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

<table>
<thead>
<tr>
<th>Reason for amendments: [Zoning]</th>
</tr>
</thead>
<tbody>
<tr>
<td>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 Applicant to submit a letter to the Zoning Director.</td>
</tr>
</tbody>
</table>

[Renumber Accordingly]


| 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. |


| 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. |

<table>
<thead>
<tr>
<th>Reason for amendments: [Zoning]</th>
</tr>
</thead>
<tbody>
<tr>
<td>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.</td>
</tr>
</tbody>
</table>

<table>
<thead>
<tr>
<th>[Renumber Accordingly]</th>
</tr>
</thead>
</table>

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]

<table>
<thead>
<tr>
<th>a) Exceptions</th>
</tr>
</thead>
<tbody>
<tr>
<td>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.</td>
</tr>
</tbody>
</table>
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
Glenn E. Gromann (District 4) Beaches)
Myles Basore (District 6) Jim Sullivan (Florida Surveying and Mapping
Robert J. Harvey (District 7) Society)
Daniel J. Walesky (Gold Coast Builders Charles Drawdy (Assoc. General Contractors of
Association) America)
Anna Yeskey (Palm Beach League of Cities) Tommy B. Stroud (Alternate At-Large #1)
Terrence Bailey (Florida Engineering Society) Abraham Wien (Alternate At-Large #2)

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

LDRAB/LDRC Meeting May 27, 2020
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
   1. Exhibit B Art. 2, 3, and 4, Plan Requirements for PDDs
   2. Exhibit C Art. 3, PBIAO Landscaping, Notification, and Noise
   3. Exhibit D Art. 2, 4, and 11, Landscape Service in the AR/RSA Zoning District and Access Requirements
   4. Exhibit E Art. 4, Landscape Service in AGR-PUD Zoning District Preserve Areas
   5. Exhibit F Art. 4, CRE Zoning District with RR FLU Designation
   6. Exhibit G Art. 4, Mobile Retail Sales
   7. Exhibit H Art. 5, Workforce Housing Program Low-Income Category Rental Requests
   8. Exhibit I Art. 1, 3, 4, and 6, Parking Reference Glitch Corrections
   10. Exhibit K Art. 1 and 2, Administrative Modifications

C. PRIVately INITIATED AMENDMENTS
   1. Exhibit L Art. 3, Faith Farm Ministries

D. CONVENE AS LAND DEVELOPMENT REGULATION COMMISSION (LDRC)
   1. Proof of Publication
   2. Consistency Determination for Exhibits B-M
   3. Exhibit M Art. 2, Residential Type 1 Variance

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
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 Vinkoor (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)

Members Absent: 7

Joanne Davis (District 1, Commissioner Valeche)
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. Stroud (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

Vacancies: 0

* 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. Vinkoor. 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. Vinkoor, 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.
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 arial 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).
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.
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:

<table>
<thead>
<tr>
<th>Reason for amendments: [Zoning]</th>
</tr>
</thead>
<tbody>
<tr>
<td>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.</td>
</tr>
</tbody>
</table>

1 CHAPTER E PLANNED DEVELOPMENT DISTRICTS (PDDs)

2 Section 1 General

A. General

1. Purpose and Intent

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

2. Applicability

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

a. Previous Approvals

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

1) Development Order Amendment


2) Additional Requested Uses

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

b. Government Facilities

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

3. Conflicts

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

4. Site Plan/Subdivision Plan Approval Required

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

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.
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).

CHAPTER A USER GUIDE AND GENERAL PROVISIONS

Section 9 Development Thresholds

A. Development Review Officer

Any amendment to an existing development, or new construction of projects that meets or exceeds

either the maximum square footage or number of units, shall require DRO site plan approval.

<table>
<thead>
<tr>
<th>Zoning District</th>
<th>Number of Units or Square Feet</th>
</tr>
</thead>
<tbody>
<tr>
<td>RM</td>
<td>16 du</td>
</tr>
<tr>
<td>CN</td>
<td>3,000 sq. ft.</td>
</tr>
<tr>
<td>CLO</td>
<td>3,000 sq. ft.</td>
</tr>
<tr>
<td>CC</td>
<td>8,000 sq. ft.</td>
</tr>
<tr>
<td>CHO</td>
<td>8,000 sq. ft.</td>
</tr>
<tr>
<td>CG</td>
<td>10,000 sq. ft.</td>
</tr>
<tr>
<td>CRE</td>
<td>15,000 sq. ft.</td>
</tr>
<tr>
<td>L</td>
<td>20,000 sq. ft.</td>
</tr>
<tr>
<td>IPF</td>
<td>20,000 sq. ft. or 16 du</td>
</tr>
<tr>
<td>PL</td>
<td>Any project utilizing the Infill Redevelopment Overlay</td>
</tr>
</tbody>
</table>

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. 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.

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, PBIAO, Palm Beach International Airport Overlay (pages 34-37 of 213 Supplement 27), is hereby amended as follows:

<table>
<thead>
<tr>
<th>Reason for amendments:</th>
<th>[Zoning]</th>
</tr>
</thead>
<tbody>
<tr>
<td>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 PBIAO Overlay, and may experience some airport related noise.” The Plan required the ULDC to incorporate the notification requirement.</td>
<td></td>
</tr>
<tr>
<td>2. Add minimum notification requirements for developers of residential development in the Palm Beach International Airport Overlay (PBIAO) consistent with previous airport Conditions of Approval.</td>
<td></td>
</tr>
<tr>
<td>3. Eliminate language related to landscape buffering in order to defer to Art. 7, Landscaping.</td>
<td></td>
</tr>
<tr>
<td>a. The PBIAO 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.</td>
<td></td>
</tr>
<tr>
<td>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.</td>
<td></td>
</tr>
<tr>
<td>c. Eliminate a required wall by virtue of the PBIAO, and defer to Art. 7 for barriers and screening.</td>
<td></td>
</tr>
<tr>
<td>d. Eliminate the requirement for trees to alternate on each side of the wall by virtue of the PBIAO, and defer to Art. 7 for tree placement and size.</td>
<td></td>
</tr>
<tr>
<td>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.</td>
<td></td>
</tr>
</tbody>
</table>

CHAPTER B OVERLAYS

Section 9 PBIAO, Palm Beach International Airport Overlay

E. Review Procedures

All development requests within the PBIAO shall comply with the following: [Ord. 2004-051]

3. Notification

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

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

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

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

Notes:

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- 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.
F. Property Development Regulations (PDRs)

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

1. Lot Size
   a. 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. [Ord. 2004-051]

<table>
<thead>
<tr>
<th>Yard</th>
<th>Minimum Setback</th>
</tr>
</thead>
<tbody>
<tr>
<td>Front</td>
<td>25 feet/50 feet in CG</td>
</tr>
<tr>
<td>Side, Interior</td>
<td>15 feet</td>
</tr>
<tr>
<td>Side, Street</td>
<td>25 feet</td>
</tr>
<tr>
<td>Rear</td>
<td>50 feet</td>
</tr>
</tbody>
</table>

[Ord. 2004-051]

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
      [Ord. 2004-051]
   2) Minimum Length
      [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 PBAO shall comply with the following: [Ord. 2004-051]
   1) Roof top lighting shall be permitted; [Ord. 2004-051]
   2) Lighting fixtures shall be limited to the minimum needed for essential lighting of the site and building; and [Ord. 2004-051]
   3) Lighting shall be scaled to pedestrians for sites or buildings adjacent to residential uses. [Ord. 2004-051]
G. Supplemental Regulations

1. Noise Compatibility and Abatement Requirements
   a. Noise Abatement
      For any commercial or industrial use, noise abatement measures incorporated into the
      design and construction of the structure must be used to achieve Noise Level Reduction
      (NLR) demonstrable to 25 Ldn, for reception, lounge, and office areas. [Ord. 2004-051]
   b. Speakers
      No outdoor speakers shall be allowed that are audible at the property line. [Ord. 2004-051]

21. Unified Control
   Any development within PBIAO district shall be developed under common ownership or unity
   of control as provided in Art. 3.E, Planned Development Districts (PDDs).

32. Enclosed Activities
   In addition to standards in Art. 5.B.1.A.3, Outdoor Storage and Activities, all activities except
   storage and sales of landscape material, shall be operated within enclosed buildings. [Ord.
   2004-051]

43. Renovation and Expansion of Non-Residential Uses
   When a structure used for industrial or commercial uses, lying in a residential district or
   adjacent to a residential district, is renovated or expanded by more than 20 percent of GFA, in
   any one or more expansions or the cumulative total of previous expansions, the PDRs of the
   PBIAO district shall apply. [Ord. 2004-051]

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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:

Reason for amendments: [Land Development/Zoning]

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.

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.

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.

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 architectural design, site design or layout, where alternative solutions can be allowed, subject to performance criteria or limitations. Type 2 Waivers are not intended to relieve specific financial hardship or circumvent the intent of this Code. A Type 2 Waiver may not be granted if it conflicts with other Sections of this Code, or the Florida Building Code. [Ord. 2011-016]
8 [Ord. 2012-027] [Ord. 2018-002]
9 2. Applicability
10 Requests for Type 2 Waivers shall only be permitted where expressly stated within the ULDC or indicated in the following Table. [Ord. 2011-016] [Ord. 2012-027] [Ord. 2018-002]

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 |
| WCR AO 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 |
| ROD 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-1MD – 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.1.5)d), Type 2 Waiver |
| Minimum Legal Access for Collocated Landscape Service in the AR/RSA and AR/USA Zoning Districts | Table 11.E.2.A.2, Chart of Minor Streets |


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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 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>
<thead>
<tr>
<th>Reason for amendments: [Zoning]</th>
</tr>
</thead>
<tbody>
<tr>
<td>1. As part of BCC direction at the January 27, 2020 Zoning BCC hearing, and previously discussed at the December 19, 2019 hearing, deletion of the allowance of a site within the AR/ RSA district to have a Collocated Landscape Service of one and one-half acres. The maximum size of Landscape Service would be 30 percent or one acre, whichever is less.</td>
</tr>
<tr>
<td>2. Clarify that the application submitted for Administrative Review during the 180 days must be found sufficient during that timeframe. If the application is not sufficient during the 180 days, it will be withdrawn and the Applicant would be required to submit a Class A Conditional Use.</td>
</tr>
<tr>
<td>3. Add the date an application must be submitted in accordance with the effective date of Ordinance No. 2019-039.</td>
</tr>
<tr>
<td>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. Language has also been added which allows the Executive Director of Planning, Zoning and Building to extend that deadline based on a State of Emergency.</td>
</tr>
</tbody>
</table>

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

4) AR/RSA Zoning District
a) Approval Process
   (1) Except 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 45 days of the effective date of Ordinance 2019-039, June 2, 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 FZB 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 from Art 4.8.2.A.21.h.4(c), Lot Size Greater than or Equal to Three Acres and Less]
   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]

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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.

....
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.

CHAPTER E  REQUIRED IMPROVEMENTS

Section 2  Access and Circulation Systems

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

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

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

<table>
<thead>
<tr>
<th>Classification</th>
<th>Minimum Width (Feet)</th>
<th>Maximum Allowable ADT</th>
<th>Allowed as Legal Access For (1)</th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td>Street (2)</td>
<td>Pavement (3)</td>
<td></td>
</tr>
<tr>
<td>Non-Plan Collector (6)</td>
<td>80</td>
<td>24</td>
<td>13,100</td>
</tr>
<tr>
<td>Marginal Access (7)</td>
<td>50</td>
<td>24</td>
<td>N/A</td>
</tr>
<tr>
<td>Local Residential (4)</td>
<td>50</td>
<td>20</td>
<td>1,500</td>
</tr>
<tr>
<td>Gutter</td>
<td>60</td>
<td>20</td>
<td>1,500</td>
</tr>
<tr>
<td>Local Commercial (6)</td>
<td>80</td>
<td>24</td>
<td>13,100</td>
</tr>
<tr>
<td>Residential Access</td>
<td>40</td>
<td>20</td>
<td>800</td>
</tr>
<tr>
<td>One Sidewalk</td>
<td>32</td>
<td>20</td>
<td>40</td>
</tr>
<tr>
<td>No Sidewalk (5)</td>
<td></td>
<td></td>
<td></td>
</tr>
</tbody>
</table>

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. 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. [Ord. 2014-025] [Ord. 2019-034]
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.

