structure or Outdoor Area that is Considered as Square Footage in Table 2.C.5.C – Administrative Modifications to Prior DOs]
<p>Overall Height Increase [Relocated to Overall Height Increase of any Building or Structure in Table 2.C.5.C – Administrative Modifications to Prior DOs]</p>	<p>Allow a maximum of ten percent</p>	<ul style="list-style-type: none"> • Shall meet setback requirements. [Relocated to Overall Height Increase of any Building or Structure in Table 2.C.5.C – Administrative Modifications to Prior DOs]
<p>Internal Access Points [Relocated to Relocation, Addition or Deletion of in Table 2.C.5.C – Administrative Modifications to Prior DOs]</p>	<p>Allow relocation, addition or deletion. [Relocated to Relocation, Addition or Deletion of in Table 2.C.5.C – Administrative Modifications to Prior DOs]</p>	<ul style="list-style-type: none"> • Determine whether the proposed location is in proximity to a street intersection; and [Relocated to Relocation, Addition or Deletion of in Table 2.C.5.C – Administrative Modifications to Prior DOs] • Whether the proposed location will not negatively impact the existing sidewalk, and maintain the safety of pedestrians. [Relocated to Relocation, Addition or Deletion of in Table 2.C.5.C – Administrative Modifications to Prior DOs]
<p>Relocation of Site Elements: Signs [Partially relocated to Relocation of Site Elements in Table 2.C.5.C – Administrative Modifications to Prior DOs]</p>	<p>Allow change in location of freestanding ground mounted signs. [Relocated to Relocation of Site Elements in Table 2.C.5.C – Administrative Modifications to Prior DOs]</p>	<ul style="list-style-type: none"> • Request is based on an approved Master Sign Plan. [Relocated to Relocation of Site Elements in Table 2.C.5.C – Administrative Modifications to Prior DOs]
<p>Relocation of Site Elements: Parking and Loading [Partially relocated to Relocation of Site Elements in Table 2.C.5.C – Administrative Modifications to Prior DOs]</p>	<p>Allow relocation of parking or loading spaces. [Relocated to Relocation of Site Elements in Table 2.C.5.C – Administrative Modifications to Prior DOs]</p>	<ul style="list-style-type: none"> • Shall be consistent with Art. 6, Parking, Loading, and Circulation.
<p>Architectural Elevations [Relocated to Architectural Elevations in Table 2.C.5.C – Administrative Modifications to Prior DOs]</p>	<p>Allow modifications to approved Architectural elevations.</p>	<ul style="list-style-type: none"> • If the proposed modifications are consistent with the BCC, ZC or DRD approved Architectural elevations or any applicable Conditions of Approval [Partially relocated to Architectural Elevations in Table 2.C.5.C – Administrative Modifications to Prior DOs]
<p>Reduction in Building Size [Relocated to Reduction in Building Size or Elimination of Building Area in Table 2.C.5.C – Administrative Modifications to Prior DOs]</p>	<p>Allow reduction in or elimination of building square feet. [Partially relocated to Reduction in Building Size or Elimination of Building Area in Table 2.C.5.C – Administrative Modifications to Prior DOs]</p>	<ul style="list-style-type: none"> • The reduction or elimination of building square feet shall not negatively impact the layout and design of the approved plan; and [Relocated to Reduction in Building Size or Elimination of Building Area in Table 2.C.5.C – Administrative Modifications to Prior DOs] • Amendment to the approved Adequate Public Facilities to indicate the reduction in or elimination of square feet. [Relocated to Reduction in Building Size or Elimination of Building Area in Table 2.C.5.C – Administrative Modifications to Prior DOs]
<p>Modification of Type 1B Excavation [Relocated to Reconfiguration of a Type 1B Excavation in Table 2.C.5.C – Administrative Modifications to Prior DOs]</p>	<p>Allow reconfiguration.</p>	<ul style="list-style-type: none"> • Reconfiguration shall not bring the excavation closer to the property line. [Relocated to Reconfiguration of a Type 1B Excavation in Table 2.C.5.C – Administrative Modifications to Prior DOs]
<p>Phase Lines of the Development [Relocated to Phase Lines Relocation in Table 2.C.5.C – Administrative Modifications to Prior DOs]</p>	<p>Allow relocation of phase line of the development. This shall apply to those ZC or BCC approved DO that have approved Phase lines. [Partially relocated to Phase Lines Relocation in Table 2.C.5.C – Administrative Modifications to Prior DOs]</p>	<ul style="list-style-type: none"> • Relocation is allowed if the Phase lines are consistent with the intensity or density of the approved DO; and [Relocated to Phase Lines Relocation in Table 2.C.5.C – Administrative Modifications to Prior DOs] • Relocation of the Phase lines shall not exceed the approved Concurrence. [Relocated to Phase Lines Relocation in Table 2.C.5.C – Administrative Modifications to Prior DOs]
<p>Freestanding Unmanned Structure [Relocated to Addition or Modification of ATM or Freestanding Unmanned Retail Structure in Table 2.C.5.C – Administrative Modifications to Prior DOs]</p>	<p>Addition or modification of ATM or Unmanned Retail Structure. [Relocated to Addition or Modification of ATM or Freestanding Unmanned Retail Structure in Table</p>	<ul style="list-style-type: none"> • Proposed location shall not impede vehicular or pedestrian traffic circulation. [Relocated to Addition or Modification of ATM or Freestanding Unmanned Retail Structure in Table 2.C.5.C – Administrative Modifications to Prior DOs]

U:\Zoning\CODEREV\Code Amendments\2020\02- LDRAB\05-May 27 2020\5- LDRAB-LDRC Packet\Exh. K - CR-2019-0002 and 0007 Art. 2, Administrative Modifications.docx

Notes:

Underlined indicates new text.

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

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

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

EXHIBIT K

ARTICLE 2 – APPLICATION PROCESSES AND PROCEDURES
ADMINISTRATIVE PROCESSES

CR-2019-0002 and CR 2019-0007
(Updated 05/14/2020)

Table 2.C.5.B – Administrative Modifications to Prior DOs, Cont'd.

	2.C.5.C – Administrative Modifications to Prior DOs]	
Renewable Energy Wind Facility within the AP Zoning District [Relocated to Relocation of Wind Turbines, Buildings or Structures of a Renewable Energy Wind Facility in the AP Zoning District, in Table 2.C.5.C – Administrative Modifications to Prior DOs]	Relocation of wind turbines, buildings and structures.	<ul style="list-style-type: none"> Provided they comply with separation or setback requirements from streets, and residential uses and districts, as contained for the use in Art. 4, Use Regulations. (3) [Relocated to Relocation of Wind Turbines, Buildings or Structures of a Renewable Energy Wind Facility in the AP Zoning District, in Table 2.C.5.C – Administrative Modifications to Prior DOs]
Change in Housing Classification for PDD or TDD [Relocated to Change in Housing Classification for PDD or TDD in Table 2.C.5.C – Administrative Modifications to Prior DOs]	Refer to Table 3.E.1.E, Housing Classification.	<ul style="list-style-type: none"> No height increase from the original BCC DO; and [Relocated to Change in Housing Classification for PDD or TDD in Table 2.C.5.C – Administrative Modifications to Prior DOs] If there is a density transfer along with this request, comply with criteria listed below. [Relocated to Change in Housing Classification for PDD or TDD in Table 2.C.5.C – Administrative Modifications to Prior DOs]
Density Transfer [Relocated to Density Transfer in Table 2.C.5.C – Administrative Modifications to Prior DOs]	A maximum of 30 percent.	<ul style="list-style-type: none"> Units must be from one Residential Pod to another Residential Pod in the same PDD; and [Relocated to Density Transfer in Table 2.C.5.C – Administrative Modifications to Prior DOs] The maximum number of units transferred to a Residential Pod or TDD Neighborhood shall not exceed 30 percent above the number of units approved by the BCC for that pod or TDD Neighborhood. [Relocated to Density Transfer in Table 2.C.5.C – Administrative Modifications to Prior DOs]
Density Decrease [Relocated to Density Decrease in Table 2.C.5.C – Administrative Modifications to Prior DOs]	Allow reduction in the number of units.	<ul style="list-style-type: none"> The reduction in the number of units shall not negatively impact the layout and design of the approved plan; and [Relocated to Density Decrease in Table 2.C.5.C – Administrative Modifications to Prior DOs] Amendment to the approved Adequate Public Facilities to indicate a reduction in the number of units. [Relocated to Density Decrease in Table 2.C.5.C – Administrative Modifications to Prior DOs]
[Ord. 2008-003] [Ord. 2009-040] [Ord. 2011-001] [Ord. 2011-016] [Ord. 2013-021] [Ord. 2014-001] [Ord. 2014-025] [Ord. 2015-006] [Ord. 2015-008] [Ord. 2016-016] [Ord. 2017-007] [Ord. 2018-002] [Ord. 2018-018] [Ord. 2019-005]		
Notes:		
1.	This shall not apply to accessory structures which are not subject to Concurrency review in accordance with PPM #ZO-O-049, Permits Not Subject to Concurrency Review. [Relocated to Table 2.C.5.C – Administrative Modifications to Prior DOs, Note #1]	
2.	Clubhouse located in the Recreation Pod of a PDD shall be exempt from the relocation thresholds. [Ord. 2016-016] [Relocated to Table 2.C.5.C – Administrative Modifications to Prior DOs, Note #2]	
3.	Applicable to the Project Boundary instead of the individual property lines. [Relocated to Table 2.C.5.C – Administrative Modifications to Prior DOs, Note #3]	
4.	Except for Freestanding ATMs or Unmanned Retail Structures, and accessory structures. [Partially relocated to Table 2.C.5.C – Administrative Modifications to Prior DOs, Note #4]	

Reason for amendments: [Zoning]

29. Clarify that modifications to Development Orders approved by the DRO can be processed through the ZAR as long as the request does not trigger the review of more than five agencies.
30. Clarify that modifications of approvals granted by the DRO are subject to the list of site elements contained in PPM ZO-O-029 to be modified through ZAR. As a result, the PPM will have to be updated to reflect this change. This amendment allows such minor modifications contained in the PPM to be the same for public hearing (BCC or ZC) or administrative (DRO) approvals.

35. Other Modifications

- a. Modifications to plans that were administratively approved by the DRO may be subject to the ZAR process pursuant to Art. 2.C.4.A.3, ZAR.
- b. ~~The addition or relocation of guard houses or other minor structures shall~~ Additional modifications to a prior DO approved by the DRO may be processed through the ZAR be allowed pursuant to PPM #ZO-O-029 049, as amended. [Ord. 2018-002]

46. Conditions

The DRO may impose conditions pursuant to Art. 2.C.6, Conditions of Approval

7. Effect of an Issuance of a DO for Administrative Modifications

See Shall be in effect pursuant to Art. 2.C.5.A.3-2.C.7, Effect of an Issuance of a DO for Administrative Modifications. [Ord. 2018-002]

GD. Temporary Use

1. Purpose

1
2
3
4
5
6
7
8
9
10
11
12
13
14

U:\Zoning\CODEREV\Code Amendments\2020\02- LDRAB\05-May 27 2020\5- LDRAB-LDRC Packet\Exh. K - CR-2019-0002 and 0007 Art. 2, Administrative Modifications.docx

Notes:

- Underlined indicates new text.
- ~~Stricken~~ indicates text to be ~~deleted~~. ~~Stricken and italicized~~ means text to be totally or partially relocated. If being relocated destination is noted in bolded brackets [Relocated to:].
- Italicized* indicates text to be relocated. Source is noted in bolded brackets [Relocated from:].
- A series of four bolded ellipses indicates language omitted to save space.

EXHIBIT K

ARTICLE 2 – APPLICATION PROCESSES AND PROCEDURES ADMINISTRATIVE PROCESSES

CR-2019-0002 and CR 2019-0007
(Updated 05/14/2020)

- 1 To create standards and an approval process for certain uses, which are generally temporary
2 in nature, but require monitoring for compliance with Code requirements to ensure compatibility
3 with surrounding land uses. A temporary use may be accommodated in a temporary structure
4 or a permanent structure that is legally approved. A temporary use shall include, but not limited
5 to those items listed in Art. 4.B.11, Temporary Uses. **[Ord. 2007-013] [Ord. 2015-006] [Ord.**
6 **2018-002]**
- 7 **2. Prior Approved and Authorized Special Permits**
8 Any prior approved Special Permits that have expired shall be considered invalid, and the
9 Applicant shall be required to submit a new application for a temporary use. Special Permits
10 shall be issued only for Art. 8.H.2, Billboards, subject to the applicable standards and Code
11 requirements. **[Ord. 2018-002]**
- 12 **3. PAA**
13 The Applicant shall request a PAA to meet with Staff prior to the submittal of a temporary use
14 application to ensure the proposed use complies with Code requirements, and to determine
15 whether the application is subject to the review and permit process by other County Agencies.
16 **[Ord. 2018-002]**
- 17 **4. Sufficiency Determination**
18 All temporary use requests are subject to the requirements of Art. 2.C.2, Sufficiency Review.
19 **[Ord. 2015-006] [Ord. 2018-002]**
- 20 **5. Review and Final Decision**
21 The application shall be submitted to the DRO subject to the ZAR review process. If the request
22 complies with Code requirements and the Standards listed below, and is not subject to Building
23 Permit Review, the Applicant shall receive a temporary use DO 15 days prior to the date of the
24 event. **[Ord. 2018-002]**
- 25 **a. Building Permit Process**
26 The Applicant shall submit any required Permit application to the Building Division a
27 minimum of 30 days prior to the date of the event. Prior to issuance of the DO approval of
28 the temporary use, any associated Building Permits shall be secured and all required
29 inspections scheduled with the Building and Code Enforcement Divisions and Fire
30 Department. **[Ord. 2007-013] [Ord. 2009-040] [Ord. 2015-006] [Ord. 2018-002]**
- 31 **6. Standards**
32 When considering a DO request for a temporary use, the DRO shall utilize the Standards a
33 through b, the DRO shall also consider the limitations and criteria stated for each temporary
34 use pursuant to Art. 4.B.11.C, Definitions and Supplementary Use Standards for Specific Uses:
35 **[Ord. 2018-002] [Ord. 2018-018]**
- 36 **a. Consistency with the Plan**
37 The proposed use is consistent with the purposes, goals, objectives and policies in the
38 Plan, including standards for building and structural intensities and densities, and
39 intensities of use. **[Ord. 2018-002]**
- 40 **b. Consistency with the Code**
41 The request meets all applicable standards and provisions of this Code, including but not
42 limited to all applicable portions of Art. 4.B, Use Classification, and the proposed location,
43 design, layout, access, and duration of the use will not create potential adverse impacts on
44 surrounding land uses. **[Ord. 2018-002]**
- 45 **7. Conditions**
46 The DRO may impose conditions pursuant to Art. 2.C.6, Conditions of Approval.
47 ~~The DRO shall have the authority to apply conditions to the temporary use which ensure~~
48 ~~compliance with Code requirements, time limitations, and the Standards listed above. [Text~~
49 ~~Deleted] If a temporary use is found in violation of any condition or Code requirement, the DRO~~
50 ~~may withhold the Applicant from requesting the same temporary use for a period of 24 months.~~
51 ~~**[Ord. 2018-002]** [Relocated to Art. 2.C.5.C.10.b, Withholding Application, below]~~
52 ~~**a. Withholding Application** [Relocated to Art. 2.C.5.C.10.b, Withholding Application,~~
53 ~~below]~~
54 ~~In making a determination to withhold an application, the DRO shall consider the magnitude~~
55 ~~of the violation of the Conditions of Approval; which includes but not limited to, whether:~~
56 ~~**[Ord. 2018-002]** [Relocated to Art. 2.C.5.C.10.b, Withholding Application, below]~~
57 ~~1.) it is a reoccurring violation; **[Ord. 2018-002]** [Relocated to Art. 2.C.5.C.10.b.1,~~
58 ~~related to Withholding Application, below]~~
59 ~~2.) the violation has created an impact on the surrounding properties or uses; and, **[Ord.**~~
60 ~~**2018-002]** [Relocated to Art. 2.C.5.C.10.b.2, related to Withholding Application,~~
61 ~~below]~~
62 ~~3.) the Applicant has demonstrated an effort to correct the violation. **[Ord. 2018-002]**~~
63 ~~**[Relocated to Art. 2.C.5.C.10.b.3, related to Withholding Application, below]**~~

U:\Zoning\CODEREV\Code Amendments\2020\02- LDRAB\05-May 27 2020\5- LDRAB-LDRC Packet\Exh. K - CR-2019-0002 and 0007 Art. 2, Administrative Modifications.docx

Notes:

Underlined indicates **new** text.

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

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

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

EXHIBIT K

ARTICLE 2 – APPLICATION PROCESSES AND PROCEDURES
ADMINISTRATIVE PROCESSES

CR-2019-0002 and CR 2019-0007
(Updated 05/14/2020)

8. Limited Timeframe

A ~~T~~emporary ~~U~~se shall be limited to the dates of approval shown on the DO. Each ~~T~~emporary ~~U~~se shall be reviewed as a new application and subject to the most current code requirements, unless otherwise stated herein. [Ord. 2018-002]

9. Expiration

Failure to utilize the ~~T~~emporary ~~U~~se DO within one year of the date of approval, or by the date specified in the DO or in a Condition of Approval, shall result in the approval becoming null and void. [Ord. 2018-002]

10. Discontinuance

A ~~T~~emporary ~~U~~se DO shall expire if the use or activity is discontinued for more than 90 days. [Ord. 2018-002]

11. Violation of Code Requirements or Conditions of Approval

a. Revocation

A ~~T~~emporary ~~U~~se DO may be revoked at any time by the Zoning Director if it is determined that the recipient is in violation of the Code, ~~a related standard~~, or a Condition of Approval. Revocation of a ~~T~~emporary ~~U~~se DO shall result in the approval becoming null and void. The use or activity permitted by the DO shall cease immediately and the affected area shall be returned to its original state before the ~~T~~emporary ~~U~~se DO was issued. [Ord. 2018-002]

b. Withholding Application

If a Temporary Use is found in violation of any condition or Code requirement, the DRO may withhold the Applicant from requesting the same temporary use for a period of 24 months. [Ord. 2018-002] In making a determination to withhold an application, the DRO shall consider the magnitude of the violation of the Conditions of Approval; which includes but not limited to, whether: [Ord. 2018-002] [Relocated from Art. 2.C.5.C.7, Conditions and Art. 2.C.5.C.7.a, Withholding Application, above]

- 1) *it is a reoccurring violation; [Ord. 2018-002] [Relocated from Art. 2.C.5.C.7.a.1, related to Withholding Application, above]*
- 2) *the violation has created an impact on the surrounding properties or uses; and, [Ord. 2018-002] [Relocated from Art. 2.C.5.C.7.a.2, related to Withholding Application, above]*
- 3) *the Applicant has demonstrated an effort to correct the violation. [Ord. 2018-002] [Relocated from Art. 2.C.5.C.7.a.3, related to Withholding Application, above]*

~~DE~~. Type 1 Variance

1. Purpose

To allow minor variation from certain standards of this Code when special circumstances peculiar to the property exist, and the literal enforcement of this Code would result in undue and unnecessary hardship; and to provide the DRO the authority to review, approve, deny, and render conditions to an administrative variance as necessary to accomplish the goals, objectives and policies of the Plan and this Code, including, but not limited to, limitations on size, bulk, location, requirements for landscaping, buffering, lighting, and provisions of adequate ingress and egress. [Ord. 2018-002]

2. Application Procedures

This Section may not be combined with any other Section that allows variations from the same PDRs. [Ord. 2015-006] [Ord. 2018-002]

3. Variance Request Limitations

Request that exceeds more than five variances or the following limitations shall be subject to a Type 2 Variance. Variance requests for density or intensity beyond the stated limits of the Plan shall be prohibited. Type 1 Variances may be considered for the following: [Ord. 2006-036] [Ord. 2008-003] [Ord. 2012-003] [Ord. 2018-002]

a. Residential Lots of Three Units or Less

- 1) Reductions or increases of PDRs greater than five percent of the minimum or maximum requirement. [Ord. 2006-036] [Ord. 2008-003] [Ord. 2012-003] [Ord. 2018-002]
- 2) Relief from Art. 5.B.1.A, Accessory Uses and Structures as follows: General; Fences, Walls, and Hedges; Docks; Entry Features; Fuel, Gas, or Chemical Storage Tanks; Dumpsters; Neighborhood Recreation Facility; Outdoor Recreation Amenities; Screen Enclosures; and, Permanent Generators. [Ord. 2008-003] [Ord. 2013-001] [Ord. 2018-002]
- 3) Relief from Residential Hedge Height in Art. 7.D.4.A.3, Height Measurement. [Ord. 2015-006] [Ord. 2018-002]
- 4) Relief from Excavation Standards in Art. 4.B.10.C.2, Type 1A Excavation and Art. 4.B.10.C.3, Type 1B Excavation. [Ord. 2008-003] [Ord. 2017-007] [Ord. 2018-002]

U:\Zoning\CODEREV\Code Amendments\2020\02- LDRAB\05-May 27 2020\5- LDRAB-LDRC Packet\Exh. K - CR-2019-0002 and 0007 Art. 2, Administrative Modifications.docx

Notes:

Underlined indicates **new** text.

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

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

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

EXHIBIT K

ARTICLE 2 – APPLICATION PROCESSES AND PROCEDURES ADMINISTRATIVE PROCESSES

CR-2019-0002 and CR 2019-0007
(Updated 05/14/2020)

1 **b. Non-Residential Projects**

- 2 1) Setback reduction greater than five percent but not exceeding 15 percent of the
3 minimum requirement. **[Ord. 2008-003] [Ord. 2018-002]**
4 2) Reduction in the number of parking spaces not exceeding 15 percent of the minimum
5 requirement. **[Ord. 2006-036] [Ord. 2008-003] [Ord. 2018-002]**
6 3) Relief from Art. 5.B.1.A., Accessory Uses and Structures as follows: General; Fences,
7 Walls, and Hedges; Outdoor Storage; Outdoor Display; Entry Features; Fuel, Gas, or
8 Chemical Storage Tanks; Dumpsters; Neighborhood Recreation Facility; Outdoor
9 Recreation Amenities; Screen Enclosures; and, Permanent Generators. **[Ord. 2008-**
10 **003] [Ord. 2013-001] [Ord. 2018-002]**

11 **c. Permanent Generators on SFD and ZLL Lots**

12 A Variance may be requested to reduce the minimum front and/or side setback
13 requirements for permanent generators proposed on SFD or ZLL lots, provided that the
14 generator complies with all other applicable ULDC requirements. **[Ord. 2007-001] [Ord.**
15 **2018-002]**

16 **4. Standards**

17 When considering a Type 1 Variance request, the DRO shall consider Standards a through g,
18 indicated below. A Type 1 Variance which fails to meet any of these Standards shall be deemed
19 adverse to the public interest, and shall not be approved. **[Ord. 2018-002]**

- 20 a. Special conditions and circumstances exist that are peculiar to the parcel of land, building,
21 or structure, that are not applicable to other parcels of land, structures, or buildings in the
22 same district; **[Ord. 2006-036] [Ord. 2018-002]**
23 b. Special conditions and circumstances do not result from the actions of the Applicant; **[Ord.**
24 **2006-036] [Ord. 2018-002]**
25 c. Granting the variance shall not confer upon the Applicant any special privilege denied by
26 the Plan and this Code to other parcels of land, structures, or buildings in the same district;
27 **[Ord. 2006-036] [Ord. 2018-002]**
28 d. Literal interpretation and enforcement of the terms and provisions of this Code would
29 deprive the Applicant of rights commonly enjoyed by other parcels of land in the same
30 district, and would work an unnecessary and undue hardship; **[Ord. 2006-036] [Ord. 2018-**
31 **002]**
32 e. Granting the variance is the minimum variance that will make possible a reasonable use of
33 the parcel of land, building, or structure; **[Ord. 2006-036] [Ord. 2018-002]**
34 f. Granting the variance will be consistent with the purposes, goals, objectives and policies
35 of the Plan and this Code; and, **[Ord. 2006-036] [Ord. 2018-002]**
36 g. Granting the variance will not be injurious to the area involved or otherwise detrimental to
37 the public welfare. **[Ord. 2006-036] [Ord. 2018-002]**

38 **5. Staff Report and Recommendation**

39 The DRO or the PBC Official responsible for reviewing the application shall prepare a report
40 for the application. The DRO shall incorporate the analysis and Conditions of Approval of the
41 Agencies who are responsible for reviewing the application, and a recommendation of
42 approval, approval with conditions, or denial based on the applicable Standards. The report
43 shall be made available to the public at least five days prior to the hearing date. **[Ord. 2018-**
44 **018]**

45 **6. Conditions**

46 The DRO may impose Conditions of Approval in a Type 1 Variance DO, as necessary to
47 accomplish the goals, objectives and policies of the Plan and this Code, including, but not
48 limited to, limitations on size, bulk, location, requirements for landscaping, buffering, lighting,
49 and provisions of adequate ingress and egress. Any violation of the variance or condition shall
50 be a violation of this Code. **[Ord. 2018-002]**

51 **76. Time Limitation**

52 Unless otherwise specified in the DO or a Condition of Approval, failure to utilize Type 1
53 Variance within one year of issuance, or by date specified in a Condition of Approval, shall
54 result in the variance becoming null and void. If more than one variance was granted in the
55 application, the use of one variance shall vest all other variances. Permitted time frames do not
56 change with successive owners. Applications for extensions shall be submitted a minimum of
57 30 days prior to expiration. **[Ord. 2008-003] [Ord. 2018-002]**

58 **87. Effect of a Type 1 Variance DO**

59 Approval of a Type 1 Variance shall render a parcel of land, building, or structure to be
60 conforming. Use of the variance shall be limited to the exact dimensions and configuration of
61 the parcel of land, building, or structure as indicated on the Site Plan as submitted in the
62 application. The parcel of land, building, or structure may not be further expanded, except in
63 accordance with the standards of the Code. **[Ord. 2006-036] [Ord. 2018-002]**

U:\Zoning\CODEREV\Code Amendments\2020\02- LDRAB\05-May 27 2020\5- LDRAB-LDRC Packet\Exh. K - CR-2019-0002 and 0007 Art. 2, Administrative Modifications.docx

Notes:

Underlined indicates **new** text.

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

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

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

EXHIBIT K

**ARTICLE 2 – APPLICATION PROCESSES AND PROCEDURES
ADMINISTRATIVE PROCESSES**

**CR-2019-0002 and CR 2019-0007
(Updated 05/14/2020)**

EF. Type 1 Waiver

1. Purpose

To establish procedures and evaluation standards for a Type 1 Waiver. A Type 1 Waiver is to allow flexibility and minor adjustments to the property development regulations, site design, preservation, or incorporation of existing native vegetation; or for an improved site design where alternative solutions can be permitted subject to the criteria. Waivers are not intended to relieve specific financial hardship nor circumvent the intent of this Code. A Waiver may not be granted if it conflicts with other Sections of this Code, or the Florida Building Code. **[Ord. 2011-016] [Ord. 2016-042] [Ord. 2018-002]**

2. Applicability

Requests for Type 1 Waivers shall only be permitted where expressly stated within ~~the ULDC~~ this Code: **[Ord. 2011-016] [Ord. 2012-027] [Ord. 2018-002]**

Table 2.C.5.E – Summary of Type 1 Waivers

Requests	ULDC Reference
Glades Area Overlay (GAO)	Table 3.B.4.F, Type 1 Waivers for Industrial Pods
NEO, Native Ecosystem Overlay	Art. 3.B.7.D, Property Development Regulations (PDRs)
Northlake Boulevard Overlay Zone (NBOZ) Design Guidelines	Table 3.B.8.E, Type 1 Waivers for NBOZ Design Guidelines
Infill Redevelopment Overlay (IRO)	Table 3.B.15.G, Type 1 Waivers
Urban Redevelopment Overlay (URAO)	Table 3.B.16.G, Type 1 and 2 URAO Waivers
Structural Setback – Reduction not to exceed five percent less than the minimum requirement (1)	Table. 3.D.1.A, Property Development Regulations (PDRs)
Required Parking in Type 1 Restaurant with Drive-Through	Art. 4.B.2.C.33.f.3)a)(2), Location Criteria – Exceptions, Design Criteria
Commercial Greenhouse Loading	Art. 4.B.6.C.17.c.4)b), Loading
Solid Waste Transfer Station	Art. 4.B.7.C.10.d, Buffer
Green Architecture	Art. 5.C.1.E.3, Type 1 Waiver – Green Architecture
Parking for Community Vegetable Garden	Table 6.B.1.B, Minimum Parking and Loading Requirements, Note 10
Parking Spaces	Art. 6.C.1.A, Type 1 Waiver
Loading Spaces	Art. 6.E.2.B.3, Type 1 Waiver – Reduction of Minimum Number of Required Loading Spaces
Loading Space Width or Length	Art. 6.E.4.A.1.d, Type 1 Waiver – Reduction of Loading Space Width or Length
Landscaping	Table 7.B.4.A, Type 1 Waivers for Landscaping
Billboard Location	Art. 8.H.2.D.4., Replacement
PUD Informational Signs	Art. 8.G.3.B.5.b, Standards for Type 3 Electronic Message Signs
[Ord. 2012-027] [Ord. 2014-025] [Ord. 2015-031] [Ord. 2016-016] [Ord. 2016-042] [Ord. 2018-002] [Ord. 2019-005] [Ord. 2020-001]	
Notes:	
1.	This Waiver shall only be utilized for detached housing types on individual lots, and shall not be utilized for multiple lots under one application, i.e. “blanket” application.