CHAPTER B USE CLASSIFICATION

Section 2 Commercial Uses

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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 by 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 which 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

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submit an application to allow the Landscape Service and be determined to be
sufficient by the DRO within 60 days of the effective date of the rezoning to the
AGR-PUD Zoning District Preserve Area.
d) A minimum of 70 percent of the lot area shall be a Wholesale Nursery, and may
also include limited areas for Open Space.
e) A maximum of 30 percent of the lot area or one and one-half acres, whichever is
less, shall include Typical On-Site Activities, Common Operation Areas, and any
buildings not associated with the propagation, cultivation, growing, storage, and
staging of plants.
f) Driveways shall be allocated to either the Wholesale Nursery or Typical On-Site
Activities and Common Operation Areas based on their proximity to each
respective area, subject to approval by the DRO.

5) Location – Access
Minimum access shall be any Legal Access, as defined by Art. 1.H.2, Definitions, that
exists at the time of application for 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 Variance is approved pursuant to Art. 2.B.7.E, Type 2 Variance.

…. [Re-letter accordingly]
<table>
<thead>
<tr>
<th>Owner: VANDERVOORT JOSEPH N</th>
<th>Zoning: AGR PUD Preserve</th>
<th>Total Acres: 4.75</th>
<th>Percentage of Buildings &amp; Parking: 7.4%</th>
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</thead>
<tbody>
<tr>
<td>PCN: 004143205020000</td>
<td>1st Reso: R-2005-0390, ½ Preserve 2</td>
<td>Easement: Yes</td>
<td>Meets 70/30: Yes</td>
</tr>
<tr>
<td>Code Case: CE-2015 0504023, Adjudicated/Liens</td>
<td>2005-0390, ½ Preserve 2</td>
<td>2019 (Jan.)</td>
<td>Percentage of Growing Area: 74%</td>
</tr>
</tbody>
</table>

**EXHIBIT E**

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

---

*As of 3/11/2020*

Palm Beach County Planning Division – AGR Tier Analysis
| Percentage of Buildings & Parking: | 76% |
| Percentage of Growing Area: | 24% |
| Acres: | 4.90 |
| Company: | AVERY FARMS |
| Control: | 2004-01036 PDD-2004-00252 |
| PCN: | 0042461803010000 |
| MapID: | 13-013pr |
| Easement: | Yes |
| PCN: | 0042461803010000 |
| 1st Reso: | R-2004-2037 Preserve 2 |
| Code Case: | C-2016-0120015, NOV/Abeyance 2005* |

As of 3/11/2020 Palm Beach County Planning Division – AGR Tier Analysis

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

LDRAB/LDRC Meeting May 27, 2020 Page 15 of 111
| Owner: BS INVESTMENTS LLC
Company: LAKE AND WETLAND MANAGEMENT.
| Control: 2000-00032 Sussman
| MapID: 13-006pr
| Code Case: C-2019-05060009, NOV/Abeyance
| PCN: 00424327050450970
| Easement: Yes
| % Use Analysis

| Acres: 4.99
| Zoning: AGR PUD Preserve
| 1st Reso: R-2016-1225 Preserve 5
| 2019 (Jan.)

| Percentage of Buildings & Parking: 30%
| Percentage of Growing Area: 70%
| Meets 70/30: Yes

| Meets 70/30: Yes
| Easement: Yes
| Control: 2000-00032 Sussman
| 1st Reso: R-2016-1225 Preserve 5
| 2019 (Jan.)

| Percentage of Growing Area: 70%
| Easement: Yes
| Code Case: C-2019-05060009, NOV/Abeyance
| 2015

As of 3/11/2020 Palm Beach County Planning Division – AGR Tier Analysis

LDRAB/LDRC Meeting May 27, 2020 Page 16 of 111
| Percentage of Buildings & Parking: | 22% |
| Percentage of Growing Area: | 78% |
| Meets 7030: | Yes |
| Acres: | 10.03 |
| MapID: 13-322pr |  |
| Easement: | Yes |
| Company: ACE-Nanaks Ornamental & Design Inc |  |
| PON: 00424327050520381 |  |
| Code Case: CE-2016-0140023, NOV/Abeyance 2015 |  |
| AGR PUD Preserve |  |
| Zoning: AGR PUD Preserve |  |
| Control: 2012-00068; PDD/DOA-2014-00858 |  |
| 1st Reso: R-2015-00068 Preserve 14 |  |
| 2019 (Jan): |  |

---

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

---

As of 3/11/2020 Palm Beach County Planning Division – AGR Tier Analysis

---

LDRAB/LDRC Meeting May 27, 2020 Page 17 of 111
### Palm Beach County Planning Division – AGR Tier Analysis

<table>
<thead>
<tr>
<th>Owner: USA GARDEN SERVICES LLC</th>
<th>Zoning: AGR PUD Preserve</th>
<th>Acres: 5.01</th>
<th>Percentage of Buildings &amp; Parking: 19%</th>
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<tbody>
<tr>
<td>PCN: 00414514000001060</td>
<td>1st Reso: R-200XX Preserve 4</td>
<td>Easement: Yes</td>
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<tr>
<td>Code Case: CE-2018 01020011, NOV/Abeyance</td>
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#### % Use Analysis

<table>
<thead>
<tr>
<th>2005</th>
<th>2019 (Jan.)</th>
<th>% Use Analysis</th>
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As of 3/11/2020

Palm Beach County Planning Division – AGR Tier Analysis

LDRAB/LDRC Meeting

May 27, 2020

Page 19 of 111
<table>
<thead>
<tr>
<th>Percentage of Buildings &amp; Parking:</th>
<th>7%</th>
<th>27%</th>
<th>73%</th>
<th>Yes</th>
<th>Yes</th>
<th>% Use Analysis</th>
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<tr>
<td>percentage of Growing Area:</td>
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<td></td>
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<tr>
<td>Meets 70/30:</td>
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LDRAB/LDRC Meeting
May 27, 2020
Page 20 of 111
<table>
<thead>
<tr>
<th>Owner:</th>
<th>BOLLING J SCOTT</th>
<th>Zoning:</th>
<th>AGR PUD Preserve</th>
<th>Acres:</th>
<th>9.48</th>
<th>Percentage of Buildings &amp; Parking:</th>
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</thead>
<tbody>
<tr>
<td>PCN:</td>
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<td>R-2004-2037 Preserve 3</td>
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<td>Code Case:</td>
<td>CE-2018 01090039, NOV/Abeyance</td>
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</table>

**% Use Analysis**

| 2005* | 2019 (Jan.) | 75% | 24% |

---

*As of 3/11/2020 Palm Beach County Planning Division – AGR Tier Analysis*
<table>
<thead>
<tr>
<th><strong>Percentage of Buildings &amp; Parking</strong></th>
<th>27%</th>
</tr>
</thead>
<tbody>
<tr>
<td><strong>Percentage of Growing Area</strong></td>
<td>73%</td>
</tr>
<tr>
<td><strong>Meets 70/30</strong></td>
<td>Yes</td>
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</table>

**Acres:** 5.02

**Zoning:** AGR PUD Preserve

**Control:** CE-D C J Llc / Treasure Coast Landscape Management

**PCN:** 00424327050451060

**Code Case:** CE-2018-01220017n, NOV/Abeyance 2013

**MapID:** 2004-00569 Z2P/DDCA-2004-2436

**Easement:** Yes

**1st Reso:** R-2013-0604 Preserve 16 DCJ

**2019 (Jan.)**

---

**Owner:** D C J LLC

**Company:** CE-D C J Llc / Treasure Coast Landscape Management

---

LDRAB/LDRC Meeting

May 27, 2020

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As of 3/11/2020 Palm Beach County Planning Division – AGR Tier Analysis

Owner: GALIT JEFFREY S
Company: BIG ORANGE LANDSCAPING, INC.
PCN: 00424327050500682
Zoning: AGR PUD Preserve
Control: 2000-00032
1st Reso: R-2016-0231-10b
MapID: 13-006pr
Acres: 5.42
Percentage of Buildings & Parking: 9%
Percentage of Growing Area: 91%
Meets 70/30: Yes
Percentage of Growing Area: 91%
Code Case: C-2018-06040021, No Violation Found, Case Closed
Easement: Yes
PCN: 00424327050500682

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

LDRAB/LDRC Meeting May 27, 2020 Page 25 of 111
<table>
<thead>
<tr>
<th>Percentage of Buildings &amp; Parking</th>
<th>7%</th>
</tr>
</thead>
<tbody>
<tr>
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<tr>
<td>Growth Area</td>
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</tr>
<tr>
<td>Meets 70/30:</td>
<td>Yes</td>
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</table>

**GALIT JEFFREY S**  
**Zoning:** AGR PUD Preserve  
**Acres:** 5.42  
**MapID:** 13-006pr  
**Control:** 2000-00032/ZV/PDD/DOA-2016-00269  
**PCN:** 00424327050500672  
**1st Reso:** R-2016-229 Preserve Toa  
**Easement:** Yes  
**2015**:  
**Code Case:** C-2019-06270038, No Violation Found, Case Closed  
**2019 (Jan.):**  
**Code Case:**  

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

LDRAB/LDRC Meeting  
May 27, 2020  
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<table>
<thead>
<tr>
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<tr>
<td>Easement:</td>
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<tr>
<td>AGR PUD Preserve</td>
<td>Valencia Cove Homeowners Association, Inc.</td>
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<tr>
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<td>2015 (Jan.)</td>
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<td>PCN:</td>
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<tr>
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<td>C-2017-1005022, Case Closed</td>
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<td>PCN:</td>
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<tr>
<td>Code Case:</td>
<td>C-2017-1005022, Case Closed</td>
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<td>Code Case:</td>
<td>C-2017-1005022, Case Closed</td>
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EXHIBIT E
AGR TIER ANALYSIS AND LOCATIONS FOR AGR-PUD PRESERVES

LDRAB/LDRC Meeting
May 27, 2020
Page 28 of 111
<table>
<thead>
<tr>
<th>Percentage of Buildings &amp; Parking</th>
<th>76%</th>
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<tbody>
<tr>
<td>Percentage of Growing Area</td>
<td>24%</td>
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<tr>
<td>Acres</td>
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<td>Control Code:</td>
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<td>1st Reso.:</td>
<td>00424297/05/202422</td>
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<td>Contractor Storage Yard/ Adjudicated Liens</td>
<td>CE-2017-0303065e, Contractor Storage Yard/Adjudicated Liens 2005</td>
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<td>Owner:</td>
<td>VIKING GROWERS INC</td>
</tr>
<tr>
<td>Company:</td>
<td>CE-Viking Growers Inc</td>
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</tbody>
</table>

EXHIBIT E
AGR TIER ANALYSIS AND LOCATIONS FOR AGR-PUD PRESERVES
<table>
<thead>
<tr>
<th>Percentage of Buildings &amp; Parking</th>
<th>Percentage of Growing Area</th>
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<tbody>
<tr>
<td>47%</td>
<td>53%</td>
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</table>

### Acres:
- **2.33**

### Zoning:
- **AGR PUD Preserve**

### Company:
- **ASHCAR PROPERTIES LLC**
- **4 EVER GREEN LAWN CARE R K P INC**

### PCN:
- **00424327050520134**
- **06424276510120134**
- **C-2018-01220020, NOV/Abeyance**

### Control:
- **2002-00068**

### MapID:
- **13-022pr**

### Easement:
- **2019 (Jan.)**
  - **R-2015-008 Preserve 12 Ryar**
  - **Yes**

### 1st Reso:
- **R-2015-008 Preserve 12 Ryar**

### Footnotes:
- **PCN:** Palm Beach County Planning Division – AGR Tier Analysis
- **% Use Analysis:** Palm Beach County Planning Division – AGR Tier Analysis
- **As of 3/11/2020:** Palm Beach County Planning Division – AGR Tier Analysis
- **LDRAB/LDRC Meeting:** Palm Beach County Planning Division – AGR Tier Analysis
- **May 27, 2020:** Palm Beach County Planning Division – AGR Tier Analysis
- **Page 30 of 111:** Palm Beach County Planning Division – AGR Tier Analysis
<table>
<thead>
<tr>
<th>Owner:</th>
<th>VTV LLC</th>
<th>Zoning:</th>
<th>AGR PUD Preserve</th>
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<tbody>
<tr>
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<td>CE-Southern Scapes / Maximum Services</td>
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% Use Analysis

As of 3/11/2020

Palm Beach County Planning Division – AGR Tier Analysis
<table>
<thead>
<tr>
<th>Percentage of Buildings &amp; Parking</th>
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<th>Percentage of Growing Area</th>
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<td>PON:</td>
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EXHIBIT E
AGR TIER ANALYSIS AND LOCATIONS FOR AGR-PUD PRESERVES

LDRAB/LDRC Meeting May 27, 2020 Page 33 of 111
<table>
<thead>
<tr>
<th><strong>Owner:</strong> MUSTIPHER JAMES &amp; CO.</th>
<th><strong>Company:</strong> J M NURSERY &amp; LANDSCAPING</th>
<th><strong>Control:</strong> 2016-2020</th>
<th><strong>1st Reso:</strong> R-2016-1236 Preserve 15</th>
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<tr>
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<tr>
<td><strong>Percentage of Buildings &amp; Parking:</strong> 12%</td>
<td><strong>Percentage of Growing Area:</strong> 88%</td>
<td><strong>Percentage of Wetlands:</strong> 7%</td>
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<td><strong>PCN:</strong> 00424327050500691 (old)</td>
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<tr>
<td><strong>PCN:</strong> 00424327050500691 (old)</td>
<td><strong>PCN:</strong> 00424327050500920 (new)</td>
<td><strong>Percentage of Growing Area:</strong> 88%</td>
<td><strong>Meet 70/30:</strong> Yes</td>
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**LDRAB/LDRC Meeting**

May 27, 2020

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As of 3/11/2020 Palm Beach County Planning Division – AGR Tier Analysis
<table>
<thead>
<tr>
<th>Owner:</th>
<th>G L HOMES OF PALM BEACH ASSOCIATES LTD</th>
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<tbody>
<tr>
<td>Company:</td>
<td>Formerly owned by McGrath Farms INC. (Boynton Botanicals LLC)?</td>
</tr>
<tr>
<td>Control:</td>
<td>2004-00250/ PDD/DOA/W/CA-2016-02029</td>
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<tr>
<td>PCN:</td>
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<tr>
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<td>Yes</td>
</tr>
<tr>
<td>Code Case:</td>
<td>2015*</td>
</tr>
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<td>Zoning:</td>
<td>AGR PUD Preserve on 1/2</td>
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<tr>
<td>Acres:</td>
<td>3.66 acres of a 9.59 ac pcn</td>
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<tr>
<td>MapID:</td>
<td>13-016pr part</td>
</tr>
<tr>
<td>Percentage of Growing Area:</td>
<td>79%</td>
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**% Use Analysis**

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

Palm Beach County Planning Division – AGR Tier Analysis
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<td>Owner</td>
<td>Gasper / Isabel TOMAS ISABEL, GASPER TOMAS</td>
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<tr>
<td>Zoning</td>
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<tr>
<td>Control</td>
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<td>1st Reso</td>
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<td>Percentage of Growing Area</td>
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<tr>
<td>Percentage of Buildings &amp; Parking</td>
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<tr>
<td>LDRAB/LDRC Meeting</td>
<td>May 27, 2020</td>
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<td>LDRAB/LDRC Meeting</td>
<td>May 27, 2020</td>
</tr>
<tr>
<td>Page 37 of 111</td>
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</tr>
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</table>

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

As of 3/11/2020 Palm Beach County Planning Division – AGR Tier Analysis
<table>
<thead>
<tr>
<th>Percentage of Buildings &amp; Parking</th>
<th>Percentage of Growing Area</th>
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<td>29%</td>
<td>71%</td>
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<th>Control</th>
<th>1st Reso</th>
<th>Code Case</th>
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**Percentage of Growing Area:**
- Yes

**Percentage of Growing Area:**
- 71%

**Percentage of Buildings & Parking Area:**
- 29%

**Acres:**
- 4.99

**Zoning:**
- AGR

**Control:**
- 2018-0037

**1st Reso:**
- DRO 2018-0039; ZR-2018-0029

**Code Case:**
- Purchase 1989

**Map ID:**
- 042451901001250

**Easement:**
- 158th Rd easement

---

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

**LDRAB/LDRC Meeting**
May 27, 2020
Page 38 of 111

---

As of 3/11/2020 Palm Beach County Planning Division – AGR Tier Analysis
<table>
<thead>
<tr>
<th>Percentage of Buildings &amp; Parking</th>
<th>25%</th>
</tr>
</thead>
<tbody>
<tr>
<td>Percentage of Growing Area:</td>
<td>75%</td>
</tr>
<tr>
<td>Meets 70/30:</td>
<td>Yes</td>
</tr>
<tr>
<td>% Use Analysis</td>
<td></td>
</tr>
</tbody>
</table>

<table>
<thead>
<tr>
<th>Acres:</th>
<th>4.99</th>
</tr>
</thead>
<tbody>
<tr>
<td>MapID:</td>
<td>None</td>
</tr>
<tr>
<td>Easement:</td>
<td>158th Road easement</td>
</tr>
<tr>
<td>2019 (Jan.)</td>
<td>None</td>
</tr>
<tr>
<td></td>
<td></td>
</tr>
</tbody>
</table>

| Owner:                          | Gaglianello |
| Company:                        | Sun & Shade Landscaping, Stina Brothers Landscape |
| Code Case:                      | Owned Since 1978 |
|                                | 2005 |

| Zoning:                         | AGR |
| Control:                        | None |
| 1st Reso:                       | None |

| PCN:                            | 004246010001020 |
|                                |     |

| Meets 70/30:                     | Yes |
| Percentage of Growing Area:     | 75% |
| % Use Analysis                  |     |

Palm Beach County Planning Division – AGR Tier Analysis
<table>
<thead>
<tr>
<th>Percentage of Buildings &amp; Parking:</th>
<th>Percentage of Growing Area:</th>
<th>No.</th>
<th>% Use Analysis</th>
</tr>
</thead>
<tbody>
<tr>
<td>44%</td>
<td>56%</td>
<td>No</td>
<td></td>
</tr>
</tbody>
</table>

<table>
<thead>
<tr>
<th>Acres:</th>
<th>MapID:</th>
<th>Easement:</th>
</tr>
</thead>
<tbody>
<tr>
<td>5.15</td>
<td></td>
<td></td>
</tr>
</tbody>
</table>

<table>
<thead>
<tr>
<th>Zoning:</th>
<th>Control:</th>
<th>1st Reso:</th>
</tr>
</thead>
<tbody>
<tr>
<td>AGR</td>
<td>None</td>
<td>2019 (Jan.)</td>
</tr>
</tbody>
</table>

<table>
<thead>
<tr>
<th>Owner:</th>
<th>Company:</th>
<th>Code Case:</th>
</tr>
</thead>
<tbody>
<tr>
<td>Carly Landco Inc</td>
<td>Grasshoppers Landscaping</td>
<td>Owned since 1998</td>
</tr>
</tbody>
</table>

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

LDRAB/LDRC Meeting May 27, 2020 Page 40 of 111
<table>
<thead>
<tr>
<th>Percentage of Buildings &amp; Parking</th>
<th>Percentage of Growing Area</th>
<th>Meets 70/30</th>
<th>% Use Analysis</th>
</tr>
</thead>
<tbody>
<tr>
<td>28%</td>
<td>72%</td>
<td>Yes</td>
<td></td>
</tr>
</tbody>
</table>

**NOTE:** This parcel was removed from the AGR-PUD.

**Acres:** 4.85

**MapID:** 13-017

**Zoning:** AGR PUD Preserve as of March 11, 2020

**Control Code:** CE-Kaufman Lawn Services / Twin States Marketing

**Company:** CE-Kaufman Lawn Services / Twin States Marketing

**PCN:** 00424327050520461

**1st Reso:** 2014-00940

**2015:** NOV/Abeyance

**Easement:** No

**AGR PUD Preserve as of March 11, 2020:**

**Active nursery with shade structures:**

**Address:**

**PCN:** 00424327050520461

**Code Case:** CE-2018-012030R, NOV/Abeyance

**2015:**

**Address:**

**Note:** This parcel was removed from the AGR-PUD.
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:

<table>
<thead>
<tr>
<th>Reason for amendments: [Zoning]</th>
<th></th>
</tr>
</thead>
<tbody>
<tr>
<td>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.</td>
<td></td>
</tr>
</tbody>
</table>

CHAPTER B USE CLASSIFICATION

Section 2 Commercial Uses

C. Definitions and Supplementary Standards for Specific Uses

18. Hotel or Motel

b. Approval Process

1) CRE District

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

2) TMD District – U/S Tier

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

38. Single Room Occupancy (SRO)

a. Definition

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

b. Zoning District – CRE

SRO may only be allowed in the RR FLU designation.

39. Theater and Performance Venue

c. Approval Process

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

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

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:

Section 4 Institutional, Public, and Civic Uses

7. Day Care

e. Zoning District – CRE District

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

[Re-letter accordingly]
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:

<table>
<thead>
<tr>
<th>Reason for amendments:</th>
<th>[Zoning]</th>
</tr>
</thead>
<tbody>
<tr>
<td>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.</td>
<td></td>
</tr>
<tr>
<td>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.</td>
<td></td>
</tr>
<tr>
<td>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.</td>
<td></td>
</tr>
<tr>
<td>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.</td>
<td></td>
</tr>
</tbody>
</table>

CHAPTER B USE CLASSIFICATION

Section 11 Temporary Uses

3. Mobile Retail Sales
   a. Definition
      General: Retail Sales, including the sale of food, from a mobile vehicle or a portable trailer without a fixed or permanent location.
   d. Setbacks
      The use shall be set back a minimum of 200 feet from any property line of an existing residential use, unless:
      1) This requirement shall not apply if a permanent building or structure blocks the view of the Mobile Retail Sales from residential; or
      2) a minimum 80-foot Local Commercial Street separates both uses.

8. Special Event
   g. Setbacks
      All buildings, trailers, temporary parking areas, tents, mechanical devices, rides, animals, and related equipment and activities shall be set back as follows:
      1) A minimum of 50 feet from any adjacent streets.
      2) A minimum of 200 feet setback is required from any property line with an existing residential use or FLU designation. This requirement may be exempt if the residential parcel has no existing residential structures.

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

<table>
<thead>
<tr>
<th>Reason for amendments:</th>
<th>[County Administration/Planning]</th>
</tr>
</thead>
<tbody>
<tr>
<td>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.</td>
<td></td>
</tr>
</tbody>
</table>

CHAPTER G  DENSITY BONUS PROGRAMS

Section 1  Workforce Housing Program

D. Delivery of WHP Units

2. Rental Units

f. Compliance Reporting

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

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- .... 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 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>
<thead>
<tr>
<th>Reason for amendments:</th>
<th>[Zoning]</th>
</tr>
</thead>
<tbody>
<tr>
<td>1. Update the term &quot;Parking, Off-Street&quot; to &quot;Parking, On-Site&quot; to be consistent with amendments to Article 6, Parking, Loading, and Circulation in Ordinance No. 2020-001.</td>
<td></td>
</tr>
</tbody>
</table>

CHAPTER H DEFINITIONS AND ACRONYMS

Section 2 Definitions

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

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

Part 2. ULDC Art. 3.B.4.F.1.e.1), Overlays and Zoning Districts, Overlay Districts, 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>
<thead>
<tr>
<th>Reason for amendments:</th>
<th>[Zoning]</th>
</tr>
</thead>
<tbody>
<tr>
<td>1. Remove reference to a non-applicable Subsection that was removed per Exhibit G, Part 1 of Ordinance No. 2015-031.</td>
<td></td>
</tr>
<tr>
<td>2. Consolidate existing subparagraph a) under Loading Area Screening.</td>
<td></td>
</tr>
</tbody>
</table>

CHAPTER B OVERLAYS

Section 4 GAO, Glades Area Overlay

F. Planned Industrial Park Development (PIPD)

1. Development Standard Exceptions

e. Parking and Loading in Industrial Pods

1) Loading Area Screening

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

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

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>
<thead>
<tr>
<th>Reason for amendments:</th>
<th>[Zoning]</th>
</tr>
</thead>
<tbody>
<tr>
<td>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.</td>
<td></td>
</tr>
</tbody>
</table>

CHAPTER B USE CLASSIFICATION

Section 11 Temporary Uses

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

Notes:
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- 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
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.