3. Standards

When considering a DO application for a Type 1 Waiver, the DRO shall consider the following Standards in addition to any other Standards applicable to the specific Waiver as contained in this Code. For a Waiver application that requires the submittal of an ALP, the Applicant shall comply with additional standards pursuant to Art. 7.B.4, Type 1 Waiver for Landscaping. **[Ord. 2010-022] [Ord. 2011-016] [Ord. 2012-027] [Ord. 2016-042] [Ord. 2018-002]**

- a. The Waiver does not create additional conflicts with other requirements of the ULDC, and is consistent with the stated purpose and intent for the zoning district or overlay; **[Ord. 2010-022] [Ord. 2011-016] [Ord. 2012-027] [Ord. 2018-002]**
- b. The Waiver will not cause a detrimental effect on the overall design and development standards of the project, and will be in harmony with the general site layout and design details of the development; and, **[Ord. 2010-022] [Ord. 2012-027] [Ord. 2018-002]**
- c. The alternative design option recommended as part of the Waiver approval, if granted, will not adversely impact adjacent properties. **[Ord. 2010-022] [Ord. 2012-027] [Ord. 2018-002]**

Reason for amendments: [Zoning]
31. Relocate Conditions and Effect of an Issuance of a Development Order text from the different DRO Application Types to avoid repetition of the same requirements.

4. Conditions

The DRO may impose conditions pursuant to Art. 2.C.6, Conditions of Approval.
~~The DRO may impose Conditions of Approval in a Type 1 Waiver DO, as necessary, to accomplish the goals, objectives and policies of the Plan and this Code, including, but not limited to, limitations on size, bulk, location, requirements for landscaping, buffering, lighting,~~

U:\Zoning\CODEREV\Code Amendments\2020\02- LDRAB\05-May 27 2020\5- LDRAB-LDRC Packet\Exh. K - CR-2019-0002 and 0007 Art. 2, Administrative Modifications.docx

Notes:

Underlined indicates **new** text.
~~Stricken~~ indicates text to be **deleted**. ~~Stricken and italicized~~ means text to be totally or partially relocated. If being relocated destination is noted in bolded brackets **[Relocated to:]**.
Italicized indicates text to be relocated. Source is noted in bolded brackets **[Relocated from:]**.
.... A series of four bolded ellipses indicates language omitted to save space.

EXHIBIT K

ARTICLE 2 – APPLICATION PROCESSES AND PROCEDURES
ADMINISTRATIVE PROCESSES

CR-2019-0002 and CR 2019-0007
(Updated 05/14/2020)

1 and provisions of adequate ingress and egress. Any violation of the Waiver or Condition shall
2 be a violation of this Code. ~~[Ord. 2018-002]~~

3 **5. Effect of a Type 1 Waiver DO**
4 Shall be in effect pursuant to Art. 2.C.7, Effect of an Issuance of a DO.

Reason for amendments: [Zoning]

32. Relocate Reasonable Accommodation language under a new section that consolidates all DRO applications that do not result in Development Orders such as Zoning Confirmation Letters and Administrative Inquiries.

5
6 **F. Reasonable Accommodation** [Entire language under F, Reasonable Accommodation
7 Relocated to Art. 2.C.8.C, below]

8 **1. Purpose**
9 ~~The purpose of this Section is to establish procedures for processing requests for reasonable
10 accommodation from the County's Unified Land Development Code and related rules, policies,
11 practices, and procedures, for persons with disabilities as provided by the Federal Fair Housing
12 Amendments Act (42 U.S.C. 3601 et seq.) (FHA), or Title II of the Americans with Disabilities
13 Act (42 U.S.C. 12131 et seq.) (ADA). Any person who is disabled, or qualifying entities, may
14 request a reasonable accommodation, pursuant to the procedures set out in this Section. [Ord.
15 2011-016] [Ord. 2018-002] [Relocated to Art. 2.C.8.C.1, Purpose]~~

16 **2. Applicability**
17 ~~An Applicant shall be required to apply for all applicable Development Review processes
18 available in the ULDC prior to filing a request for reasonable accommodation, unless
19 compliance with available Development Review processes would deprive the Applicant, or
20 persons with disabilities served by the Applicant, of an equal opportunity to use and enjoy
21 housing. [Ord. 2015-006] [Ord. 2018-002] [Relocated to Art. 2.C.8.C.2, Applicability]~~

22 **3. Notice to the Public of Availability of Accommodation**
23 ~~The County shall endeavor to provide notice to the public, advising that disabled individuals or
24 qualifying entities may request a reasonable accommodation. [Ord. 2011-016] [Ord. 2018-
25 002] [Relocated to Art. 2.C.8.C.3, Notice to the Public of Availability of Accommodation]~~

26 **4. Application Procedures**
27 ~~The application forms and requirements for submitting a request for reasonable
28 accommodation shall be on forms specified by the County Administrator or designee. [Ord.
29 2011-016] [Ord. 2018-002] [Relocated to Art. 2.C.8.C.4, Application Procedures]~~

30 **a. Application Contents**
31 ~~The following considerations shall be applicable for any application information or
32 documentation required: [Ord. 2011-016] [Ord. 2018-002] [Relocated to Art. 2.C.8.C.4.a,
33 Application Contents]~~

34 **1) Confidential Information**
35 ~~Upon submittal of any medical information or records, including but not limited to
36 condition, diagnosis, or history related to a disabled individual, an Applicant may
37 request that the County, to the extent allowed by law, treat the information or records
38 as confidential. The County shall thereafter endeavor to provide notice to the disabled
39 individual, or their representative, of any request received by the County for disclosure
40 of the medical information or documentation previously requested to be treated as
41 confidential. The County will cooperate with the disabled individual, to the extent
42 allowed by law, in actions initiated by such individual to oppose the disclosure of such
43 medical information or documentation, but the County shall have no obligation to
44 initiate, prosecute, or pursue any such action, or to incur any legal or other expenses,
45 whether by retention of outside counselor, or allocation of internal resources in
46 connection therewith, and may comply with any judicial order without prior notice to the
47 disabled individual. [Ord. 2011-016] [Ord. 2018-002] [Relocated to Art.
48 2.C.8.C.4.a.1), Confidential Information]~~

49 **2) Address of Applicant**
50 ~~Address of the Applicant is requested, unless governed by 42 U.S.C. 290dd, in which
51 case the address shall not be required, but the Applicant may be requested to provide
52 documentation to substantiate a claim verifying applicability. [Ord. 2011-016] [Ord.
53 2015-006] [Ord. 2018-002] [Relocated to Art. 2.C.8.C.4.a.2), Address of Applicant]~~

54 **3) Address of Housing**
55 ~~Address of housing or other location at which accommodation is requested unless
56 governed by 42 U.S.C. 290dd, in which case address shall not be required, but the
57 Applicant may be requested to provide documentation to substantiate a claim verifying~~

U:\Zoning\CODEREV\Code Amendments\2020\02- LDRAB\05-May 27 2020\5- LDRAB-LDRC Packet\Exh. K - CR-2019-0002 and 0007 Art. 2, Administrative Modifications.docx

Notes:

Underlined indicates **new** text.

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

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

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

EXHIBIT K

ARTICLE 2 – APPLICATION PROCESSES AND PROCEDURES
ADMINISTRATIVE PROCESSES

CR-2019-0002 and CR 2019-0007
(Updated 05/14/2020)

~~applicability. [Ord. 2011-016] [Ord. 2018-002] [Relocated to Art. 2.C.8.C.4.a.3),
Address of Housing]~~

~~**b. Sufficiency Determination**~~

~~The County Administrator or designee shall determine whether the application is sufficient or insufficient within ten days of submittal by reviewing the information required in the application. If Staff determines the application is not sufficient, a written notice shall be sent to the Applicant specifying the deficiencies within the ten-day determination timeframe set forth herein. [Ord. 2015-006] [Ord. 2018-002] [Relocated to Art. 2.C.8.C.4.b, Sufficiency Determination]~~

~~**c. Fee**~~

~~There shall be no fee imposed by the County for a request for reasonable accommodation under this Section or an appeal of a determination on such request, and the County shall have no obligation to pay an Applicant's, or an appealing party as applicable, attorneys' fees or costs in connection with the request, or an appeal. [Ord. 2011-016] [Ord. 2015-006] [Ord. 2018-002] [Relocated to Art. 2.C.8.C.4.c, Fees]~~

~~**d. County Assistance**~~

~~The County shall provide such assistance and accommodation as is required pursuant to FHA and ADA in connection with a disabled person's request for reasonable accommodation, including assistance with reading application questions, and responding to questions related to completing application or appeal forms, among others, to ensure the process is accessible. [Ord. 2011-016] [Ord. 2018-002] [Relocated to Art. 2.C.8.C.4.d, County Assistance]~~

~~**e. Findings for Reasonable Accommodation**~~

~~In determining whether the reasonable accommodation request shall be granted or denied, the Applicant shall be required to establish that they are protected under the FHA or ADA by demonstrating that they are handicapped or disabled, as defined in the FHA or ADA. Although the definition of disability is subject to judicial interpretation, for purposes of this Ordinance the disabled individual must show: [Ord. 2011-016] [Ord. 2015-006] [Ord. 2018-002] [Relocated to Art. 2.C.8.C.4.e, Findings for Reasonable Accommodation]~~

- ~~1) a physical or mental impairment which substantially limits one or more major life activities; [Ord. 2011-016] [Ord. 2018-002] [Relocated to Art. 2.C.8.C.4.e.1)]~~
- ~~2) a record of having such impairment; or, [Ord. 2011-016] [Ord. 2018-002] [Relocated to Art. 2.C.8.C.4.e.2)]~~
- ~~3) that they are regarded as having such impairment. [Ord. 2011-016] [Ord. 2018-002] [Relocated to Art. 2.C.8.C.4.e.3)]~~

~~The Applicant shall demonstrate that the proposed accommodations being sought are reasonable and necessary to afford disabled persons equal opportunity to use and enjoy housing. The foregoing, as interpreted by the Courts, shall be the basis for a decision upon a reasonable accommodation request made by the appropriate PBC Official. [Ord. 2011-016] [Ord. 2015-006] [Ord. 2018-002] [Relocated to Art. 2.C.8.C.4.e.3)]~~

~~**f. Authority**~~

~~The determination of which appropriate PBC Official has the authority to consider and act on requests, or appeals of a decision for reasonable accommodation, shall be consistent with Art. 1.B.1.A, Authority. [Ord. 2011-016] [Ord. 2018-002] [Relocated to Art. 2.C.8.C.4.f, Authority]~~

~~**g. Action by Appropriate PBC Official**~~

~~A written response shall be issued within 45 days of the date of sufficiency advising the Applicant of the PBC Official's action. [Ord. 2011-016] [Ord. 2015-006] [Ord. 2018-002] [Relocated to Art. 2.C.8.C.4.g, Action by Appropriate PBC Official]~~

~~**1) Request for Additional Information Timeframes**~~

~~If additional information is required to make a final decision, the following shall apply: [Ord. 2011-016] [Ord. 2015-006] [Ord. 2018-002] [Relocated to Art. 2.C.8.C.4.g.1), Request for Additional Information Timeframes]~~

- ~~a) Within 45 days of Sufficiency determination, a written notice requesting additional information may be requested, specifying what information is required. [Ord. 2011-016] [Ord. 2015-006] [Ord. 2018-002] [Relocated to Art. 2.C.8.C.4.g.1).a)]~~
- ~~b) The Applicant shall have 15 days from the date of the written notice to respond to the request for additional information not to exceed 60 days from the date of the Sufficiency determination. [Ord. 2011-016] [Ord. 2015-006] [Ord. 2018-002] [Relocated to Art. 2.C.8.C.4.g.1).b)]~~

~~(1) If the additional information provided by the Applicant satisfies Staffs' request, a written determination shall be issued within 30 days. [Ord. 2011-016] [Ord. 2015-006] [Ord. 2018-002] [Relocated to Art. 2.C.8.C.4.g.1).b)(1)]~~

U:\Zoning\CODEREV\Code Amendments\2020\02- LDRAB\05-May 27 2020\5- LDRAB-LDRC Packet\Exh. K - CR-2019-0002 and 0007 Art. 2, Administrative Modifications.docx

Notes:

Underlined indicates **new** text.