CHAPTER B PARKING AND LOADING

Section 1 Calculation

B. Minimum Parking Requirements

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

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

Notes:
- Underlined indicates new text.
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- .... A series of four bolded ellipses indicates language omitted to save space.
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:

<table>
<thead>
<tr>
<th>Reason for amendments:</th>
<th>[Zoning]</th>
</tr>
</thead>
<tbody>
<tr>
<td>1.</td>
<td>Remove &quot;off-street&quot; 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.</td>
</tr>
</tbody>
</table>

1. CHAPTER E LOADING STANDARDS

2. ....

3. Section 2 Calculation

4. A. Loading Standards

5. ....

6. 2. Fractions

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

CHAPTER D PROPERTY DEVELOPMENT REGULATIONS (PDRs)

Section 1 PDRs for Standard Zoning Districts

A. PDRs

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

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

<table>
<thead>
<tr>
<th></th>
<th></th>
<th></th>
<th></th>
<th></th>
<th></th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td>Size</td>
<td>Width and Frontage</td>
<td>Depth</td>
<td>Front</td>
<td>Side</td>
</tr>
<tr>
<td>AR (2) 3 (4)</td>
<td>300</td>
<td>300</td>
<td>-</td>
<td>0.15</td>
<td>15%</td>
</tr>
<tr>
<td>RE 2.5 ac.</td>
<td>200</td>
<td>200</td>
<td>-</td>
<td>-</td>
<td>20%</td>
</tr>
<tr>
<td>RT (LR-1)</td>
<td>20,000</td>
<td>125</td>
<td>-</td>
<td>-</td>
<td>30%</td>
</tr>
<tr>
<td>RT (LR-2) H1-B</td>
<td>14,000</td>
<td>125</td>
<td>-</td>
<td>-</td>
<td>30%</td>
</tr>
<tr>
<td>RS (SFD)</td>
<td>6,000</td>
<td>75</td>
<td>-</td>
<td>-</td>
<td>40%</td>
</tr>
<tr>
<td>RM (SFD)</td>
<td>8,000</td>
<td>75</td>
<td>-</td>
<td>-</td>
<td>40%</td>
</tr>
</tbody>
</table>


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]

5. Setback Exceptions

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

a. Structures, Projections, and Improvements Permitted in Setbacks
   1) Arbors and trellises less than ten feet in height, subject to a minimum three-foot setback;
   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]


Notes:

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A series of four bolded ellipses indicates language omitted to save space.
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
Art. 3.E.2.E.1.b, Side Loading Garage; [Ord. 2005-041]

b) Total combined width of balconies projecting into front setback shall not exceed 25
percent of the total width of the front façade; [Ord. 2005-041]

c) ZLL homes with balconies projecting into the front setback shall have a minimum
ten-foot side setback from the ZLL; and, [Ord. 2005-041]
d) Excluding side loading garages. [Ord. 2005-041]

3. Permanent/retractable awnings, canopies, or Bahama shutters projecting a maximum
of three feet into a setback, and having no support other than provided by the wall or
structure to which it is attached; [Ord. 2005-041] [Ord. 2014-025]

---

(PDRs), PDRs for Specific Housing Types (pages 129-134 of 213, Supplement 27), is hereby
amended as follows:

Reason for amendments: [Zoning]

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
5. 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.

---

CHAPTER D  PROPERTY DEVELOPMENT REGULATIONS (PDRs)

Section 2  PDRs for Specific Housing Types

---

B. Zero Lot Line (ZLL)

1. Property Development Regulations

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

<table>
<thead>
<tr>
<th>Size</th>
<th>Lot Dimensions Width and Frontage</th>
<th>Depth</th>
<th>Max. Height</th>
<th>Building Coverage</th>
<th>Front Setbacks</th>
</tr>
</thead>
<tbody>
<tr>
<td>2,500 sq. ft</td>
<td>45’ – interior 50’ – corner 55’ – side street home</td>
<td>75</td>
<td>35’</td>
<td>50%</td>
<td>10’ – w/limited front loading garage, 25’ – side loading garage</td>
</tr>
<tr>
<td></td>
<td>55’ – corner 50’ – side street home</td>
<td></td>
<td></td>
<td></td>
<td>0’ – N/A</td>
</tr>
</tbody>
</table>

[Ord. 2005-041]

---

Notes:

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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

<table>
<thead>
<tr>
<th>Reason for amendments:</th>
<th>Zoning</th>
</tr>
</thead>
<tbody>
<tr>
<td>1. Delete Heading C, ZLL Design Standards in order to consolidate Subheadings for ZLL in one location.</td>
<td></td>
</tr>
<tr>
<td>2. Delete Heading 1, Location criteria in order to create new Heading for specific property development regulations of ZLL homes.</td>
<td></td>
</tr>
<tr>
<td>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.</td>
<td></td>
</tr>
<tr>
<td>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]</td>
<td></td>
</tr>
<tr>
<td>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.</td>
<td></td>
</tr>
<tr>
<td>6. Delete access requirements, as it is redundant to the requirements of Art. 11, Subdivision, Platting, and Required Improvements.</td>
<td></td>
</tr>
<tr>
<td>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]</td>
<td></td>
</tr>
<tr>
<td>8. Delete parking requirements as they are redundant to the requirements described under Parking in Art. 6, Parking, Loading and Circulation.</td>
<td></td>
</tr>
</tbody>
</table>

CHAPTER D PROPERTY DEVELOPMENT REGULATIONS (PDRs)

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:

Notes:
- Underlined indicates new text.
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- .... A series of four bolded ellipses indicates language omitted to save space.
Section 2  PDRs for Specific Housing Types

B. Zero Lot Line (ZLL)
   1. Location

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.
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:

<table>
<thead>
<tr>
<th>Reason for amendments: [Zoning]</th>
</tr>
</thead>
</table>
| 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. |

CHAPTER D  PROPERTY DEVELOPMENT REGULATIONS (PDRs)

Section 2  PDRs for Specific Housing Types

B. Zero Lot Line (ZLL)

May 27, 2020

LDRAB/LDRC Meeting

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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

[Ord. 2005-041]

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 ZLL side property, for a minimum total of 20 feet.

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

<table>
<thead>
<tr>
<th>Lot Dimensions</th>
<th>Width</th>
<th>Depth</th>
<th>Max. Height</th>
<th>Building Coverage</th>
<th>Front</th>
<th>ZLL Side (1)(2)</th>
<th>Side Street</th>
<th>Rear</th>
</tr>
</thead>
<tbody>
<tr>
<td>Size</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>4,500 sq. ft.</td>
<td>45’</td>
<td>35’</td>
<td>50%</td>
<td>10’ – Unit;</td>
<td>9’ – For a min. 10’ on each ZLL side;</td>
<td>NA 10’</td>
<td></td>
<td></td>
</tr>
<tr>
<td></td>
<td></td>
<td></td>
<td></td>
<td>45’ – Front</td>
<td>10’ – Portion of unit not built on the ZLL side</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td></td>
<td></td>
<td></td>
<td></td>
<td>loading garage;</td>
<td>10’ – Portion of unit not built on the ZLL side</td>
<td>10’</td>
<td></td>
<td></td>
</tr>
<tr>
<td></td>
<td>50’ – Corner</td>
<td></td>
<td></td>
<td>10’ – Side</td>
<td>10’</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td></td>
<td></td>
<td></td>
<td></td>
<td>loading garage;</td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td></td>
<td>55’ – Side Street Home</td>
<td>75’</td>
<td></td>
<td>10’ – Portion of unit not built on the ZLL side</td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
</tbody>
</table>

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

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**EXHIBIT J**

**ARTICLE 3 – OVERLAYS AND ZONING DISTRICTS**

**ZERO LOT LINE RESIDENTIAL USES**

CR-2017-0029

(Updated 05/15/20)

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**Figure 3.D.2.B – Typical PDRs for Double ZLL Homes**

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**Part 5. 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:**

<table>
<thead>
<tr>
<th>Reason for amendments:</th>
<th>[Zoning]</th>
</tr>
</thead>
<tbody>
<tr>
<td>1. The proposed modifications are to clarify the existing requirement for modifications of previously approved and existing ZLL developments, as it relates to the replacement, modification, or expansion of an existing ZLL home.</td>
<td></td>
</tr>
</tbody>
</table>

2. Relocate of existing language, from Part 10, for application requirements for a project that is modifying a ZLL home or development to be consistent with the current Code. [Relocated from: Art. 3.D.2.C.9.g, Additional Requirements] The existing Code requires consent from the HOA, a request to modify the previously approved DO, an amendment to the entire subdivision or pod, and conformance with the entire Code, to the extent possible.

3. Clarify the Building Permit review process and the requirement that the Building Permit be consistent with the approved Plan by the DRO or the original Building Permit.

4. Clarify the requirements for administrative modifications to previous Development Orders issued through the Zoning process. Allowance of the modifications of the homes would be through a Full

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LDRAB/LDRC Meeting

May 27, 2020

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EXHIBIT J

ARTICLE 3 – OVERLAYS AND ZONING DISTRICTS
ZERO LOT LINE RESIDENTIAL USES
CR-2017-0029
(Updated 05/15/20)

Reason for amendments: [Zoning]

<table>
<thead>
<tr>
<th>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.</th>
</tr>
</thead>
<tbody>
<tr>
<td>5. Relocate requirements for the Zero Setback and the Remaining Setback to the Property Development Regulations Heading as described in Part 3. [Relocated to: Art. 3. D. 2. B. 1.a, ZLL Side Setback]. 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.</td>
</tr>
</tbody>
</table>

1 CHAPTER D PROPERTY DEVELOPMENT REGULATIONS (PDRs)

2....

3 Section 2 PDRs for Specific Housing Types

4....

5 B. Zero Lot Line (ZLL)

6....

52. Replacement

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

a. General

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 an application, pursuant to Art. 2. Application Processes and Procedures, to amend the prior DO;
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. [Relocated from: Art. 3. D. 2. C. 9.g, Additional Requirements]

b. Process

1) Building Permit Review

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

2) DRO Zoning Review/Administrative Modifications

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

a) Standards for Review

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

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

4c) The Applicant shall demonstrate compliance with all applicable parking, landscaping, and drainage provisions. [Ord. 2008-037]

2d) The Applicant must comply with all applicable application requirements. [Ord. 2008-037]

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(3e) The Applicant must submit a letter of support from the applicable community
HOA/POA; and [Ord. 2008-037]

f) Any proposed deviation that exceeds the above standards will require a variance
relief pursuant to Art. 2.C.5.D, Type 1 Variance. [Ord. 2008-037]

6. Zero Setback
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. If a home is located on two lot lines, the minimum length shall be the sum of
the length on both lot lines. [Partially relocated to: Art. 3.D.2.B.1.a, ZLL Side Setback]

7. Remaining Setback
The remaining portion of the home along the ZLL side shall be set back a minimum of four feet
from the zero property line. [Relocated to: Art. 3.D.2.B.1.a, ZLL Side Setback]

(PDRs), PDRs for Specific Housing Types (pages 129-134 of 213, Supplement 27), is hereby
amended as follows:

<table>
<thead>
<tr>
<th>Reason for amendments:</th>
<th>Zoning</th>
</tr>
</thead>
</table>
| 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. |

CHAPTER D PROPERTY DEVELOPMENT REGULATIONS (PDRs)

Section 2 PDRs for Specific Housing Types

B. Zero Lot Line (ZLL)

3. Design Standards

   a. Height and Story Limitation
   Buildings or structures shall not exceed 35 feet in height. Lots with a ZLL side that abuts
   the rear property line of an adjacent lot or is separated from the rear property line of an
   abutting lot by less than 10 feet of open space shall be limited to a home one story (one
   floor) in height. If the lots are separated with open space ten feet or greater, the homes
   may have two stories (two floors). [Ord. 2009-040] [Partially relocated from: Art.
   3.D.2.C.3, Height Limitation]

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ARTICLE 3 – OVERLAYS AND ZONING DISTRICTS
ZERO LOT LINE RESIDENTIAL USES
CR-2017-0029
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Figure 3.D.2.B – ZLL Story Limitations Based on Separation

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.

- 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.

- 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

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CHAPTER D   PROPERTY DEVELOPMENT REGULATIONS (PDRs)

Section 2   PDRs for Specific Housing Types

B. Zero Lot Line (ZLL)

3. Design Standards

b. ZLL Side Façade

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

81) Prohibited Openings and Attachments

(a). Openings and attachments shall not be allowed to penetrate or be attached to any portion of the home on the ZLL side. Examples of prohibited openings and attachments include, but are not limited to, the following: [Ord. 2005-002]

[Partially relocated to: Art. 3.D.2.B.3.b, ZLL Side Façade]

1. A/C condensate drain; [Ord. 2005-002]
3. Exhaust ducts, such as, but not limited to, kitchens, bathrooms, clothes dryers, etc.; [Ord. 2005-002]
5. Temperature or pressure relief line; [Ord. 2005-002]
6. Doors, except as otherwise stated below; [Ord. 2005-002]
7. Windows (other than glass block or other translucent material pursuant to Art. 3.D.2.C.9.b, Glass Blocks), except as otherwise stated below; [Ord. 2005-002]
9. Hose bibs; and [Ord. 2005-002]
10. Satellite dishes, and [Ord. 2005-002]
11. Electrical outlets.

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

9.2) Permitted Openings and Attachments

(a). Openings/Attachments

The following openings and attachments shall be allowed to penetrate or be attached to the portion of the home on the ZLL side:

[Ord. 2005-002]

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

(b.3) Glass Blocks/Windows and Doors

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

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EXHIBIT J

ARTICLE 3 – OVERLAYS AND ZONING DISTRICTS
ZERO LOT LINE RESIDENTIAL USES
CR-2017-0029
(Updated 05/15/20)

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:

1a) Light Transmission Translucent Windows or Translucent/Solid Doors
Only building materials which allow 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 property 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 materials.
(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.

Notes:
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EXHIBIT J

ARTICLE 3 – OVERLAYS AND ZONING DISTRICTS
ZERO LOT LINE RESIDENTIAL USES
CR-2017-0029
(Updated 05/15/20)

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

(PDRs), PDRs for Specific Housing Types (pages 129-134 of 213, Supplement 2), is hereby
amended as follows:

<table>
<thead>
<tr>
<th>Reason for amendments: [Zoning]</th>
</tr>
</thead>
</table>
| 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.
CHAPTER D

PROPERTY DEVELOPMENT REGULATIONS (PDRs)

Section 2 PDRs for Specific Housing Types

B. Zero Lot Line (ZLL)

3. Design Standards

---

c. Maintenance and Roof Overhang Easement

The subdivision plan and plat shall indicate a maintenance and roof eave encroachment easement along the ZLL for each ZLL lot for the purpose of allowing maintenance of the portion of the home with a zero setback and to accommodate any overhang of the roof eave and gutter. Should a fence or wall traverse or be located within a maintenance and roof easement, written permission from the POA will be required prior to issuance of a permit by PBC. A gate for access and maintenance purposes will be required. Access for the owner of the lot abutting the easement and the easement beneficiaries shall be provided after advanced notification and during reasonable hours. No construction, landscaping, mechanical equipment, fence, or wall shall prevent perpetual access to said easement by the owner of the lot abutting the easement or the easement beneficiaries.

[Ord. 2013-001] [Ord. 2015-031]

1) Easement Width

This easement shall have a minimum width of two feet.

2) Roof Overhang

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

3) Drainage

This easement shall not overlap a drainage easement.

4) Plat

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

5) Easement Encroachments

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

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

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

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

dc. Atrium/Covered Porches, Courtyards, and Balconies

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

1) Covered Porch (Front of the ZLL Home)

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

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

<table>
<thead>
<tr>
<th>Reason for amendments:</th>
<th>[Zoning]</th>
</tr>
</thead>
<tbody>
<tr>
<td>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.</td>
<td></td>
</tr>
<tr>
<td>2. Add Figure depicting the requirements of a Courtyard.</td>
<td></td>
</tr>
</tbody>
</table>

CHAPTER D PROPERTY DEVELOPMENT REGULATIONS (PDRs) Section 2 PDRs for Specific Housing Types B. Zero Lot Line (ZLL)
ARTICLE 3 – OVERLAYS AND ZONING DISTRICTS
ZERO LOT LINE RESIDENTIAL USES

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

3. Design Standards

3b. Atrium Covered Porches, Courtyards, and Balconies

3i. 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;

c) The gate shall be opaque; and,

d) Operable only from the inside with the gate opening inward toward the unit.

(1) Exception

If the ZLL façade, within the courtyard, has windows and doors installed pursuant to Art. 3.D.2.B.3.b.3b)(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.


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:

<table>
<thead>
<tr>
<th>Reason for amendments:</th>
<th>[Zoning]</th>
</tr>
</thead>
<tbody>
<tr>
<td>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.</td>
<td></td>
</tr>
<tr>
<td>2. Add Figures to depict the requirements for balconies at the front and rear of homes.</td>
<td></td>
</tr>
<tr>
<td>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.</td>
<td></td>
</tr>
</tbody>
</table>

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

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EXHIBIT J
ARTICLE 3 – OVERLAYS AND ZONING DISTRICTS
ZERO LOT LINE RESIDENTIAL USES
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(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. [Partially relocated to: Art. 3.D.2.B.1.c, Side Street Home]

6. Relocate Additional Requirements to Part 5 relating to modifications of prior approvals. [Partially relocated to: Art. 3.D.2.B.2, Replacement]

CHAPTER D
PROPERTY DEVELOPMENT REGULATIONS (PDRs)

Section 2
PDRs for Specific Housing Types

B. Zero Lot Line (ZLL)

3. Design Standards

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

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

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

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

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

Figure 3.D.2.B – ZLL Balcony, Rear

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LDRAB/LDRC Meeting
May 27, 2020
Page 64 of 111
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

ad. 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.

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LDRAB/LDRC Meeting May 27, 2020 Page 65 of 111
(2) ZLL Facade 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 wall that transparent
windows and doors are constructed parallel or angled toward the ZLL side,
pursuant to Art. 3.D.2.B.3.(b)(1) (c), 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.(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 Facade 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.(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
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]
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 be indicated on the plat. Land Development will update the dedication/reservation language to indicate the allowance of encroachments pursuant to the ULDC.

CHAPTER D  PROPERTY DEVELOPMENT REGULATIONS (PDRs)

Section 2  PDRs for Specific Housing Types

B. Zero Lot Line (ZLL)

3. Design Standards

ce. Access, Maintenance, and Roof Overhang Easement

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

[Ord. 2013-001] [Ord. 2015-031]

1) Easement Width

This easement shall have a minimum width of two feet.

2) Roof Overhang

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

3) Drainage

This easement shall not overlap a drainage easement.

4) Plat

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

5) Easement Encroachments

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

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

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

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

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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:

<table>
<thead>
<tr>
<th>Reason for amendments: [Zoning]</th>
</tr>
</thead>
<tbody>
<tr>
<td>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.</td>
</tr>
</tbody>
</table>

CHAPTER D    PROPERTY DEVELOPMENT REGULATIONS (PDRs)

Section 2    PDRs for Specific Housing Types

E. Cottage Homes

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

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

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

<table>
<thead>
<tr>
<th>Lot Dimensions</th>
<th>Size</th>
<th>Width and Frontage</th>
<th>Depth</th>
<th>Height</th>
<th>Building Coverage</th>
<th>Setbacks</th>
</tr>
</thead>
<tbody>
<tr>
<td>Single Unit on a Single Lot (2)</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>1,000 to 2,500 sq. ft. (maximum)</td>
<td>20 to 30 feet (maximum)</td>
<td>50 feet</td>
<td>35 feet (maximum)</td>
<td>40% (maximum)</td>
<td>20 feet</td>
<td>5 feet</td>
</tr>
<tr>
<td>Multiple Units on a Single Lot (Shared)</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>(3)</td>
<td>65 feet (maximum)</td>
<td>75 feet (maximum)</td>
<td>N/A</td>
<td>25 feet (4)</td>
<td>15 feet (4)</td>
<td>25 feet (4)</td>
</tr>
</tbody>
</table>

Notes:
1. Minimum Property Development Regulations except where it stated as maximum.
2. Applies 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 Cottage Home (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.
EXHIBIT K

ARTICLE 2 – APPLICATION PROCESSES AND PROCEDURES

ADMINISTRATIVE PROCESSES

(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:

<table>
<thead>
<tr>
<th>Reason for amendments: [Zoning]</th>
</tr>
</thead>
<tbody>
<tr>
<td>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.</td>
</tr>
<tr>
<td>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.</td>
</tr>
<tr>
<td>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.</td>
</tr>
<tr>
<td>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.</td>
</tr>
</tbody>
</table>

CHARTER A  GENERAL

Section 4  Concurrent or Separate Applications

D. Type 2 or 3 Concurrent Review

2. PAC

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

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

C. Withdrawal

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

Section 11  Violation of Condition of DO

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

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

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

Section 12  Outstanding Liens or Fines

A. General

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

1. Applications subject to Public Hearing Processes

The approving Decision Making Body shall impose a Condition of Approval requiring the payment of any outstanding liens or fines by a date certain or prior to a specific event—...and

2. Applications subject to Administrative Processes

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LDRAB/LDRC Meeting May 27, 2020 Page 69 of 111
EXHIBIT K

ARTICLE 2 – APPLICATION PROCESSES AND PROCEDURES

 ADMINISTRATIVE PROCESSES


(Updated 05/14/2020)

The DRO shall not approve the application until the payment of any outstanding liens or fines, and [Ord. 2017-007] [Ord. 2018-002]

3. Time extension approved by the ZC or BCC

The “Notice of Intent to Withhold Development Permits” required by Art. 2.E, Monitoring of Development Orders (DOs) and Conditions of Approval, shall not be released until payment of any outstanding liens or fines.

B. Contest by the Applicant

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

CHAPTER B PUBLIC HEARING PROCESSES

Section 4 Review, Resubmittal, and Certification

D. Certification

1. 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. 2018-002] [Ord. 2020-001]

Section 6 Public Hearing Procedures

C. Board Action

2. Action by BCC

b. Final Decision by the BCC

The BCC shall consider the application, staff report, relevant support materials, DRO certification, the ZC recommendation, public testimony submitted before and given at the hearing. After close of the public hearing, the BCC shall by not less than a majority of a quorum present approve, approve with conditions, modify, or deny the application. The actions shall be based upon the applicable and any Standards specific to the use as required in Art. 4.B, Use Classification, thereby adopting a resolution approving, approving with conditions, or denying the proposed request. The resolution shall be filed with the Clerk of the Circuit Court. For PO Deviations a Result Letter written notification in lieu of a resolution, is prepared by the DRO, provided to the Applicant, and filed with the Zoning Division.

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

<table>
<thead>
<tr>
<th>Reason for amendments: [Zoning]</th>
</tr>
</thead>
<tbody>
<tr>
<td>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.</td>
</tr>
<tr>
<td>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:</td>
</tr>
<tr>
<td>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;</td>
</tr>
</tbody>
</table>


LDRAB/LDRC Meeting May 27, 2020 Page 70 of 111
ARTICLE 2 – APPLICATION PROCESSES AND PROCEDURES

CHAPTER C  ADMINISTRATIVE PROCESSES

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

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

Section 2  Sufficiency Review

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

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ARTICLE 2 – APPLICATION PROCESSES AND PROCEDURES

ADMINISTRATIVE PROCESSES


(Updated 05/14/2020)

3. Application Review

a. DROE application may be exempted from sufficiency review, if the applicant indicates at time of application submittal if the application meets any of the exemptions in Art. 2.C.2.A.2.

b. Staff shall determine within five days of submittal if an application meets the exemptions for Sufficiency review in order to continue to be processed. Applications not meeting the exemptions shall be subject to sufficiency review.

c. The 120 calendar days review timeframe for DROE applications exempted for sufficiency shall commence on the date when the application is submitted to the Zoning Division.

B. Insufficiency

If an application is determined to be insufficient pursuant to the T-Zoning Technical Manual, the DRO shall provide written notification to the Applicant specifying the deficiencies. The notification shall be forwarded to the Applicant within 30-calendar days from the date of the Application’s Submittal.