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

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

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

EXHIBIT K

ARTICLE 2 – APPLICATION PROCESSES AND PROCEDURES
ADMINISTRATIVE PROCESSES

CR-2019-0002 and CR 2019-0007
(Updated 05/14/2020)

~~(2) If the Applicant fails to provide the requested additional information within the 15-day period, a letter shall be issued to the Applicant advising the Applicant that the application is considered withdrawn. [Ord. 2011-016] [Ord. 2015-006] [Ord. 2018-002] [Relocated to Art. 2.C.8.C.4.g.1).b)(2)]~~

~~2) Determination~~

~~In accordance with Federal law, the appropriate PBC Official, shall: [Ord. 2011-016] [Ord. 2018-002] [Relocated to Art. 2.C.8.C.4.g.2), Determination]~~

~~a) grant the accommodation request; [Ord. 2011-016] [Ord. 2018-002] [Relocated to Art. 2.C.8.C.4.g.2)a)]~~

~~b) grant a portion of the request and deny a portion of the request; [Ord. 2011-016] [Ord. 2018-002] [Relocated to Art. 2.C.8.C.4.g.2)b)]~~

~~c) impose conditions upon the grant of the request; or, [Ord. 2011-016] [Relocated to Art. 2.C.8.C.4.g.2)c)]~~

~~d) deny the request. Any such denial shall be in writing and shall state the grounds therefore. [Ord. 2011-016] [Ord. 2018-002] [Relocated to Art. 2.C.8.C.4.g.2)d)]~~

~~3) Notice of Proposed Decision~~

~~All written determinations shall give notice of the right to appeal. The notice of determination shall be sent to the requesting party (i.e. the disabled individual or his/her representative) by certified mail, return receipt requested. [Ord. 2011-016] [Ord. 2018-002] [Relocated to Art. 2.C.8.C.4.g.3), Notice of Proposed Decision]~~

~~h. Appeal~~

~~Within 30 days after the appropriate PBC Official has rendered a decision on a reasonable accommodation, the Applicant may appeal the decision. This timeframe shall be based upon the date of the letter mailed to the requesting party. All appeals shall contain a statement containing sufficient detail of the grounds for the appeal. Appeals shall be to a Hearing Officer as set forth in this Code. The Hearing Officer shall, after duly noticing the Applicant of the public hearing for appeal, render a determination as soon as reasonably practicable, but in no event later than 60 days after an appeal has been filed. Such hearing shall be de novo. A Hearing Officer's decision may be appealed to the 15th Judicial Circuit Court by Petition for Writ of Certiorari. [Ord. 2011-016] [Ord. 2018-002] [Relocated to Art. 2.C.8.C.4.h, Appeal]~~

~~i. Stay of Enforcement~~

~~While an application for reasonable accommodation, or appeal of a determination of same, is pending before the County, the County will not enforce the subject ULDC requirement, or related rules, policies, practices or procedures, against the Applicant. [Ord. 2011-016] [Ord. 2018-002] [Relocated to Art. 2.C.8.C.4.i, Stay of Enforcement]~~

~~j. Time Limitation~~

~~A determination granting, partially granting, or granting with conditions, a reasonable accommodation, may remain valid either for one year from the date of issuance, or by the date specified in a Development Order or associated Condition of Approval, otherwise it shall become null and void. This provision shall retroactively apply to all prior determinations for a reasonable accommodation prior to the effective date of this Ordinance. [Ord. 2017-002] [Ord. 2018-002] [Relocated to Art. 2.C.8.C.4.j, Time Limitation]~~

~~k. Change of Owner/Operator~~

~~When a facility that has received a Reasonable Accommodation Approval changes ownership, the new owner/operator must apply for new reasonable accommodation. The County will review the request and make a new case-by-case determination based on an individualized assessment. [Ord. 2019-034] [Relocated to Art. 2.C.8.C.4.k, Change of Owner/Operator]~~

Reason for amendments: [Zoning]

33. Clarify that some DRO application types are not subject to abandonment. Temporary Uses are considered a Development Order but they are granted for a specific timeframe therefore they expire; while Reasonable Accommodations and Zoning Confirmation are not Development Orders for which the Zoning Division issues letters.

G. Development Order Abandonment (ABN)

1. General

An Administrative DO granted under a prior Ordinance, may be abandoned according to the procedures in this Chapter. DOs, that are partially or fully implemented, or have not been implemented may be abandoned subject to the requirements of this Section. [Ord. 2018-002] [Ord. 2019-034]

U:\Zoning\CODEREV\Code Amendments\2020\02- LDRAB\05-May 27 2020\5- LDRAB-LDRC Packet\Exh. K - CR-2019-0002 and 0007 Art. 2, Administrative Modifications.docx

Notes:

Underlined indicates **new** text.

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

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

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

EXHIBIT K

ARTICLE 2 – APPLICATION PROCESSES AND PROCEDURES ADMINISTRATIVE PROCESSES

CR-2019-0002 and CR 2019-0007
(Updated 05/14/2020)

1 **2. Authority**

2 The same Authority that granted the original DO shall render a decision on a request for
3 abandonment. **[Ord. 2019-034]**

4 **3. Applicability**

5 This Section shall apply to all DOs for uses approved by the DRO, or similar DOs granted by
6 the DRO, and requested by the Applicant. DOs reviewed pursuant to Art. 2.E, Monitoring of
7 Development Orders (DOs) and Conditions of Approval for time requirements identified in Art.
8 2.E.2.C, Time Limitations for Commencement, or failure to comply with Conditions of a DO
9 shall be reviewed under the requirements of Art. 2.E, Monitoring of Development Orders (DOs)
10 and Conditions of Approval. **[Ord. 2019-034]**

11 **a) Exceptions**

12 Applications with or without a DO, which includes Temporary Uses, Reasonable
13 Accommodation, Zoning Confirmation Letters, and Administrative Inquiries shall not be
14 required to seek abandonment.

15 **4. Sequence of Submittal**

16 An application for an abandonment may be submitted as follows: **[Ord. 2019-034]**

17 **a. Concurrent Abandonment**

18 A Concurrent Abandonment may be submitted with a separate application requesting a
19 new DO as follows: **[Ord. 2019-034]**

20 1) Abandon previous DO approved by the DRO, for the entire DO and submit concurrently
21 with a new DO through an Administrative Approval process; or **[Ord. 2019-034]**

22 2) Abandon previous DO approved by the DRO, for the entire DO and submit concurrently
23 with a new DO through a Building Permit approval process. **[Ord. 2019-034]**

24 **b. Standalone Abandonment**

25 Reviewed for abandonment with no proposed use. Any future use would be subject to the
26 requirements of the Code at time of approval. **[Ord. 2019-034]**

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

34. When PPM ZO-O-047, Development Order Abandonment was codified through Ord. 2019-034,
application requirements for abandonments of DRO approvals were inadvertently not included in the
amendment. This amendment codifies the application requirements contained in the PPM.

35. Add the title "Standards" to existing provisions necessary to consider a DOA. This change follows
the same formatting of regulations already included in the Code for DOA of Public Hearing applications
in Art. 2.B.

28 **5. Application Requirements**

29 In addition to the submittal requirements pursuant to Art. 2.A.6.A, Zoning Application
30 Requirements, the Applicant shall provide status of all DRO conditions of approval as outlined
31 in the DRO notifications. The Applicant shall state whether these conditions are no longer
32 applicable, implemented, or pending implementation. The Applicant must confirm that there is
33 no reliance of other interested parties on additional performance activities related to the
34 proposed abandonment. Staff shall determine if the conditions are satisfied, if not, staff shall
35 notify the Applicant to coordinate with the Agency that imposed the condition, and determine
36 the action to achieve compliance. If the Applicant is seeking a new DO, staff shall determine if
37 the current conditions should be carried forward under the new DO request.

38 **6. Standards**

39 When considering an ABN application, the DRO shall utilize the Standards indicated below. A
40 request for an ABN which fails to meet any of these Standards shall be deemed adverse to the
41 public and shall not be approved. An application for a DO abandonment to a temporary use
42 shall demonstrate compliance with only Art. 2.C.5.G.5.d, Changed Conditions or
43 Circumstances. **[Ord. 2019-034]**

44 **a. Consistency with the Plan**

45 The proposed abandonment is consistent with the Plan. **[Ord. 2019-034]**

46 **b. Consistency with the Code**

47 The proposed abandonment, is not in conflict with any portion of this Code, and is
48 consistent with the stated purpose and intent of this Code. The abandonment of a DO does
49 not create any new nonconformities. **[Ord. 2019-034]**

50 **c. Adequate Public Facilities**

51 The proposed abandonment of the DO shall not impact the approved requirements of Art.
52 2.F, Concurrency (Adequate Public Facility Standards). When a non-implemented DO is
53 abandoned, all concurrency affiliated with the DO is no longer valid. For implemented DOs,
54 concurrency for the remainder of the non-affected area shall remain. Concurrency for any

U:\Zoning\CODEREV\Code Amendments\2020\02- LDRAB\05-May 27 2020\5- LDRAB-LDRC Packet\Exh. K - CR-2019-0002 and
0007 Art. 2, Administrative Modifications.docx

Notes:

Underlined indicates **new** text.

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

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

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

EXHIBIT K

ARTICLE 2 – APPLICATION PROCESSES AND PROCEDURES
ADMINISTRATIVE PROCESSES

CR-2019-0002 and CR 2019-0007
(Updated 05/14/2020)

1 new uses on the subject property shall be subject to the requirements of Art. 2.F,
2 Concurrency (Adequate Public Facility Standards). [Ord. 2019-034]
3 **d. Changed Conditions or Circumstances**
4 There are demonstrated changed site conditions or circumstances provided by the
5 Applicant’s Justification Statement that necessitate the abandonment. Abandonment of the
6 resolution approving the DO will not impact other DOs approved on the same site. There
7 is no reliance by other parties for additional performances, or tasks to be implemented, that
8 were required in the original DO. [Ord. 2019-034]

Reason for amendments: [Zoning]
36. Renumber to create a new section that addresses the authority of the DRO to impose Conditions of Approval for better formatting and flow of the DRO regulations.
37. Create a cross reference to the Monitoring regulations in Art. 2.E that establish procedures for compliance with conditions of approval imposed by the DRO with specific date, event or action.

9 **Section 6-H. Conditions of Approval**

10 **A1. DRO Authority**

11 The DRO shall have the authority to impose Conditions of Approval for administrative DOs.
12 Conditions of approval may be imposed to: [Ord. 2009-040] [Ord. 2018-002]
13 **1a.** Ensure compliance with Code requirements; [Ord. 2009-040]
14 **2b.** Ensure compatibility of the proposed development or use with surrounding land uses, address
15 the location of uses on the site to minimize potential adverse off-site impacts, and ensure on-
16 site safety; [Ord. 2009-040]
17 **3e.** Require the execution of a unity of title, unity of control, shared parking and other legal
18 documentation necessary to satisfy requirements of this Code; [Ord. 2009-040]
19 **4d.** Require road construction necessary to mitigate project impacts including but not limited to
20 drainage, turn lanes, sidewalks, and signalization; [Ord. 2009-040]
21 **5e.** Reduce negative impacts from agricultural uses in the urban services area on surrounding
22 properties including but not limited to: controlling objectionable odors, fencing, sound
23 limitations; inspections, reporting or monitoring preservation areas, mitigation, and/or limits of
24 operation; and, [Ord. 2009-040]
25 **6f.** Allow specific requirements of the Code to be waived, provided the proposed development
26 meets the specific requirements for a Type 1 Waiver. [Ord. 2009-040] [Ord. 2012-027]

27 **B2. Condition Limitations**

28 **1a.** Conditions imposed by the DRO shall be reasonable, not be contrary to law, limited to on-site
29 improvements, except for off-site road improvements or conveyances specifically attributable
30 to the project's impact.
31 **2b.** Conditions shall not amend BCC or, ZC imposed conditions or affect previously approved
32 conditions. [Ord. 2018-002]
33 **3e.** For modifications or additions to previously approved DOs, conditions shall only be imposed to
34 address the specific impacts of the new use or development. [Ord. 2018-002]
35 **4d.** Conditions shall not restrict land uses otherwise permitted by the Code, unless necessary for
36 parking or concurrency purposes, or require payment of any fees not otherwise required.

37 **C. Completion of Conditions**

38 A DO with Conditions of Approval imposed by the DRO that are required to be completed prior to
39 a specific date, event or action, shall comply with the procedures established in Art. 2.E.3.D,
40 Decision of the DRO.

Reason for amendments: [Zoning]
38. Create a new section that consolidates the Effect of an Issuance of a Development Order applicable to DRO applications for ease of use and avoid duplication of the Code regulations.
39. Clarify that unless a DO is abandoned, expired or revoked by Monitoring, a DRO approval shall be consistent with its approval and compliance with the ULDC.
40. This amendment creates a new standard that clarify approval of a DRO DO does not represent the approval of other DO granted by other approval process unless the Code dictates it.
41. Provide cross reference with the Monitoring provisions in Art. 2.E that dictate the time limitation of DOs.

41 **Section 7 Effect of an Issuance of a DO**

42 *A DO approved by the DRO shall have the following effect and authority: [Ord. 2009-040] [Relocated from*
43 **Art. 2.C.5.A.3, Effect of an Issuance of a DO]**

U:\Zoning\CODEREV\Code Amendments\2020\02- LDRAB\05-May 27 2020\5- LDRAB-LDRC Packet\Exh. K - CR-2019-0002 and 0007 Art. 2, Administrative Modifications.docx

Notes:

Underlined indicates **new** text.
~~Stricken~~ indicates text to be **deleted**. ~~Stricken and italicized~~ means text to be totally or partially relocated. If being relocated destination is noted in bolded brackets **[Relocated to:]**.
Italicized indicates text to be relocated. Source is noted in bolded brackets **[Relocated from:]**.
.... A series of four bolded ellipses indicates language omitted to save space.

EXHIBIT K

ARTICLE 2 – APPLICATION PROCESSES AND PROCEDURES
ADMINISTRATIVE PROCESSES

CR-2019-0002 and CR 2019-0007
(Updated 05/14/2020)

- 1 A. Any Permitted by Right uses may occur in conjunction with or in place of a DRO approved use, provided there are no Conditions of Approval that prohibit the permitted use to be added to site; [Ord. 2018-002] [Relocated from Art. 2.C.5.A.3.a, related to Effect of an Issuance of a DO]
- 2
- 3
- 4 B. Issuance of a DO approved by the DRO shall be deemed to authorize only the particular site configuration, layout, design, level of impacts, and intensity or density which were approved pursuant to this Code, unless the approval is abandoned, expired or revoked; [Ord. 2018-002] [Relocated from Art. 2.C.5.A.3.b, related to Effect of an Issuance of a DO]
- 5
- 6
- 7
- 8 C. A DO may only be amended pursuant to the procedures and standards in Art. 2.C.5.B, Administrative Modifications to Prior DOs; [Ord. 2018-002] [Relocated from Art. 2.C.5.A.3.c, related to Effect of an Issuance of a DO]
- 9
- 10
- 11 D. The approval of a DO shall not ensure that subsequent approvals for other Development Permits will be granted unless the relevant and applicable portions of the Code are met; and,
- 12
- 13 E. Time Limitation for a DO shall be reviewed pursuant to Art. 2.E, Monitoring.