[Ord. 2018-002] [Ord. 2020-001]

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

2. The Applicant shall address all insufficiencies no more than 30-calendar days after the application was determined to be insufficient, and resubmit the application on the Submittal date. [Ord. 2018-002] [Ord. 2020-001]

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

4. If the deficiencies are not remedied, the DRO shall issue a second written notification to the Applicant indicating the application shall be considered withdrawn unless a written request for a time extension has been submitted and approved by the Zoning Director, pursuant to Art. 2.C.2.C, Time Extension. [Ord. 2018-002] [Ord. 2020-001]

C. Time Extension

The Applicant may submit a written request for an extension of time to the Zoning Director should additional time be required to address deficiencies of the application. Such request shall be submitted to the Zoning Director no later than five days after the issuance of the second Insufficiency notification. [Ord. 2018-002] [Ord. 2020-001]

D. Administrative Withdrawal

If the Applicant fails to address the insufficiencies; or, request and receive a time extension, it may result in an Administrative withdrawal of the application. [Ord. 2018-002] [Ord. 2020-001]

Reason for amendments: [Zoning]


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 all the 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.

Section 3 General

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

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LDRAB/LDRC Meeting
May 27, 2020
Page 72 of 111
Table 2.C.3 – DRO, Administrative Processes

<table>
<thead>
<tr>
<th>Requests</th>
<th>Processes Full DRO</th>
<th>ZAR</th>
</tr>
</thead>
<tbody>
<tr>
<td>Finalization of BCC or ZC DOs</td>
<td>✓</td>
<td></td>
</tr>
<tr>
<td>Administrative Approval</td>
<td>✓</td>
<td></td>
</tr>
<tr>
<td>A. Use subject to Art. 4.A.7.C.2, Development Review Officer (DRO) (1)</td>
<td>✓</td>
<td>✓ (2)</td>
</tr>
<tr>
<td>Administrative Modifications to Prior DO in accordance with Table 2.C.5.B</td>
<td>✓</td>
<td>✓ (2)</td>
</tr>
<tr>
<td>Subdivision Plan pursuant to Art. 11, Subdivision, Platting, and Required Improvements (3)</td>
<td>✓</td>
<td></td>
</tr>
<tr>
<td>Type 1 Waiver (4)</td>
<td>✓</td>
<td>✓ (2)</td>
</tr>
<tr>
<td>Type 1 Variance</td>
<td>✓</td>
<td></td>
</tr>
<tr>
<td>Temporary Use pursuant to Art. 4.B.11, Temporary Uses</td>
<td>✓</td>
<td></td>
</tr>
<tr>
<td>Special Permit pursuant to Art. 8.H.2, Billboards</td>
<td>(6)</td>
<td></td>
</tr>
<tr>
<td>Reasonable Accommodation</td>
<td>✓</td>
<td></td>
</tr>
<tr>
<td>Zoning Confirmation Letter (Formal and Non-Site Specific Formal) (5)</td>
<td>✓</td>
<td></td>
</tr>
<tr>
<td>Zoning Confirmation Letter (Informal) (5)</td>
<td>✓</td>
<td></td>
</tr>
<tr>
<td>Release of Unity of Title (5)</td>
<td>✓</td>
<td></td>
</tr>
<tr>
<td>ABN for a prior DO approved by the DRO</td>
<td>✓</td>
<td>✓</td>
</tr>
</tbody>
</table>

(Updated 05/14/2020)

Notes:

- 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.
- May be reviewed and approved concurrent with a Final Master Plan that was approved by the BCC. Includes Type 1 Waiver for Landscaping.
- This type of request will not issue a DO for the subject property.
- Shall be processed as a Special Permit.
- Limited to NEO and Structural Setback as outlined in Table 2.C.5.E – Summary of Type 1 Waivers.

A. Finalization of BCC or ZC DOs

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 apply 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]

2. DRO Expedited Process Review (DROE)

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

23. Concurrent Review
Refer Applications may be reviewed pursuant to Art. 2.A.4.D. Concurrent or Separate Applications Type 2 or 3 Concurrent Review.

B. Administrative Approval
1. The DRO shall make a final decision on a permanent or a temporary use pursuant to Art. 3, Overlays and Zoning Districts, and Art. 4, Use Regulations; DRO, Administrative processes; or, where required by this Code, pursuant to Table 2.C.3, DRO, Administrative Processes; or, where required by this Code.

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

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

Section 4 Review, Resubmittal, and Final Decision
Review of an application shall be initiated by the DRO on the date it is deemed sufficient. The deadlines for Staff Comments, Resubmittal by the Applicant, and Certification or Final Decision shall be indicated on the Annual Zoning Calendar [Ord. 2018-002] [Ord. 2020-001]

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

1. Significant modifications shall include, but not limited to the following: [Ord. 2020-001]
   a. Additional requests to the application; or [Ord. 2020-001]
   b. Modifications to the site layout or submitted document(s) that would require a new review of the document(s) or impact the timing of a final decision by the DRO. [Ord. 2020-001]

2. If the DRO determines that the revised requests and documents are significantly modified from the original request that was deemed to be sufficient, the DRO shall provide a written notification to the Applicant describing what changes significantly modified the application. The Applicant shall: [Ord. 2020-001]
   a. Revise the requests and modify plans to eliminate the significant modification; [Ord. 2020-001]
   b. Submit a written request for a time extension to the Zoning Director to determine if the application is still sufficient or if a new sufficiency review is required. Both parties may agree to a reasonable request for an extension of time; or, [Ord. 2020-001]
   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 that 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

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## EXHIBIT K

### ARTICLE 2 – APPLICATION PROCESSES AND PROCEDURES

**ADMINISTRATIVE PROCESSES**

(Updated 05/14/2020)

<table>
<thead>
<tr>
<th>Reason for amendments:</th>
<th>[Zoning]</th>
</tr>
</thead>
<tbody>
<tr>
<td>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.</td>
<td></td>
</tr>
</tbody>
</table>

### 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.

<table>
<thead>
<tr>
<th>Reason for amendments:</th>
<th>[Zoning]</th>
</tr>
</thead>
<tbody>
<tr>
<td>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</td>
<td></td>
</tr>
</tbody>
</table>

<table>
<thead>
<tr>
<th>B. Action by the DRO for DO Administrative Applications, except Type 1 Variance</th>
</tr>
</thead>
<tbody>
<tr>
<td>1. Not Approved</td>
</tr>
<tr>
<td>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]</td>
</tr>
<tr>
<td>a. Resubmittal Requirements</td>
</tr>
<tr>
<td>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]</td>
</tr>
<tr>
<td>b. Time Extension</td>
</tr>
<tr>
<td>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]</td>
</tr>
<tr>
<td>c. Failure to Address Issues and Comments</td>
</tr>
<tr>
<td>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.S, Type of Applications, including the outstanding issues and comments provided by Staff. [Ord. 2020-001]</td>
</tr>
</tbody>
</table>

| 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] |

<table>
<thead>
<tr>
<th>C. Action by the DRO for Type 1 Variance DO Applications</th>
</tr>
</thead>
<tbody>
<tr>
<td>1. Not Certified</td>
</tr>
<tr>
<td>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]</td>
</tr>
<tr>
<td>a. Resubmittal Requirements</td>
</tr>
<tr>
<td>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]</td>
</tr>
<tr>
<td>b. Time Extension</td>
</tr>
<tr>
<td>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]</td>
</tr>
</tbody>
</table>

| 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] |

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**Notes:**

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

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EXHIBIT K

ARTICLE 2 – APPLICATION PROCESSES AND PROCEDURES

ADMINISTRATIVE PROCESSES


(Updated 05/14/2020)

b. If the Applicant fails to address the listed outstanding issues and comments within the 90-
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 90-calendar day deadline, the
application shall be scheduled to proceed to a public meeting to comply with the timeframes
enumerated in the F.S. An Applicant shall receive a recommendation of denial from Staff
for failure to comply with the Standards pursuant to Art. 2.C.S.D. Type 1 Variance, including
the outstanding issues and comments provided by Staff. [Ord. 2020-001]

3. Application Modification after Certification

Applications shall not be significantly modified after certification, unless requested or agreed to
by the DRO. Significant modifications to the certified plan(s) and applications within ten days
of a scheduled public meeting date shall result in a postponement when a decision can be
rendered within the timeframe enumerated in the F.S., or if both parties agree to a reasonable
request for an extension of time. For the purposes of the Article, a modification shall be
considered significant if it exceeds 30 percent or more change from the certified plan or
application request. The DRO may consider, but not limited to, intensity, density, land area, or
vehicular use areas, to determine whether the certified plans or document(s) exceed the 30-
percent threshold. [Ord. 2020-001]  

D. Public Meeting Procedures for Type 1 Variance

1. Notification

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

2. Scheduling

Once an application has been certified by the DRO, the DRO shall schedule a public meeting
in accordance with the dates established in the Annual Zoning Calendar and pursuant to the
F.S. The scheduling of the application for public meeting shall ensure the public notice
requirements are satisfied and a decision is rendered pursuant to F.S. [Ord. 2018-018] [Ord.
2020-001]

a. Number of Meetings

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

3. Continuance or Postponement of the Meeting

The DRO conducting the public meeting, may on its own motion or at the request of an
Applicant, consider an application to be continued or postponed, when a decision can be
rendered within the timeframe enumerated in the F.S., or if both parties agree to a reasonable
request for an extension of time. The DRO shall determine if an application shall be postponed
when an Applicant fails to submit a written request from postponement five days prior to the
meeting. All subsequent requests for continuance or postponement shall be granted at the
discretion of the DRO. [Ord. 2020-001]  

a. Postponement by Right

An Applicant may submit a written request to the Zoning Director, no less than five days
prior to the public meeting, for an application be postponed when a decision can be
rendered within the timeframe enumerated in the F.S., or if both parties agree to a
reasonable request for an extension of time. If the postponement is requested less than
five days prior to the date of the scheduled meeting, the request for postponement shall be
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 of 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
defined 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 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
defined 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 that adding Type 2 Waiver or Type 2 Variance tables.

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0007 Art. 2. Administrative Modifications.docx

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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.

Reason for amendments: [Zoning]

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.

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.

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.

AG. 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

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


(Updated 05/14/2020)

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

ac. Adequate Public Facilities

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

3. Conditions

The DRO may impose conditions pursuant to Art. 2.C.6, Conditions of Approval.

34. Effect of an Issuance of a DO

A DO approved by the DRO shall have the following effect and authority: [Ord. 2009-040]

[Relocated to Art. 2.C.7, Effect of an Issuance of a DO]

a. Any permitted uses may occur in conjunction with or in place of the approved use; [Ord. 2018-002] [Relocated to Art. 2.C.7.A, related to Effect of an Issuance of a DO]

b. Issuance of a DO approved by the DRO shall be deemed to authorize the particular site configuration, layout, design, level of impacts, and intensity or density which were approved pursuant to this Code; and, [Ord. 2018-002] [Relocated to Art. 2.C.7.B, related to Effect of an Issuance of a DO]

c. A DO may only be amended pursuant to the procedures and standards in this Article. [Ord. 2018-002] [Relocated to Art. 2.C.7.C, related to Effect of an Issuance of a DO]

BC. Administrative Modifications to Prior DOs DOs

1. Purpose

To establish review criteria for the evaluation of Administrative Modifications to DOs that are approved by the BCC, ZC or the DRO. The DRO shall have the authority to approve modifications to a Development Order approved by the BCC or ZC—[Relocated to Art. 2.C.5.C.2, Modifications to BCC or ZC Approved Plans, below]. The authority of the DRO to modify a prior approval shall include but not be limited to Table 2.C.5.B.C. Administrative Modifications to Prior DOs—[Relocated to Art. 2.C.5.C.3, Applicability, below]. The DRO may allow the modifications so long the request(s) meet the intent of the BCC or ZC approval, and comply with the Conditions of Approval. [Partially relocated to Art. 2.C.5.C.2, Modifications to BCC or ZC Approved Plans, below]. The DRO shall determine which Agencies will review the application, and whether the review shall be subject to the Full DRO or ZAR process. A combination of requests may require review through the Full DRO process. In making a decision on the requested modification(s), the DRO shall evaluate the application based on the Table listed below, unless otherwise stated herein. The Zoning Director shall maintain PPM #ZO-029, Administrative Modifications to Approved Site Plans, outlining a list of minor amendments and establishing items that are exempt from the Administrative Modifications process. [Relocated to Art. 2.C.5.C.3, Applicability, below] [Ord. 2008-003] [Ord. 2010-005] [Ord. 2010-022] [Ord. 2011-001] [Ord. 2018-002]

a. Exceptions

1. All Class A or Class B Conditional Uses shall remain in the location consistent with the plan(s) approved by the BCC or ZC; unless a Condition of Approval allows an alternative location on the same site. [Ord. 2018-002]

2. Modifications shall not be allowed if there is a BCC or ZC Condition of Approval that 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.

2b. Modifications to BCC or ZC Approved Plans

The DRO shall have the authority to approve modifications to a DO approved by the BCC or ZC. The original Final DRO plan(s) shall be used as the controlling document(s) to show proposed modifications, unless stated otherwise. The requests shall meet the intent of the BCC or ZC approval, and comply with the Conditions of Approval. [Partially relocated from Art. 2.C.5.C.1, Purpose, above]. For modifications to a BCC or ZC approved DO, the Applicant shall utilize the latest BCC or ZC approved Preliminary Plan for comparison purposes to identify the changes. If the Preliminary Plan is finalized by the DRO, then that Plan shall be used to show the proposed modifications. [Ord. 2018-002]

23. Standards

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Notes:

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When considering a DO request for Administrative Modifications, the DRO shall utilize the same Standards a through c pursuant to the Art. 2.C.5.B.2, for Administrative Approval of a new use, the DRO shall also consider the limitations and criteria stated in the following.

Table 2.C.5.C, Administrative Modifications to Prior DOs. (Ord. 2018-002)

4. Applicability
   The authority of the DRO to modify a prior approval shall include but not be limited to Table 2.C.5.C, Administrative Modifications to Prior DOs.
   a. The DRO shall consider the request(s) to determine which Agencies will review the application, and whether the review shall be subject to the Full DRO or ZAR process pursuant to Art. 2.C.4.A.3, ZAR. A combination of requests may require review through the Full DRO process. In making a decision on the requested modification(s), the DRO shall evaluate the application based on the Table listed below. [Relocated from Art. 2.C.5.C.1, Purpose, above]
   b. The Zoning Director shall maintain PPM #ZO-029, Administrative Modifications to Approved Site Plans, outlining a list of minor amendments and establishing items that are exempt from the Administrative Modifications process. [Relocated from Art. 2.C.5.C.1, 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.
ARTICLE 2 – APPLICATION PROCESSES AND PROCEDURES
ADMINISTRATIVE PROCESSES
(Updated 05/14/2020)

Table 2.C.5.C – Administrative Modifications to Prior DOs

<table>
<thead>
<tr>
<th>Request/Allowable Modification</th>
<th>Criteria</th>
</tr>
</thead>
</table>
| Relocation of Building Square Footage (1)(2)(5) | • 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) | • 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; 
  - Subject to Adequate Public Facilities Review. |
| Reduction in Building Size or Elimination of Building Area | • 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 include the reduction in or elimination of square feet. |
| Overall Height Increase of any Building or Structure | • Allow a maximum of ten percent 
  - Shall meet setback requirements. |
| Architectural Elevations | • The proposed modifications shall be consistent with the approved Architectural Elevations, and Art. 5.C, Design Standards |
| Relocation of Site Elements | • Change in location of freestanding 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 | 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 | • 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 | 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 | • 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) | 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 in an incompatibility issue from the adjacent properties or pods that are internal to the site. |

Table 2.C.5.C – Administrative Modifications to Prior DOs - Continued

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**EXHIBIT K**

**ARTICLE 2 – APPLICATION PROCESSES AND PROCEDURES**

**ADMINISTRATIVE PROCESSES**

(Updated 05/14/2020)

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**Table 2.C.5.C – Administrative Modifications to Prior DOs - Continued**

<table>
<thead>
<tr>
<th>Phase Lines Addition, Deletion, or Modification</th>
<th>The additions 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.</th>
</tr>
</thead>
<tbody>
<tr>
<td>Phase Lines Relocation</td>
<td>The LC of 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.</td>
</tr>
<tr>
<td>Addition or Modification of ATM or Freestanding Unmanned Retail Structure</td>
<td>Proposed location shall not impede vehicular or pedestrian traffic circulation.</td>
</tr>
<tr>
<td>Reconfiguration of a Type 1B Excavation</td>
<td>Modification shall not bring the excavation closer to the property line.</td>
</tr>
<tr>
<td>Increase Number of Renewable Energy Wind Facility within the AP Zoning District</td>
<td>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.</td>
</tr>
<tr>
<td>Relocation of Wind Turbines, Building Structures of a Renewable Energy Wind Facility within the AP Zoning District</td>
<td>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.</td>
</tr>
<tr>
<td>Density Transfer</td>
<td>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.</td>
</tr>
<tr>
<td>Change in Housing Classification for PDD or TDD (Table 2.C.5.C, Housing Classification)</td>
<td>No height increase from the original BCC DO; and, If there is a density transfer along with this request, comply with criteria listed below.</td>
</tr>
<tr>
<td>Density Decrease</td>
<td>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.</td>
</tr>
<tr>
<td>Relocation/Transfer of WHP Between Pods of the Same Project or Off-Site Construction Units</td>
<td>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.</td>
</tr>
<tr>
<td>Type 2 Waiver or Type 2 Variance</td>
<td>Modification of the approved Waiver or Variance shall increase the degree of conformity with the current Code requirements.</td>
</tr>
</tbody>
</table>

**Notes:**

1. Shall not apply to accessory structures which are not subject to Concurrency review in accordance with PPM RZO-O-049.  
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. Exemptions will apply on the entire building, when 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.  

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**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

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**Table 2.C.5.B – Administrative Modifications to Prior DOs**

<table>
<thead>
<tr>
<th>Request</th>
<th>Allowable Modification</th>
<th>Criteria</th>
</tr>
</thead>
</table>
| **Full DO** | Relocation of Building Square Footage | Allow relocation of no more than 30 percent of the total approved square footage or other area as indicated on the latest applicable BCC or ZC approved site 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. [Relocated to Relocation of Building Square Footage in Table 2.C.5.C – Administrative Modifications to Prior DOs] Relocated 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\SSES ADMINISTRATIVE MODIFICATIONS TO PRIOR DO\table2C5BTEXT.xlsx

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### Table 2.C.5.B – Administrative Modifications to Prior DOs

<table>
<thead>
<tr>
<th>Administrative Modifications to Prior DOs</th>
<th>Notes</th>
</tr>
</thead>
<tbody>
<tr>
<td><strong>Increase in Square Footage for Buildings, Structure or Outdoor Area on感激 for Building, Structure or Outdoor Area that is Considered as Square Footage in Table 2.C.5.C – Administrative Modifications to Prior DOs</strong></td>
<td>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: Additions of Square Footage for Buildings, Structure or Outdoor Area that is Considered as Square Footage in Table 2.C.5.C – Administrative Modifications to Prior DOs]</td>
</tr>
<tr>
<td><strong>External Access Way to a Civic Pod</strong> [Relocated to Addition of External Access Way to a Civic Pod in Table 2.C.5.C – Administrative Modifications to Prior DOs]</td>
<td>Partially relocated to Addition of an External Access Way to a Civic Pod in Table 2.C.5.C – Administrative Modifications to Prior DOs</td>
</tr>
<tr>
<td><strong>External Access Way for Property within the URAO</strong> [Relocated to Addition of External Access Way for Properties within the URAO in Table 2.C.5.C – Administrative Modifications to Prior DOs]</td>
<td>Addion 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]</td>
</tr>
</tbody>
</table>

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## Table 2.C.5.B – Administrative Modifications to Prior DOs

<table>
<thead>
<tr>
<th>Request</th>
<th>Allowable Modification</th>
<th>Criteria</th>
</tr>
</thead>
<tbody>
<tr>
<td>Relocation of Building Square Footage</td>
<td>Relocation of Building Square Footage in Table 2.C.5.C – Administrative Modifications to Prior DOs</td>
<td>Shall not be relocated or modified, unless the ZC or BCC approves a variance or waiver.</td>
</tr>
</tbody>
</table>
ARTICLE 2 – APPLICATION PROCESSES AND PROCEDURES


(Updated 05/14/2020)

Table 2.C.5.B – Administrative Modifications to Prior DOs, Cont’d.

<table>
<thead>
<tr>
<th>Increase in Square Footage for a Building, Structure, or Outdoor Area that is Considered as a Square Footage in Table 2.C.5.C – Administrative Modifications to Prior DOs</th>
<th></th>
</tr>
</thead>
<tbody>
<tr>
<td>The increase shall not exceed a maximum of 2,500 sq. ft. of the total square feet approved by the BCC or ZC.</td>
<td></td>
</tr>
<tr>
<td>The increase shall not exceed a maximum of five or 2,500 square feet of any building, structure, or outdoor area considered a square footage, whichever is less.</td>
<td></td>
</tr>
<tr>
<td>The increase in square footage shall not be used to make new freestanding building(s) or structural(s) 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]</td>
<td></td>
</tr>
<tr>
<td>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]</td>
<td></td>
</tr>
</tbody>
</table>

<table>
<thead>
<tr>
<th>Overall Height Increase</th>
<th></th>
</tr>
</thead>
<tbody>
<tr>
<td>[Relocated to Overall Height Increase of any Building or Structure in Table 2.C.5.C – Administrative Modifications to Prior DOs]</td>
<td></td>
</tr>
<tr>
<td>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]</td>
<td></td>
</tr>
<tr>
<td>[Relocated to Overall Height Increase of any Building or Structure in Table 2.C.5.C – Administrative Modifications to Prior DOs]</td>
<td></td>
</tr>
</tbody>
</table>

<table>
<thead>
<tr>
<th>Internal Access Points</th>
<th></th>
</tr>
</thead>
<tbody>
<tr>
<td>[Relocated to Relocation, Addition or Deletion of in Table 2.C.5.C – Administrative Modifications to Prior DOs]</td>
<td></td>
</tr>
<tr>
<td>Shall meet setback requirements. [Relocated to Relocation, Addition or Deletion of in Table 2.C.5.C – Administrative Modifications to Prior DOs]</td>
<td></td>
</tr>
</tbody>
</table>

<table>
<thead>
<tr>
<th>Relocation of Site Elements</th>
<th></th>
</tr>
</thead>
<tbody>
<tr>
<td>[Relocated to Relocation of Site Elements in Table 2.C.5.C – Administrative Modifications to Prior DOs]</td>
<td></td>
</tr>
<tr>
<td>Shall 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]</td>
<td></td>
</tr>
<tr>
<td>[Relocated to Relocation of Site Elements in Table 2.C.5.C – Administrative Modifications to Prior DOs]</td>
<td></td>
</tr>
</tbody>
</table>

<table>
<thead>
<tr>
<th>Parking and Loading</th>
<th></th>
</tr>
</thead>
<tbody>
<tr>
<td>[Partially relocated to Relocation, Addition or Deletion of in Table 2.C.5.C – Administrative Modifications to Prior DOs]</td>
<td></td>
</tr>
<tr>
<td>[Relocated to Relocation of Site Elements in Table 2.C.5.C – Administrative Modifications to Prior DOs]</td>
<td></td>
</tr>
<tr>
<td>Shall be consistent with Art. 6, Parking, Loading, and Circulation.</td>
<td></td>
</tr>
</tbody>
</table>

<table>
<thead>
<tr>
<th>Architectural Elevations</th>
<th></th>
</tr>
</thead>
<tbody>
<tr>
<td>[Partially relocated to Architectural Elevations in Table 2.C.5.C – Administrative Modifications to Prior DOs]</td>
<td></td>
</tr>
<tr>
<td>Shall meet setback requirements. [Partially relocated to Architectural Elevations in Table 2.C.5.C – Administrative Modifications to Prior DOs]</td>
<td></td>
</tr>
</tbody>
</table>

<table>
<thead>
<tr>
<th>Reduction in Building Size</th>
<th></th>
</tr>
</thead>
<tbody>
<tr>
<td>[Relocated to Reduction in Building Size or Elimination of Building Area in Table 2.C.5.C – Administrative Modifications to Prior DOs]</td>
<td></td>
</tr>
<tr>
<td>Shall meet setback requirements. [Relocated to Reduction in Building Size or Elimination of Building Area in Table 2.C.5.C – Administrative Modifications to Prior DOs]</td>
<td></td>
</tr>
</tbody>
</table>