Reason for amendments: [Zoning]
42. Create a new section that consolidate all DRO application types that do not result on issuance of Development Orders

14 **Section 8 Applications Not Issuing a Development Order**

15 **A. Zoning Confirmation Letter (ZCL)**

- 16 **1. Purpose**
- 17 Confirmation of information regarding a particular parcel of land, or interpretation of how the
- 18 Code applies to a given parcel, may be obtained through a Formal ZCL, Site Specific, or Non-
- 19 Site Specific, or through an Informal ZCL from the DRO pursuant to the procedures in this
- 20 Section. The scope of the Formal or Informal ZCL shall be limited to those matters under the
- 21 authority of the Executive Director of PZB pursuant to Art. 1.B.1.A, Authority. [Ord. 2018-002]
- 22
- 23 **2. Types of ZCL**
- 24 The request for a ZCL by an Applicant may be in form of an Informal ZCL, a Non-Site Specific
- 25 Formal ZCL or a Formal ZCL. [Ord. 2018-002]
- 26 **a. Informal ZCL**
- 27 Any individual may request standard land use and zoning information that exists as a
- 28 matter of record pertinent to a parcel of land. The response from the Zoning Division shall
- 29 provide a summary of the requested information, including but not limited to FLU
- 30 designation, zoning district, any prior approvals, and whether the property conforms to
- 31 applicable Code requirements. The informal ZCL request may include plans or other
- 32 relevant documents pertinent to the parcel of land. The Informal ZCL is not considered a
- 33 final action of the Zoning Division and therefore, is not subject to appeal. [Ord. 2018-002]
- 34 **b. Non-Site Specific ZCL**
- 35 Any individual may request a Non-Site Specific ZCL to determine how the Code may apply
- 36 in a particular zoning district, overlay, or other zoning designation. The Non-Site Specific
- 37 ZCL may contain the same information contained in the Informal ZCL, but may also include
- 38 a request for clarification or interpretation of Code requirements, prior approvals, or other
- 39 similar matters. The Non-Site Specific ZCL is not considered a final action of the Zoning
- 40 Division and therefore, is not subject to appeal. [Ord. 2018-002]
- 41 **c. Formal ZCL**
- 42 An owner of a parcel of land, any person with a contractual interest in a parcel of land, or
- 43 any person submitting a DO application for a parcel of land, may request a Formal ZCL to
- 44 determine how the Code applies to that parcel of land based on an existing DO or a specific
- 45 plan to seek a DO for a particular use. The Formal ZCL may contain the same information
- 46 contained in the Informal ZCL, but may also include a request for clarification or
- 47 interpretation of Code requirements, existing Conditions of Approval, prior approvals or
- 48 other matters pertinent to the parcel of land. A request for a Formal ZCL is subject to a
- 49 mandatory PAA. A Formal ZCL is subject to appeal pursuant to Art. 2.A.14., Appeal. [Ord. 2018-002]
- 50 **3. Processing**
- 51 Applicants requesting an Informal or a Formal ZCL shall submit same to the DRO subject to
- 52 the ZAR process. All applications are subject to sufficiency review pursuant to Art. 2.C.2.,
- 53 Sufficiency Review. The BCC may establish an administrative fee by Resolution for processing
- 54 both Informal and Formal ZCLs. [Ord. 2018-002]
- 55 **4. ZCL Response**
- 56 **a. Informal ZCL Response**

U:\Zoning\CODEREV\Code Amendments\2020\02- LDRAB\05-May 27 2020\5- LDRAB-LDRC Packet\Exh. K - CR-2019-0002 and 0007 Art. 2, Administrative Modifications.docx

Notes:
Underlined indicates **new** text.
~~Stricken~~ indicates text to be **deleted**. ~~Stricken and italicized~~ means text to be totally or partially relocated. If being relocated destination is noted in bolded brackets **[Relocated to:]**.
Italicized indicates text to be relocated. Source is noted in bolded brackets **[Relocated from:]**.
.... A series of four bolded ellipses indicates language omitted to save space.

EXHIBIT K

ARTICLE 2 – APPLICATION PROCESSES AND PROCEDURES
ADMINISTRATIVE PROCESSES

CR-2019-0002 and CR 2019-0007
(Updated 05/14/2020)

1 Within 30 days after the date of which the request is deemed sufficient for review, the DRO
2 shall provide a response to the Applicant. [Ord. 2018-002]

3 **b. Formal ZCL and Non-Site Specific ZCL Response**

4 Within 60 days after the date of which the request is deemed sufficient for review, the DRO
5 shall provide a response or render an interpretation to the Applicant. A response by the
6 DRO may be extended, based on the complexity of the request(s). During the review, the
7 Applicant may be required to submit additional information to assist the DRO in preparing
8 the response. Resubmittal of information to the DRO will restart the response period. [Ord.
9 2018-002]

10 **JB. Administrative Inquiry (AI)**

11 **1. Purpose**

12 To establish procedures for PBC Officials when submitting inquiries to the BCC asking for
13 direction on procedural matters or to resolve an inconsistency in a ~~Development Order DO~~.
14 [Ord. 2011-016] [Ord. 2018-002]

15 **2. Applicability**

16 An inquiry is not a public hearing, but is subject to the notice requirements of Table 2.B.5.A,
17 Notification Applicability. The decision of the BCC shall be final. [Ord. 2011-016] [Ord. 2018-
18 002]

19 **3. Procedures**

20 An AI may be made by a public agency through the Zoning Director using forms and procedures
21 established by the Zoning Division. The AI shall be placed on the BCC agenda by the Zoning
22 Division for the date the inquiry is intended to be presented. Courtesy Notice pursuant to Art.
23 2.B.5, Notifications, is required for an AI applicable to a parcel for a specific inquiry or to provide
24 development status not monitored by the provisions in Art. 2.E, Monitoring of Development
25 Orders (DOs) and Conditions of Approval. [Ord. 2011-016] [Ord. 2017-002] [Ord. 2018-002]

Reason for amendments: [Zoning]

43. Relocate all Reasonable Accommodation language from a location where it is mixed with other DRO provisions related to Development Orders. This new location consolidates Reasonable Accommodations with other DRO applications that do not result in Development Orders such as Zoning Confirmation Letters and Administrative Inquiries.

26 **C. Reasonable Accommodation** [Relocated from 2.C.5.F, Reasonable Accommodation]

27 **1. Purpose**

28 *The purpose of this Section is to establish procedures for processing requests for reasonable*
29 *accommodation from the County’s Unified Land Development Code and related rules, policies,*
30 *practices, and procedures, for persons with disabilities as provided by the Federal Fair Housing*
31 *Amendments Act (42 U.S.C. 3601 et seq.) (FHA), or Title II of the Americans with Disabilities*
32 *Act (42 U.S.C. 12131 et seq.) (ADA). Any person who is disabled, or qualifying entities, may*
33 *request a reasonable accommodation, pursuant to the procedures set out in this Section. [Ord.*
34 *2011-016] [Ord. 2018-002] [Relocated from 2.C.5.F.1 Purpose]*

35 **2. Applicability**

36 *An Applicant shall be required to apply for all applicable Development Review processes*
37 *available in the ULDC prior to filing a request for reasonable accommodation, unless*
38 *compliance with available Development Review processes would deprive the Applicant, or*
39 *persons with disabilities served by the Applicant, of an equal opportunity to use and enjoy*
40 *housing. [Ord. 2015-006] [Ord. 2018-002] [Relocated from 2.C.5.F.2, Applicability]*

41 **3. Notice to the Public of Availability of Accommodation**

42 *The County shall endeavor to provide notice to the public, advising that disabled individuals or*
43 *qualifying entities may request a reasonable accommodation. [Ord. 2011-016] [Ord. 2018-*
44 *002] [Relocated from 2.C.5.F.3, Notice to the Public of Availability of Accommodation]*

45 **4. Application Procedures**

46 *The application forms and requirements for submitting a request for reasonable*
47 *accommodation shall be on forms specified by the County Administrator or designee. [Ord.*
48 *2011-016] [Ord. 2018-002] [Relocated from 2.C.5.F.4, Application Procedures]*

49 **a. Application Contents**

50 *The following considerations shall be applicable for any application information or*
51 *documentation required: [Ord. 2011-016] [Ord. 2018-002] [Relocated from 2.C.5.F.4.a,*
52 **Application Contents]**

53 **1) Confidential Information**

54 *Upon submittal of any medical information or records, including but not limited to*
55 *condition, diagnosis, or history related to a disabled individual, an Applicant may*
56 *request that the County, to the extent allowed by law, treat the information or records*
57

U:\Zoning\CODEREV\Code Amendments\2020\02- LDRAB\05-May 27 2020\5- LDRAB-LDRC Packet\Exh. K - CR-2019-0002 and 0007 Art. 2, Administrative Modifications.docx

Notes:

Underlined indicates **new** text.

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

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

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

EXHIBIT K

ARTICLE 2 – APPLICATION PROCESSES AND PROCEDURES
ADMINISTRATIVE PROCESSES

CR-2019-0002 and CR 2019-0007
(Updated 05/14/2020)

1 as confidential. The County shall thereafter endeavor to provide notice to the disabled
2 individual, or their representative, of any request received by the County for disclosure
3 of the medical information or documentation previously requested to be treated as
4 confidential. The County will cooperate with the disabled individual, to the extent
5 allowed by law, in actions initiated by such individual to oppose the disclosure of such
6 medical information or documentation, but the County shall have no obligation to
7 initiate, prosecute, or pursue any such action, or to incur any legal or other expenses,
8 whether by retention of outside counselor, or allocation of internal resources in
9 connection therewith, and may comply with any judicial order without prior notice to the
10 disabled individual. [Ord. 2011-016] [Ord. 2018-002] [Relocated from 2.C.5.F.4.a.1),
11 Confidential Information]

12 2) **Address of Applicant**

13 Address of the Applicant is requested, unless governed by 42 U.S.C. 290dd, in which
14 case the address shall not be required, but the Applicant may be requested to provide
15 documentation to substantiate a claim verifying applicability. [Ord. 2011-016] [Ord.
16 2015-006] [Ord. 2018-002] [Relocated from 2.C.5.F.4.a.2), Address of Applicant]

17 3) **Address of Housing**

18 Address of housing or other location at which accommodation is requested unless
19 governed by 42 U.S.C. 290dd, in which case address shall not be required, but the
20 Applicant may be requested to provide documentation to substantiate a claim verifying
21 applicability. [Ord. 2011-016] [Ord. 2018-002] [Relocated from 2.C.5.F.4.a.3),
22 Address of Housing]

23 b. **Sufficiency Determination**

24 The County Administrator or designee shall determine whether the application is sufficient
25 or insufficient within ten days of submittal by reviewing the information required in the
26 application. If Staff determines the application is not sufficient, a written notice shall be sent
27 to the Applicant specifying the deficiencies within the ten-day determination timeframe set
28 forth herein. [Ord. 2015-006] [Ord. 2018-002] [Relocated from 2.C.5.F.4.b, Sufficiency
29 Determination]

30 c. **Fee**

31 There shall be no fee imposed by the County for a request for reasonable accommodation
32 under this Section or an appeal of a determination on such request, and the County shall
33 have no obligation to pay an Applicant's, or an appealing party as applicable, attorneys'
34 fees or costs in connection with the request, or an appeal. [Ord. 2011-016] [Ord. 2015-
35 006] [Ord. 2018-002] [Relocated from 2.C.5.F.4.c, Fees]

36 d. **County Assistance**

37 The County shall provide such assistance and accommodation as is required pursuant to
38 FHA and ADA in connection with a disabled person's request for reasonable
39 accommodation, including assistance with reading application questions, and responding
40 to questions related to completing application or appeal forms, among others, to ensure
41 the process is accessible. [Ord. 2011-016] [Ord. 2018-002] [Relocated from 2.C.5.F.4.d,
42 County Assistance]

43 e. **Findings for Reasonable Accommodation**

44 In determining whether the reasonable accommodation request shall be granted or denied,
45 the Applicant shall be required to establish that they are protected under the FHA or ADA
46 by demonstrating that they are handicapped or disabled, as defined in the FHA or ADA.
47 Although the definition of disability is subject to judicial interpretation, for purposes of this
48 Ordinance the disabled individual must show: [Ord. 2011-016] [Ord. 2015-006] [Ord.
49 2018-002] [Relocated from 2.C.5.F.4.e, Findings for Reasonable Accommodation]

- 50 1) a physical or mental impairment which substantially limits one or more major life
51 activities; [Ord. 2011-016] [Ord. 2018-002] [Relocated from 2.C.5.F.4.e.1)]
- 52 2) a record of having such impairment; or, [Ord. 2011-016] [Ord. 2018-002] [Relocated
53 from 2.C.5.F.4.e.2)]
- 54 3) that they are regarded as having such impairment. [Ord. 2011-016] [Ord. 2018-002]
55 [Relocated from 2.C.5.F.4.e.3)]

56 The Applicant shall demonstrate that the proposed accommodations being sought are
57 reasonable and necessary to afford disabled persons equal opportunity to use and enjoy
58 housing. The foregoing, as interpreted by the Courts, shall be the basis for a decision upon
59 a reasonable accommodation request made by the appropriate PBC Official. [Ord. 2011-
60 016] [Ord. 2015-006] [Ord. 2018-002] [Relocated from 2.C.5.F.4.e.3)]

61 f. **Authority**

62 The determination of which appropriate PBC Official has the authority to consider and act
63 on requests, or appeals of a decision for reasonable accommodation, shall be consistent

U:\Zoning\CODEREV\Code Amendments\2020\02- LDRAB\05-May 27 2020\5- LDRAB-LDRC Packet\Exh. K - CR-2019-0002 and 0007 Art. 2, Administrative Modifications.docx

Notes:

Underlined indicates **new** text.

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

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

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

EXHIBIT K

ARTICLE 2 – APPLICATION PROCESSES AND PROCEDURES
ADMINISTRATIVE PROCESSES

CR-2019-0002 and CR 2019-0007
(Updated 05/14/2020)

with Art. 1.B.1.A, Authority. [Ord. 2011-016] [Ord. 2018-002] [Relocated from 2.C.5.F.4.f, Authority]

g. Action by Appropriate PBC Official

A written response shall be issued within 45 days of the date of sufficiency advising the Applicant of the PBC Official's action. [Ord. 2011-016] [Ord. 2015-006] [Ord. 2018-002] [Relocated from 2.C.5.F.4.g, Action by Appropriate PBC Official]

1) Request for Additional Information Timeframes

If additional information is required to make a final decision, the following shall apply: [Ord. 2011-016] [Ord. 2015-006] [Ord. 2018-002] [Relocated from 2.C.5.F.4.g.1), Request for Additional Information Timeframes]

a) Within 45 days of Sufficiency determination, a written notice requesting additional information may be requested, specifying what information is required. [Ord. 2011-016] [Ord. 2015-006] [Ord. 2018-002] [Relocated from 2.C.5.F.4.g.1)a)]

b) The Applicant shall have 15 days from the date of the written notice to respond to the request for additional information not to exceed 60 days from the date of the Sufficiency determination. [Ord. 2011-016] [Ord. 2015-006] [Ord. 2018-002] [Relocated from 2.C.5.F.4.g.1)b)]

(1) If the additional information provided by the Applicant satisfies Staffs' request, a written determination shall be issued within 30 days. [Ord. 2011-016] [Ord. 2015-006] [Ord. 2018-002] [Relocated from 2.C.5.F.4.g.1)b)(1)]

(2) If the Applicant fails to provide the requested additional information within the 15-day period, a ~~letter~~-notification shall be issued to the Applicant advising the Applicant that the application is considered withdrawn. [Ord. 2011-016] [Ord. 2015-006] [Ord. 2018-002] [Relocated from 2.C.5.F.4.g.1)b)(2)]

2) Determination

In accordance with Federal law, the appropriate PBC Official, shall: [Ord. 2011-016] [Ord. 2018-002] [Relocated from 2.C.5.F.4.g.2), Determination]

a) grant the accommodation request; [Ord. 2011-016] [Ord. 2018-002] [Relocated from 2.C.5.F.4.g.2).a)]

b) grant a portion of the request and deny a portion of the request; [Ord. 2011-016] [Ord. 2018-002] [Relocated from 2.C.5.F.4.g.2).b)]

c) impose conditions upon the grant of the request; or, [Ord. 2011-016] [Relocated from 2.C.5.F.4.g.2).c)]

d) deny the request. Any such denial shall be in writing and shall state the grounds therefore. [Ord. 2011-016] [Ord. 2018-002] [Relocated from 2.C.5.F.4.g.2).d)]

3) Notice of Proposed Decision

All written determinations shall give notice of the right to appeal. The notice of determination shall be sent to the requesting party (i.e. the disabled individual or his/her representative) by certified mail, return receipt requested. [Ord. 2011-016] [Ord. 2018-002]

h. Appeal

Within 30 days after the appropriate PBC Official has rendered a decision on a reasonable accommodation, the Applicant may appeal the decision. This timeframe shall be based upon the date of the letter mailed to the requesting party. All appeals shall contain a statement containing sufficient detail of the grounds for the appeal. Appeals shall be to a Hearing Officer as set forth in this Code. The Hearing Officer shall, after duly noticing the Applicant of the public hearing for appeal, render a determination as soon as reasonably practicable, but in no event later than 60 days after an appeal has been filed. Such hearing shall be de novo. A Hearing Officer's decision may be appealed to the 15th Judicial Circuit Court by Petition for Writ of Certiorari. [Ord. 2011-016] [Ord. 2018-002] [Relocated from 2.C.5.F.4.h, Appeal]

i. Stay of Enforcement

While an application for reasonable accommodation, or appeal of a determination of same, is pending before the County, the County will not enforce the subject ULDC requirement, or related rules, policies, practices or procedures, against the Applicant. [Ord. 2011-016] [Ord. 2018-002] [Relocated from 2.C.5.F.4.i, Stay of Enforcement]

j. Time Limitation

A determination granting, partially granting, or granting with conditions, a reasonable accommodation, may remain valid either for one year from the date of issuance, or by the date specified in a DO or associated Condition of Approval, otherwise it shall become null and void. This provision shall retroactively apply to all prior determinations for a reasonable accommodation prior to the effective date of this Ordinance. [Ord. 2017-002] [Ord. 2018-002] [Relocated from 2.C.5.F.4.j, Time Limitation]

U:\Zoning\CODEREV\Code Amendments\2020\02- LDRAB\05-May 27 2020\5- LDRAB-LDRC Packet\Exh. K - CR-2019-0002 and 0007 Art. 2, Administrative Modifications.docx

Notes:

Underlined indicates new text.

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

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

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

EXHIBIT K

ARTICLE 2 – APPLICATION PROCESSES AND PROCEDURES
ADMINISTRATIVE PROCESSES

CR-2019-0002 and CR 2019-0007
(Updated 05/14/2020)

- 1 **k. Change of Owner/Operator**
- 2 *When a facility that has received a Reasonable Accommodation Approval changes*
- 3 *ownership, the new owner/operator must apply for new reasonable accommodation. The*
- 4 *County will review the request and make a new case-by-case determination based on an*
- 5 *individualized assessment. [Ord. 2019-034] [Relocated from 2.C.5.F.4.k, Change of*
- 6 *Owner/Operator]*

Part 3. ULDC Art. 1.H, Definitions and Acronyms (page 75 and 107 of 111, Supplement 27), is hereby amended as follows:

Reason for amendments: [Zoning]
1. Define "Original" Final Development Review Office (DRO) to clarify standard in Art. 2, Application Processes and Procedures. It relates to the authority to modify administratively Development Orders (DO) approved by the BCC or ZC. This definition clarifies the final DRO plans that followed the BCC or ZC approval are to be considered the "original" final DRO, which are the controlling plans to be used as reference for administrative modifications.
2.. Delete Expedited DRO Applications (EDA) from the acronym list as it is no longer used in the Code.

7 **CHAPTER H DEFINITIONS AND ACRONYMS**

8 **Section 2 Definitions**

9 O. **Terms defined herein or referenced in this Article shall have the following meanings:**

- 10
- 11 19. Original Final DRO – For the purposes of Art. 2, Application Processes and Procedures, the
- 12 first approved plan by the DRO following the BCC or ZC hearing.
- 13 [ReNUMBER Accordingly]

14 **Section 3 Abbreviations and Acronyms**

... ..
EDA Expedited DRO Applications ~~[Ord. 2007-013]~~

U:\Zoning\CODEREV\Code Amendments\2020\02- LDRAB\05-May 27 2020\5- LDRAB-LDRC Packet\Exh. K - CR-2019-0002 and 0007 Art. 2, Administrative Modifications.docx

Notes:
Underlined indicates **new** text.
~~Stricken~~ indicates text to be **deleted**. ~~Stricken and italicized~~ means text to be totally or partially relocated. If being relocated destination is noted in bolded brackets **[Relocated to:]**.
Italicized indicates text to be relocated. Source is noted in bolded brackets **[Relocated from:]**.
 A series of four bolded ellipses indicates language omitted to save space.

This page left blank intentionally

EXHIBIT L

PALM BEACH COUNTY PLANNING, ZONING AND BUILDING DEPARTMENT ZONING DIVISION

Application No.: PIA 2019-02346
Application Name: Faith Farm Ministries
Applicant: Michael Brown, Fort Lauderdale Rescue Tabernacle, Inc.
Agent: Kevin Ratterree, G.L. Acquisitions Corporation
 Gladys Digirolamo, G.L. Acquisitions Corporation
Telephone No.: (954) 753-1730
Project Manager: Wendy Hernández, Principal Site Planner

Title: Phase 2, Privately Initiated Code Amendment. **Request:** to amend specific sections of the Unified Land Development Code (ULDC), concurrent with modifications to the Comprehensive Plan, to Articles 3.C, Standard Districts; 3.E, Planned Development District; and, 7, Landscaping for Faith Farm Ministries. The modifications would allow the Faith Farm development to include split zoning of IPF and AGR-PUD, and to provide an exemption from the perimeter landscape buffer requirements for the property with split zoning.

APPLICATION SUMMARY: The Applicant is requesting to amend the specific Sections of the ULDC within Articles 3 and 7, in order to allow a proposed development with split zoning and to utilize an exemption to a landscape buffer requirement when the development has split zoning. The proposed changes are specific to Faith Farm Ministries whose property is located in the Agricultural Reserve Tier, and have specific policies for development within the Comprehensive Plan. It is the intent of the Applicant to utilize these new provisions in order to rezone a portion of the property to AGR-PUD, designate that area as Preserve, and transfer the development rights so the units could be built in the AGR-PUD Development Area.

The proposed amendment to the ULDC is proceeding concurrently with a text amendment to the Comprehensive Plan and a Development Order Public Hearing application.

ULDC ARTICLE	TITLE OF ARTICLE	PROPOSED REVISIONS OF CODE SECTIONS BY APPLICANT
Art. 3.C Art. 3.E	Overlays and Zoning Districts	<ul style="list-style-type: none"> • Modify Art 3.C.1.G.1.a, Standard Districts, specifically IPF, Institutional and Public Facilities District and the AGR Tier – Faith Farm Ministries requirements to include an allowance for split zoning of IPF and AGR-PUD. This Section also includes an exemption from a requirement to provide a landscape buffer between the land zoned IPF and AGR-PUD. • Modify Art. 3.E.2.F.3.c.1)c) for Planned Development Districts, specifically for an AGR-PUD Preserve Area, to include standards for a development that has split zoning of IPF and AGR-PUD.
Art. 7	Landscaping	<ul style="list-style-type: none"> • Modify Art. 7.C.2.C.4, AGR-PUD Landscape Buffer to include an exemption from a requirement to provide a landscape buffer between the land zoned IPF and AGR-PUD.

RECOMMENDATION: Staff is in support of the of the proposed amendments that allows for split IPF and AGR-PUD, with associated standards, and the exemption from the landscape buffer where the property has the split zoning.

ACTION BY THE LAND DEVELOPMENT REGULATION ADVISORY BOARD (LDRAB): No action has taken place.

ACTION BY THE PLANNING COMMISSION (PC): The Planning Commission voted to initiate the text changes to the Plan on October 22, 2019 with a vote of 12-0.

ACTION BY THE BOARD OF COUNTY COMMISSIONERS (BCC): The BCC voted to initiate changes to the Plan on October 29, 2019 with a vote of 7-0. The BCC will review the proposed changes to the Plan at the June 29, 2020 Transmittal hearing.

PUBLIC COMMENT SUMMARY: At time of publication, there has been no comments from the public regarding the proposed change.

BACKGROUND AND SUMMARY: Faith Farm Ministries is located on an 87.28-acre parcel within the AGR Tier, and has provided long-term, residential treatment and recovery programs at this location since 1964. The County recognized it as a provider of essential and valuable social services. In 1995, the Plan allowed for the continuation of commercial and institutional uses that were in the AGR Tier, prior to the adoption of the Agricultural Reserve Master Plan, with Faith Farm Ministries being one of these uses. Between 1995 and 2003, additional changes to the Plan were adopted by the BCC relating to the AGR Tier and the existing uses. Most recently in 2016, the Plan Future Land Use Element policies were modified, following a year-long workshop process, to make the non-conforming commercial and institutional uses conforming. The Plan changes adopted Policy 1.5-s as follows:

Policy 1.5-s: The Institutional uses listed below pre-date the establishment of the Ag Reserve Tier shall be considered as conforming uses:

2. Faith Farm Ministries, 87.28 acres located on the east side of SR7, north Boynton Beach Boulevard is a religious ministry which has provided a long term, residential treatment and recovery program at this location since 1964. The County recognizes the Faith Farm Ministries as a provider of essential and valuable social services. The site includes church, a thrift store, educational and work training programs for residents and graduates, as well as a staff of pastors, teachers and counselors that live on site. Accordingly, the site is allowed multiple primary institutional uses including, but not limited to, place of worship, assembly non-profit, residential treatment, and education/vocational facilities. All facilities and uses on site must be under ownership of Faith Farm Ministries. Supporting non-institutional uses include, but are not limited to, the following:

1. Residential uses and facilities for employees, students, and their families up to 19 units, 313 beds, and a 40,000 square foot family living center; and
2. Non-residential uses that provide training opportunities and financially support to the ministry such as retail, repair, restaurant, recycling, etc.

Operations may continue and expand up to .15 FAR utilizing either AGR Zoning with AGR FLU or utilizing Institutional and Public Facilities or Multiple Use Planned Development District Zoning with Institutional and Public Facilities FLU. The Planning Division shall review any development order amendments and determine consistency with this policy through the development review process.

Following the changes to the Plan in 2016, the ULDC was modified, through Ordinance No. 2017-002.

CHAPTER C STANDARD DISTRICTS

Section 1 General

G. Public and Institutional Districts

1. IPF, Institutional and Public Facilities District

The IPF district is to provide land in appropriate locations for a variety of regional and community uses that are either publicly or privately operated.

a. AGR Tier – Faith Farm Ministries

1) Approved Uses

Uses not permitted in the IPF district, but otherwise delineated on the approved Final Site Plan for Faith Farm Ministries, Control # 94-073, dated February 13, 2008, as amended, may continue to exist and are to be accommodated as part of the continuation of the AG Reserve Tier. The modification or expansion of any identified uses that exceed the limits of Art. 2.D.1.G, Modifications to Prior Development Orders, may be allowed subject to BCC approval as a Class A Conditional Use, provided such facilities and uses are owned by and directly related to the existing Faith Farm Ministries program, and provide training opportunities and financial support for Faith Farms Ministries.

2) Exception from Development Thresholds

The 87.28 acre Faith Farm Ministries development shall be exempt from Table 4.A.4.A, Thresholds for Projects Requiring Board of County Commission Approval.

The applicant is proposing to amend the Comprehensive Plan in order to allow for the rezoning of a portion of the property to AGR-PUD, designating that portion as Preserve, and transferring the residential development rights to the Development Area of the AGR-PUD. The proposed changes in the Plan describe reduction in the density and intensity of residential uses.

REVISE Policy 1.5-t: The Institutional uses listed below pre-date the establishment of the Ag Reserve Tier and shall be considered as conforming uses:

2. Faith Farm Ministries, 87.28 acres located on the east side of SR7, north Boynton Beach Boulevard is a religious ministry which has provided a long term, residential treatment and recovery program at this location since 1964. The County recognizes the Faith Farm Ministries as a provider of essential and valuable social services. The development portion of the site, consisting of approximately 62.5+ acres, includes church, a thrift store, educational and work training programs for residents and graduates, as well as a staff of pastors, teachers and counselors that live on site. The remainder of the site, consisting of approximately 24.7+ acres, may utilize either AGR zoning or AGR PUD (preserve) zoning. Accordingly, the development portion of the site is allowed multiple primary institutional uses including, but not limited to, place of worship, assembly nonprofit, residential treatment, and education/vocational facilities. All facilities and uses on site must be under ownership of Faith Farm Ministries. Supporting non-institutional uses include, but are not limited to, the following:
 1. Residential uses and facilities for employees, students, and their families up to 19 units, ~~313~~ 264 beds, and a ~~40,000~~ 28,640 square foot family living center; and
 2. Non-residential uses that provide training opportunities and financially support to the ministry such as retail, repair, restaurant, recycling, etc.

Operations on the development portion of the site may continue and expand up to .15 FAR utilizing either AGR Zoning with AGR FLU or utilizing Institutional and Public Facilities or Multiple Use Planned Development District Zoning with Institutional and Public Facilities FLU. The Planning Division shall review any development order amendments and determine consistency with this policy through the development review process.

The modifications described in Exhibit B, are to address the proposed changes in the Plan, and as proposed on the Public Hearing Rezoning application.

PHASE 1 INITIATION: Because the BCC voted to initiate changes to the Comprehensive Plan on October 29, 2019, it was determined that the proposed changes to the ULDC did not require a Phase 1 Initiation.

STANDARDS

Evaluation of a PIA shall include consideration of the following standards:

1. **Extent to which any other alternatives to a Code amendment have been evaluated, a summary of any recommendations or direction provided by the BCC, County Staff in prior meetings, and where applicable, why the amendment is being requested in lieu of such alternatives.**

The proposed ULDC amendments are a result of a proposed Privately Initiated Amendment to the Comprehensive Plan. The amendment is necessary to implement those changes as there were no existing alternatives to allow for the split zoning. The elimination of the buffer that separates the two zoning districts on the same property is consistent with how the current Code is applied to property where the split zoning is AGR and AGR-PUD. The BCC voted to initiate the proposed amendments to the Plan on October 29, 2019.

2. **Does not violate State, Federal, or other local government laws;**

The proposed requests will not violate any State, Federal, or other local government laws.

3. **Will be consistent with the Comprehensive Plan, or will otherwise be submitted pursuant to or concurrent with an application to amend the Plan;**

The proposed requests will be consistent with the proposed changes to the Comprehensive Plan.

4. **Will not be in conflict with any other ULDC provisions or amendment will also address the other inconsistencies;**

The proposed amendment will not be in conflict with any other ULDC provisions of the Code. The amendment is specific to Faith Farm Ministries and those specific policies of the ULDC and Plan.

5. **The request has been demonstrated to be a new industry trend not anticipated by the Comprehensive Plan or ULDC; and,**

Concurrent with the proposed changes to the Plan, the modifications to the ULDC would allow the split zoning of IPF and AGR-PUD, and allow that portion of the property to be designated as Preserve. This is a new policy to allow for a property to have both IPF and AGR-PUD was not previously anticipated by the Plan or ULDC.

6. **Identification of examples of similar land development regulations adopted in other jurisdictions under the same circumstances, such as similar FLU designation or zoning districts, compatibility, buffering, roadway frontage, and other similar site considerations.**

The Agricultural Reserve Tier is unique to Palm Beach County. The ULDC has existing language that allow for split zoning of AGR and AGR-PUD when designated as Preserves. The proposed provisions were developed to be consistent with the existing provisions of the Code.

Exhibit A Justification Statement

Justification Statement – ULDC Text Amendment
Section 3.C.1.G.1 (Public and Institutional Districts)
(MODIFICATIONS 05/11/2020)

G.L. Acquisitions Corporation (G.L. Homes) has entered into contract with Ft Lauderdale Rescue Tabernacle, Inc. (Faith Farm) to purchase the development rights associated with 24.74 acres of the 87.266 acre site for use as AGR PUD preservation area within an AGR PUD. This represents a reduction of 28.4% of the total land area associated with the current Faith Farm development order (R-2016-1559).

Palm Beach County initiated both a text amendment (approved via adoption of Ordinance 2016-005 on January 27, 2016) and Future Land Use Atlas amendment (approved via adoption of Ordinance 2016-008 on January 27, 2016 (LGA 2016-012)) for the Faith Farm property. The text amendment adopted Policy 1.5-s (now 1.5-t) relative to the Faith Farm Property.

The purpose of the FLUE text amendment is to amend Policy 1.5-t to reflect the commensurate reduction of 28.4% of the Faith Farm approvals authorized under this Policy as explained below and for the Policy to authorize the rezoning of the 24.74 acres from the current IPF zoning (R-2016-1559) to either AGR or AGR PUD (preserve). There is no change associated with the adopted Future Land Use designation of INST/AGR needed.

The proposed text amendment is compliant with the standards set forth in ULDC Section 2.D.3., as follows:

- A. Extent to which any other alternatives to a Code amendment have been evaluated, a summary of any recommendations or direction provided by the BCC, County Staff in prior meetings, and where applicable, why the amendment is being requested in lieu of such alternatives.

As noted above, the proposed ULDC text amendment is being submitted along with a companion FLUE text amendment application to amend Policy 1.5-t of the Comprehensive Plan. Meetings were held with Zoning staff on August 13, 2019 and November 26, 2019 associated with the requirement to and the submittal of the proposed ULDC text amendment. In addition, the FLUE text amendment (Round 20-B) was initiated by the Board of County Commissioners on October 28, 2019, following a recommendation for initiation by the Planning Commission on October 11, 2019. The recommendation of the BCC was to initiate the proposed FLUE text amendment request.

- B. Does not violate State, Federal, or other local government laws.

No, the proposed ULDC text amendment does not violate State, Federal or other local government laws.

- C. Will be consistent with the Comprehensive Plan, or will otherwise be submitted pursuant to or concurrent with an application to amend the Plan.

As noted in A. above, the companion FLUE text amendment (Round 20-B) was initiated by the Board of County Commissioners on October 28, 2019, following a recommendation for initiation by the Planning Commission on October 11, 2019. The recommendation of the BCC was to initiate the proposed FLUE text amendment request. The proposed ULDC text amendment is a companion application to the FLUE amendment application.

- D. Will not be in conflict with other ULDC provisions or amendment will also address the other inconsistencies.

The changes made in the 01/24/2020 draft are intended to address the comments issued by PBC zoning staff on 01/23/2020. These changes are designed to address any inconsistencies identified by staff during their review.

- E. The request has been demonstrated to be a new industry trend not anticipated by the Comprehensive Plan or ULDC.

As potential lands eligible for preservation within an AGR PUD within the Agricultural Reserve Tier become more scarce, industry is looking at alternative sites with uses consistent with the allowed uses within an AGR PUD preserve area. Portions of the Faith Farm site, with the FLUE changes and ULDC text changes proposed, would qualify as a preservation area within an AGR PUD.

- F. Identification of examples of similar land development regulations adopted in other jurisdictions under the same circumstances, such as similar FLU designations and zoning districts, compatibility, buffering, roadway frontage and other similar site considerations.

N/A – the Agricultural Reserve Tier regulations pertaining to AGR PUDs are specific to only unincorporated Palm Beach County.

Faith Farm Ministries, Inc. (FFM) is a 67 year-old faith based drug and alcohol addiction ministry that serves over 400 men and women in Palm Beach, Broward and Okeechobee Counties 365 days a year. The Boynton Beach campus serves over 120 men and women and is the main revenue generator for the ministry via the thrift store business located at the campus. For many years, the ministry has been in dire need of new housing at the Boynton Campus but has lacked the funds to take on such a large and expensive project. The sale of the development rights

will enable FFM to greatly enhance the current Boynton Beach campus in order to better serve those in need, throughout Palm Beach County and beyond.

Faith Farm Ministries, Inc. (FFM) provides a 10 month drug and alcohol rehabilitation program at NO cost to the client. FFM is a registered not-for-profit 501c3 organization and operates, and is governed as a church. 95% of all operating funds are generated by micro-business enterprises such as farming, thrift stores, salvage and other business ventures.

PROPOSED TEXT CHANGE TO FLUE Policy 1.5-t:

Policy 1.5-t: The Institutional uses listed below pre-date the establishment of the Ag Reserve Tier and shall be considered as conforming uses:

....

2. **Faith Farm Ministries**, 87.28 acres located on the east side of SR7, north Boynton Beach Boulevard has an Institutional and Public Facilities with underlying Agricultural Reserve (INST/AGR) future land use designation, and accordingly, can utilize either of these designations on the entire site or portions of the site up to .15 FAR. Accordingly, the site is allowed The INST future land use designation allows multiple primary institutional uses including, but not limited to, place of worship, assembly non-profit, residential treatment, and education/vocational facilities. Faith Farm Ministries is a religious ministry which has provided a long term, residential treatment and recovery program at this location since 1964. As of 2020, the site includes church, a thrift store, educational and work training programs for residents and graduates, as well as a staff of pastors, teachers and counselors that live on site.

The County recognizes the Faith Farm Ministries as a provider of essential and valuable social services by recognizing supporting non-institutional uses that were built on the site through 2020 as conforming uses, and by allowing expansion of such uses. Supporting non-institutional uses are allowed on the portion of the site utilizing INST future land use, provided that this land area, including all ~~All~~ facilities and uses, remain on-site must be under ownership of Faith Farm Ministries or another single non-profit entity whose primary mission is residential treatment and recovery program. Supporting non-institutional uses include, but are not limited to, the following:

1. Residential uses and facilities for employees, students, and their families up to 19 units, ~~313-264~~ 28,640 beds, and a ~~40,000~~ 28,640 square foot family living center; and
2. Non-residential uses that provide training opportunities and financially support to the ministry such as retail, repair, restaurant, recycling, etc.

~~Operations may continue and expand up to .15 FAR utilizing either AGR Zoning with AGR FLU or utilizing Institutional and Public Facilities or Multiple Use Planned Development District Zoning with Institutional and Public Facilities FLU.~~ The Planning Division shall review any development order amendments and determine consistency with this policy through the development review process.

**Exhibit B
Proposed Amendment to the ULDC**

Part 1. ULDC Art. 3.C.1.G.1.a, Overlays and Zoning Districts, Standard Districts, General, Public and Institutional Districts, IPF, Institutional and Public Facilities District, AGR Tier – Faith Farm Ministries; and E.2.F.3.c.1)c), Planned Development Districts (PDDs), Planned Development Unit (PUD), AGR-PUD, Preserve Area, Configuration, Property Development Regulations, Split Zoning (page 119 and 152 of 213, Supplement 27), is hereby amended as follows:

Reason for amendments: [PIA]
1. The ULDC PIA Text amendment is necessary to allow split zoning on the Faith Farm property. The resulting PIA Text amendment, if approved, would permit IPF (Institutional and Public Facilities) zoning, AGR (Agricultural Reserve) zoning, and AGR-PUD P (Agricultural Reserve Planned Unit Development – Preserve) zoning on the Faith Farm site which is necessary to implement the zoning approvals consistent with FLUE Text Amendment application for Policy 1.5-t being processed in Round 20-B. The split zoning, in turn, would allow 24.7 acres (24.7 units) to be utilized as AGR or AGR PUD preserve area. Without the text amendment, the split zoning could not occur and Faith Farm would be unable to sell the development rights from the 24.7 acres.
2. The ULDC PIA Text amendment also clarifies the buffer requirements between lands zoned IPF and AGR PUD Preserve Area on the Faith Farm site.

1 **CHAPTER C STANDARD DISTRICTS**

2 **Section 1 General**

3

4 **G. Public and Institutional Districts**

5 **1. IPF, Institutional and Public Facilities District**

6 The IPF district is to provide land in appropriate locations for a variety of regional and community uses
7 that are either publicly or privately operated.

8 **a. AGR Tier – Faith Farm Ministries**

9 **1) Approved Uses**

10 Uses not permitted in the IPF district, but otherwise delineated on the approved Final Site Plan
11 for Faith Farm Ministries, Control # 94-073, dated February 13, 2008, as amended, may continue
12 to exist and are to be accommodated as part of the continuation of the AG Reserve Tier. The
13 modification or expansion of any identified uses that exceed the limits of Art. 2.C.5.B,
14 Administrative Modifications to Prior DOs, may be allowed subject to BCC approval as a Class
15 A Conditional Use, provided such facilities and uses are owned by and directly related to the
16 existing Faith Farm Ministries program, and provide training opportunities and financial support
17 for Faith Farms Ministries. **[Ord. 2017-002]**

18 **2) Exception from Development Thresholds**

19 The 87.28-acre Faith Farm Ministries development shall be exempt from Table 4.A.9.B,
20 Thresholds for Projects Requiring Board of County Commission Approval. **[Ord. 2017-002]**

21 **3) Split Zoning**

22 Split zoning of a Legal Lot of Record wherein a portion of the property is zoned IPF, in part, and
23 AGR-PUD Preserve Area, in part, is permitted in accordance with FLUE Policy 1.5-t and Art.
24 3.E.2.F.3.c.1)c), Split Zoning. No buffer shall be required between land zoned IPF and AGR-
25 PUD Preserve Area, provided both split zoned areas are owned by Faith Farm Ministries or
26 another single non-profit entity whose primary mission is residential treatment and recovery
27 program.

28

1 CHAPTER E PLANNED DEVELOPMENT DISTRICTS

2

3 Section 2 Planned Unit Development (PUD)

4

5 F. AGR-PUD

6

7 3. Preserve Area

8 A Preserve Area is intended to support Bona Fide Agriculture uses, wetlands, or other significant open
9 space. Adjacent residential development in the PUD should be designed to be compatible with a
10 Preserve Area and shall not detract from its operation or function. [Ord. 2015-047]

11 a. Location and Access

12 A Preserve Area may be situated anywhere in the AGR Tier on a legal lot of record with an AGR
13 FLU designation, provided it is accessible by a street. [Ord. 2015-047] [Ord. 2017-002]

14 b. Uses

15 Uses allowed in a Preserve Area are indicated in the Use Matrices contained in Art. 4, Use
16 Regulations, and where specified by the Preserve Management Plan as approved by ERM. [Ord.
17 2006-004] [Ord. 2012-027] [Ord. 2015-047] [Ord. 2017-002] [Ord. 2017-007]

18 c. Configuration

19 1) Property Development Regulations

20 A Preserve Area and any remaining portion of a lot used to create a Preserve Area shall meet
21 the minimum PDRs for the AGR district, inclusive of Table 3.D.1.A, Property Development
22 Regulations (PDRs), with exception to the following: [Ord. 2006-004] [Ord. 2017-002]

23 a) General Exceptions

24 The minimum width of an AGR-PUD Preserve Area may be reduced as follows: [Ord. 2017-
25 002]

- 26 (1) 100 feet for a Rural Parkway, as defined in the Plan; or [Ord. 2006-004] [Ord. 2015-
27 047] [Ord. 2017-002]
- 28 (2) for an equestrian use that meanders through a 60/40 Development Area; or [Ord. 2006-
29 004] [Ord. 2015-047] [Ord. 2017-007]

30 b) Non-Conforming Legal Lot of Record

31 A Legal Lot of Record that does not meet the minimum acreage or dimensions of the AGR
32 district may be used as a Preserve Area if in compliance with all other requirements of this
33 Section; or, [Ord. 2006-004] [Ord. 2017-002]

34 c) Split Zoning

35 (1) In cases of split zoning, where a Legal Lot of Record is partially zoned AGR and AGR-
36 PUD Preserve Area where permitted in accordance with FLUE Policy 1.5.1-j, the
37 following shall apply: [Ord. 2017-002]

- 38 (4a) Subdivision shall be prohibited unless each newly subdivided parcel meets the
39 minimum PDRs for the AGR district; [Ord. 2017-002]
- 40 (2b) The Preserve Area shall be configured in one reasonably compact contiguous
41 location within the subject parcel; [Ord. 2017-002]
- 42 (3c) That portion of the lot not designated as a Preserve Area, shall be configured as one
43 reasonably compact and contiguous area; [Ord. 2017-002]
- 44 (4d) Access to either zoning district may be through the designated Preserve Area on the
45 subject parcel, or vice-versa; [Ord. 2017-002]
- 46 (5e) Where applicable, setbacks shall be measured from the perimeter of the subject
47 parcel, unless stated otherwise herein; and, [Ord. 2017-002]
- 48 (6f) A Farm Residence and all accessory structures accessory to the Farm Residence,
49 excluding fences or walls, shall be set back a minimum of five feet from an AGR-
50 PUD Preserve Area located on the same lot. [Ord. 2017-002]

51 (2) In cases of split zoning, where a Legal Lot of Record is partially zoned IPF and AGR-
52 PUD Preserve Area where permitted in accordance with FLUE Policy 1.5-t, the following
53 shall apply:

- 54 (a) Subdivision shall be prohibited unless each newly subdivided parcel meets the
55 minimum PDRs for the IPF or AGR district;
- 56 (b) The Preserve Area shall be configured in one reasonably compact contiguous
57 location within the subject parcel;
- 58 (c) That portion of the lot not designated as a Preserve Area, shall be configured as one
59 reasonably compact and contiguous area;
- 60 (d) Access to either zoning district may be through the designated Preserve Area on the
61 subject parcel, or vice-versa;
- 62 (e) Where applicable, setbacks shall be measured from the perimeter of the subject
63 parcel, unless otherwise stated herein; and,
- 64 (f) All structures and accessory structures within the IPF portion of the lot, excluding
65 fences or walls, shall be set back a minimum of five feet from an AGR-PUD Preserve
66 Area located on the same lot.

67

Part 2. ULDC Art. 7.C.2.C, Landscaping, Landscaping Buffer and Interior Landscape Requirements, Types of Landscape Buffer, Incompatibility Buffer, AGR-PUD Landscape Buffer (page 20 and 21 of 58, Supplement 27), is hereby amended as follows:

Reason for amendments: [PIA]
1. The ULDC PIA Text amendment also clarifies the buffer requirements between lands zoned IPF and AGR PUD Preserve Area on the Faith Farm site.

1 **CHAPTER C LANDSCAPE BUFFER AND INTERIOR LANDSCAPE REQUIREMENTS**

2 **Section 2 Types of Landscape Buffer**

3 There are three types of landscape buffers: Right-of-Way (R-O-W); Compatibility; and, Incompatibility Buffers.
4 Landscape requirements for each type of buffer shall be provided in accordance with the following standards, unless
5 stated otherwise herein. [Ord. 2018-002]

6
7 **C. Incompatibility Buffer**

8 An Incompatibility Buffer shall consist of Canopy trees, palms or pines, and rows of shrubs. Palms or pines
9 may be used as a substitute for trees. In addition, an Incompatibility Buffer shall consist of a continuous,
10 opaque landscape barrier. [Ord. 2009-040] [Ord. 2016-016] [Ord. 2018-002]

11
12 **4. AGR-PUD Landscape Buffer**

13 a. A Type 3 Incompatibility Buffer shall be required between the Development Area and all adjacent
14 properties zoned AGR, AP, SA, or AR, including Preservation Areas. The buffer shall be a minimum
15 of 50 feet in width and a wall shall not be required. [Ord. 2006-004] [Ord. 2008-003] [Ord. 2018-
16 002]

17 **a.1) Buffer Width Reduction**

18 The minimum 50-foot buffer width required along the perimeter of an AGR-PUD Development
19 Area may be reduced for the following: [Ord. 2013-001] [Ord. 2018-002]

20 **4a) Abutting R-O-W, Open Space, or Another Buffer**

21 A 50 percent reduction (minimum of 25 feet in width) shall be permitted if: [Ord. 2013-001]
22 [Ord. 2018-002]

23 a(1)the buffer is within a non-residential pod and adjacent to a R-O-W greater than 50 feet
24 in width; [Ord. 2018-002]

25 b(2)the buffer is adjacent to another platted PUD buffer a minimum of 20 feet in width; or,
26 [Ord. 2018-002]

27 e(3)the buffer is adjacent to open space (e.g. lake, canal, etc.) greater than 50 feet in width.
28 [Ord. 2018-002]

29 **2b) Abutting a Rural Parkway**

30 a(1)A reduction to a minimum of 15 feet in width shall be permitted if the buffer is abutting a
31 Rural Parkway a minimum of 100 feet in width. [Ord. 2013-001] [Ord. 2018-002]

32 **b. A Lot with Split Zoning of IPF and AGR-PUD**

33 No landscape buffer shall be required between the portion of the lot zoned IPF and AGR-PUD Zoning
34 Districts, provided both areas are owned by Faith Farm Ministries or another single non-profit entity
35 whose primary mission is residential treatment and recovery program.

This page left blank intentionally



Department of Planning,
 Zoning & Building
 2300 North Jog Road
 West Palm Beach, FL 33411-2741
 (561) 233-5000
 Planning Division 233-5300
 Zoning Division 233-5200
 Building Division 233-5100
 Code Enforcement 233-5500
 Contractors Certification 233-5525
 Administration Office 233-5005
 Executive Office 233-5228
 www.pbcgov.com/pzb

**INTER-OFFICE COMMUNICATION
 DEPARTMENT OF PLANNING, ZONING AND BUILDING
 PLANNING DIVISION**

TO: Wesley Blackman, AICP, Chairman, and
 Members of the Land Development Regulation Advisory Board
 (LDRAB) wesblackman@gmail.com

FROM:  Bryan M. Davis, CNU-A, Principal Planner
 Planning Division, PZB

DATE: May 15, 2020

RE: **Comprehensive Plan Consistency Determination for Proposed
 ULDC Amendments**

The Planning Division has determined the proposed ULDC amendments, Exhibit B through Exhibit M, of the packet provided by the Zoning Division and scheduled for the May 27, 2020 LDRAB/ LDRC meeting are generally consistent with the Comprehensive Plan.

Additional review will be required for any revision(s) to an amendment other than for the purpose of correcting grammatical or spelling errors.

cc: Patricia Behn, Planning Director
 Jon MacGillis, ASLA, Zoning Director
 Kevin Fischer, AICP, Deputy Planning Director
 Melissa Michael, Senior Planner
 Wendy Hernandez, Principal Site Planner
 Alexander Biray, Zoning Technician

■
 Palm Beach County
 Board of County
 Commissioners

Dave Kerner, Mayor
 Robert S. Weinroth, Vice Mayor

Hal R. Valeche
 Gregg K. Weiss
 Mary Lou Berger
 Melissa McKinlay
 Mack Bernard

County Administrator

Verdenia C. Baker

*"An Equal Opportunity
 Affirmative Action Employer"*

Official Electronic Letterhead

This page left blank intentionally

EXHIBIT M

ARTICLE 2 – APPLICATION PROCESSES AND PROCEDURES RESIDENTIAL TYPE 1 VARIANCES

CR-2019-0025
(Updated 02/14/20)

1 Part 1. ULDC Art. 2.C.5.D.3, Variance Request Limitations (page 50 of 101, Supplement 26), is
2 hereby amended as follows:

Reason for amendments: [Zoning]
1. Clarify that the Type 1 Variance is for a lot with three or fewer residential units.
2. Add a cross reference to the Type 1 Waiver, adopted under Ordinance No. 2018-02 that a request for five percent or less of the PDR requirement(s) is a Type 1 Waiver.
3. Modify the subheadings in order to further clarify the allowable requests for Type 1 Variances. Accessory Uses and Structures were duplicated under the residential and nonresidential headings.
4. Remove a reference to "Hedges" in subheading "Fences, Walls, and Hedges" that was deleted in Ordinance No. 2018-002.
5. Ordinance No. 2020-001 added a new Type 1 Waiver to reduce parking spaces up based on a project having a minimum of 20 spaces and a reduction of no more than 15 percent. This change adds a reference to the process, but still allows a variance if they do not meet that criteria.
6. Remove Permanent Generators for SFD and ZLL homes as it is duplicative language under the Accessory Uses and Structures in Art. 5.B.1.A.

3 CHAPTER C ADMINISTRATIVE PROCESSES

4

5 Section 5 Types of Applications

6

7 D. Type 1 Variance

8

9 3. Variance Request Limitations

10 Request that exceeds more than five variances or the following limitations shall be subject to a
11 Type 2 Variance. Variance requests for density or intensity beyond the stated limits of the Plan
12 shall be prohibited. Type 1 Variances may be considered for the following: [Ord. 2006-036]
13 [Ord. 2008-003] [Ord. 2012-003] [Ord. 2018-002]

14 a. Residential Lots ~~of~~**with** Three Units or Less

15 1) ~~Reductions or increases of PDRs greater than five percent of the minimum or~~
16 ~~maximum requirement. **Reduction or increase of PDRs less than or equal to five percent**~~
17 ~~of the minimum or maximum shall be processed in accordance with Art. 2.C.5.E, Type 1~~
18 ~~Waiver. [Ord. 2006-036] [Ord. 2008-003] [Ord. 2012-003] [Ord. 2018-002]~~

19 b. Accessory Uses and Structures

20 2) ~~Relief from Art. 5.B.1.A, Accessory Uses and Structures as follows: General;~~
21 ~~Fences, **and** Walls, **and** Hedges; Docks; Entry Features; Fuel, Gas, or Chemical Storage~~
22 ~~Tanks; Dumpsters; Neighborhood Recreation Facility; Outdoor Recreation Amenities;~~
23 ~~Screen Enclosures; and, Permanent Generators. [Ord. 2008-003] [Ord. 2013-001] [Ord.~~
24 ~~2018-002]~~

25 3) ~~c. Relief from Residential Hedge Height in Art. 7.D.4.A.3, Height Measurement. [Ord. 2015-~~
26 ~~006] [Ord. 2018-002]~~

27 4) ~~d. Relief from Excavation Standards in Art. 4.B.10.C.2, Type 1A Excavation and Art.~~
28 ~~4.B.10.C.3, Type 1B Excavation. [Ord. 2008-003] [Ord. 2017-007] [Ord. 2018-002]~~

29 ~~b~~**e**. Non-Residential Projects

30 1) Setback reduction greater than five percent but not exceeding 15 percent of the
31 minimum requirement. [Ord. 2008-003] [Ord. 2018-002]

32 2) Reduction in the number of parking spaces not exceeding 15 percent of the minimum
33 requirement **for those parcels that do not meet the criteria pursuant to Art. 6.C.1.A.1.a,**
34 **Reduce Required Parking. [Ord. 2006-036] [Ord. 2008-003] [Ord. 2018-002]**

35 3) ~~Relief from Art. 5.B.1.A., Accessory Uses and Structures as follows: General; Fences,~~
36 ~~Walls, and Hedges; Outdoor Storage; Outdoor Display; Entry Features; Fuel, Gas, or~~
37 ~~Chemical Storage Tanks; Dumpsters; Neighborhood Recreation Facility; Outdoor~~
38 ~~Recreation Amenities; Screen Enclosures; and, Permanent Generators. [Ord. 2008-~~
39 ~~003] [Ord. 2013-001] [Ord. 2018-002]~~

40 ~~c~~**e**. ~~Permanent Generators on SFD and ZLL Lots~~

41 ~~A Variance may be requested to reduce the minimum front and/or side setback~~
42 ~~requirements for permanent generators proposed on SFD or ZLL lots, provided that the~~
43 ~~generator complies with all other applicable ULDC requirements. [Ord. 2007-001] [Ord.~~
44 ~~2018-002]~~

U:\Zoning\CODEREV\Code Amendments\2020\02- LDRAB\05-May 27 2020\5- LDRAB-LDRC Packet\Exh. M - CR-2019-0025 Art. 2, Residential Type 1 Variances.docx

Notes:

Underlined indicates **new** text.

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

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

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

EXHIBIT M

ARTICLE 2 – APPLICATION PROCESSES AND PROCEDURES
RESIDENTIAL TYPE 1 VARIANCES

CR-2019-0025
(Updated 02/14/20)

1 Part 2. ULDC Art. 2.B.7.E.3.a.1), Zoning Type 2 Variance (page 37 of 101, Supplement 26), is
2 hereby amended as follows:

Reason for amendments: [Zoning]
1. Remove duplicative and redundant language, and default to referencing Type 1 Variance applicability below the Type 2 Variance threshold.

3 CHAPTER B PUBLIC HEARING PROCESSES

4

5 Section 7 Types of Applications

6

7 E. Type 2 Variance

8

9 3. Type 2 Variance Applications

10 a. Zoning Type 2 Variance (ZV)

11 The ZV shall only apply to ~~the following~~ applications: requesting variances that exceed the
12 request limitations of Art. 2.C.5.D, Type 1 Variance. [Ord. 2018-002]

13 ~~1) requesting variances that exceed 15 percent of a required standard or Property~~
14 ~~Development Regulations for residential lots of three units or less; and [Ord. 2009-~~
15 ~~040] [Ord. 2011-001] [Ord. 2012-003] [Ord. 2018-002]~~

16 ~~2) requesting variances that exceed the standards of Art. 2.C.5.D.3.b, Non-Residential~~
17 ~~Projects. [Ord. 2012-003] [Ord. 2012-027] [Ord. 2018-002]~~

18

U:\Zoning\CODEREV\Code Amendments\2020\02- LDRAB\05-May 27 2020\5- LDRAB-LDRC Packet\Exh. M - CR-2019-0025 Art. 2, Residential Type 1 Variances.docx

Notes:

Underlined indicates new text.

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

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

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