<table>
<thead>
<tr>
<th>Modification of Type of Operation</th>
<th></th>
</tr>
</thead>
<tbody>
<tr>
<td>[Relocated to Reconfiguration of a Type 1B Excavation in Table 2.C.5.C – Administrative Modifications to Prior DOs]</td>
<td></td>
</tr>
<tr>
<td>Shall meet setback requirements. [Relocated to Reconfiguration of a Type 1B Excavation in Table 2.C.5.C – Administrative Modifications to Prior DOs]</td>
<td></td>
</tr>
</tbody>
</table>

<table>
<thead>
<tr>
<th>Phase Lines of the Development</th>
<th></th>
</tr>
</thead>
<tbody>
<tr>
<td>[Relocated to Phase Lines Relocation in Table 2.C.5.C – Administrative Modifications to Prior DOs]</td>
<td></td>
</tr>
<tr>
<td>Shall meet setback requirements. [Relocated to Phase Lines Relocation in Table 2.C.5.C – Administrative Modifications to Prior DOs]</td>
<td></td>
</tr>
</tbody>
</table>

<table>
<thead>
<tr>
<th>Freestanding Unmanned Structure</th>
<th></th>
</tr>
</thead>
<tbody>
<tr>
<td>[Relocated to Addition or Modification of ATM or Freestanding Unmanned Retail Structure in Table 2.C.5.C – Administrative Modifications to Prior DOs]</td>
<td></td>
</tr>
<tr>
<td>Shall meet setback requirements. [Relocated to Addition or Modification of ATM or Freestanding Unmanned Retail Structure in Table 2.C.5.C – Administrative Modifications to Prior DOs]</td>
<td></td>
</tr>
</tbody>
</table>

**Notes:**
- Underlined indicates new text.
- Stricken indicates text to be deleted. Stricken and italicized means text to be totally or partially relocated.
- If being relocated destination is noted in bolded brackets [Relocated to: ].
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- A series of four bolded ellipses indicates language omitted to save space.
Table 2.C.5.B – Administrative Modifications to Prior DOs, Cont’d.

<table>
<thead>
<tr>
<th>C.C.C. – Administrative Modifications to Prior DOs</th>
</tr>
</thead>
<tbody>
<tr>
<td>Residential 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]</td>
</tr>
<tr>
<td>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]</td>
</tr>
<tr>
<td>Density Transfer – [Relocated to Density Transfer in Table 2.C.5.C – Administrative Modifications to Prior DOs]</td>
</tr>
<tr>
<td>Density Decrease – [Relocated to Density Decrease in Table 2.C.5.C – Administrative Modifications to Prior DOs]</td>
</tr>
</tbody>
</table>

Notes:
1. This shall apply to accessory structures which are not subject to Concurrency review in accordance with PPM ZO-O-049. [Relocated to Table 2.C.5.C – Administrative Modifications to Prior DOs, Note #1]
2. Buildings or structures located in the Recreation Pod of a PDD shall be exempt from the relocation thresholds. [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. [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
35.1 Modifications to plans that were administratively approved by the DRO may be subject to the ZAR process pursuant to Art. 2.C.4.A, ZAR.
35.2 The addition or relocation of guard houses or other minor structures shall:
35.2.1 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
7. The DRO may impose conditions pursuant to Art. 2.C.6, Conditions of Approval
8. [Relocated from: ]

CD Temporary Use
1. Purpose
EXHIBIT K

ARTICLE 2 – APPLICATION PROCESSES AND PROCEDURES
ADMINISTRATIVE PROCESSES
(Updated 05/14/2020)

To create standards and an approval process for certain uses, which are generally temporary
in nature, but require monitoring for compliance with Code requirements to ensure compatibility
with surrounding land uses. A temporary use may be accommodated in a temporary structure
or a permanent structure that is legally approved. A temporary use shall include, but not limited
2018-002]

2. Prior Approved and Authorized Special Permits

Any prior approved Special Permits that have expired shall be considered invalid, and the
Applicant shall be required to submit a new application for a temporary use. Special Permits
shall be issued only for Art. 8.H.2, Billboards, subject to the applicable standards and Code
requirements. [Ord. 2018-002]

3. PAA

The Applicant shall request a PAA to meet with Staff prior to the submittal of a temporary use
application to ensure the proposed use complies with Code requirements, and to determine
whether the application is subject to the review and permit process by other County Agencies.
[Ord. 2018-002]

4. Sufficiency Determination

All temporary use requests are subject to the requirements of Art. 2.C.2, Sufficiency Review.
[Ord. 2015-006] [Ord. 2018-002]

5. Review and Final Decision

The application shall be submitted to the DRO subject to the ZAR review process. If the request
complies with Code requirements and the Standards listed below, and is not subject to Building
Permit Review, the Applicant shall receive a temporary use DO 15 days prior to the date of the
event. [Ord. 2018-002]

a. Building Permit Process

The Applicant shall submit any required Permit application to the Building Division a
minimum of 30 days prior to the date of the event. Prior to issuance of the DO approval of
the temporary use, any associated Building Permits shall be secured and all required
inspections scheduled with the Building and Code Enforcement Divisions and Fire

6. Standards

When considering a DO request for a temporary use, the DRO shall utilize the Standards a
through b, the DRO shall also consider the limitations and criteria stated for each temporary
use pursuant to Art. 4.B.11.C, Definitions and Supplementary Use Standards for Specific Uses:

a. Consistency with the Plan

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

b. Consistency with the Code

The request meets all applicable standards and provisions of this Code, including but not
limited to all applicable portions of Art. 4.B, Use Classification, and the proposed location,
design, layout, access, and duration of the use will not create potential adverse impacts on
surrounding land uses. [Ord. 2018-002]

7. Conditions

The DRO may impose conditions pursuant to Art. 2.C.6, Conditions of Approval.
The DRO shall have the authority to apply conditions to the temporary use which ensure
compliance with Code requirements, time limitations, and the Standards listed above. [Text
Deleted] 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] [Relocated to Art. 2.C.5.C.10.b, Withholding Application, below]

a. Withholding Application [Relocated to Art. 2.C.5.C.10.b, Withholding Application, below]

b. Consistency with the Plan

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 to Art. 2.C.5.C.10.b, Withholding Application, below]

1) it is a reoccurring violation. [Ord. 2018-002] [Relocated to Art. 2.C.5.C.10.b, related to Withholding Application, below]

2) the violation has created an impact on the surrounding properties or use, and [Ord.
2018-002] [Relocated to Art. 2.C.5.C.10.b, related to Withholding Application, below]

3) the Applicant has demonstrated an effort to correct the violation. [Ord. 2018-002]

[Relocated to Art. 2.C.5.C.10.b, related to Withholding Application, below]
EXHIBIT K

ARTICLE 2 – APPLICATION PROCESSES AND PROCEDURES

ADMINISTRATIVE PROCESSES


(Updated 05/14/2020)

8. Limited Timeframe

A temporary use shall be limited to the dates of approval shown on the DO. Each temporary use 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 temporary use 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 temporary use 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 temporary use 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 temporary use 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 temporary use 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]
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]

Notes:

Undertext indicates new text.
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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.
ARTICLE 2 – APPLICATION PROCESSES AND PROCEDURES

ADMINISTRATIVE PROCESSES


(Updated 05/14/2020)

b. Non-Residential Projects

1) Setback reduction greater than five percent but not exceeding 15 percent of the
minimum requirement. [Ord. 2008-003] [Ord. 2018-002]
2) Reduction in the number of parking spaces not exceeding 15 percent of the minimum
3) Relief from Art. 5.B.1.A., Accessory Uses and Structures as follows: General; Fences, Walls, and Hedges; Outdoor Storage; Outdoor Display; Entry Features; Fuel, Gas, or Chemical Storage Tanks; Dumpsters; Neighborhood Recreation Facility; Outdoor Recreation Amenities; Screen Enclosures; and, Permanent Generators. [Ord. 2008-003] [Ord. 2013-001] [Ord. 2018-002]

4. Standards

When considering a Type 1 Variance request, the DRO shall consider Standards a through g, indicated below. A Type 1 Variance which fails to meet any of these Standards shall be deemed adverse to the public interest, and shall not be approved. [Ord. 2018-002]
a. Special conditions and circumstances exist that are peculiar to the parcel of land, building, or structure, that are not applicable to other parcels of land, structures, or buildings in the same district; [Ord. 2006-036] [Ord. 2018-002]
b. Special conditions and circumstances do not result from the actions of the Applicant; [Ord. 2006-036] [Ord. 2018-002]
c. Granting the variance shall not confer upon the Applicant any special privilege denied by the Plan and this Code to other parcels of land, structures, or buildings in the same district; [Ord. 2006-036] [Ord. 2018-002]
d. Literal interpretation and enforcement of the terms and provisions of this Code would deprive the Applicant of rights commonly enjoyed by other parcels of land in the same district, and would work an unnecessary and undue hardship; [Ord. 2006-036] [Ord. 2018-002]
e. Granting the variance is the minimum variance that will make possible a reasonable use of the parcel of land, building, or structure; [Ord. 2006-036] [Ord. 2018-002]
f. Granting the variance will be consistent with the purposes, goals, objectives and policies of the Plan and this Code; and, [Ord. 2006-036] [Ord. 2018-002]
g. Granting the variance will not be injurious to the area involved or otherwise detrimental to the public welfare. [Ord. 2006-036] [Ord. 2018-002]

5. Staff Report and Recommendation

The DRO or the PBC Official responsible for reviewing the application shall prepare a report for the application. The DRO shall incorporate the analysis and Conditions of Approval of the Agencies who are responsible for reviewing the application, and a recommendation of approval, approval with conditions, or denial based on the applicable Standards. The report shall be made available to the public at least five days prior to the hearing date. [Ord. 2018-018]

6. Conditions

The DRO may impose Conditions of Approval in a Type 1 Variance 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, and provisions of adequate ingress and egress. Any violation of the variance or condition shall be a violation of this Code. [Ord. 2018-002]

7. Time Limitation

Unless otherwise specified in the DO or a Condition of Approval, failure to utilize Type 1 Variance within one year of issuance, or by date specified in a Condition of Approval, shall result in the variance becoming null and void. If more than one variance was granted in the application, the use of one variance shall vest all other variances. Permitted time frames do not change with successive owners. Applications for extensions shall be submitted a minimum of 30 days prior to expiration. [Ord. 2008-003] [Ord. 2018-002]

8. Effect of a Type 1 Variance DO

Approval of a Type 1 Variance shall render a parcel of land, building, or structure to be conforming. Use of the variance shall be limited to the exact dimensions and configuration of the parcel of land, building, or structure as indicated on the Site Plan as submitted in the application. The parcel of land, building, or structure may not be further expanded, except in accordance with the standards of the Code. [Ord. 2006-036] [Ord. 2018-002]
**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.

**Table 2.C.5.E – Summary of Type 1 Waivers**

<table>
<thead>
<tr>
<th>Requests</th>
<th>ULDC Reference</th>
</tr>
</thead>
<tbody>
<tr>
<td>Glades Area Overlay (GAO)</td>
<td>Table 3.B.4.F, Type 1 Waivers for Industrial Pods</td>
</tr>
<tr>
<td>NEO, Native Ecosystem Overlay</td>
<td>Art. 3.B.7.D, Property Development Regulations (PDRs)</td>
</tr>
<tr>
<td>Northlake Boulevard Overlay Zone (NBOZ) Design Guidelines</td>
<td>Table 3.B.8.E, Type 1 Waivers for NBOZ Design Guidelines</td>
</tr>
<tr>
<td>Infill Redevelopment Overlay (IRO)</td>
<td>Table 3.B.15.G, Type 1 Waivers</td>
</tr>
<tr>
<td>Urban Redevelopment Overlay (URAO)</td>
<td>Table 3.B.16.G, Type 1 and 2 URAO Waivers</td>
</tr>
<tr>
<td>Structural Setback – Reduction not to exceed five percent less than the minimum requirement (f)</td>
<td>Table. 3.D.1.A, Property Development Regulations (PDRs)</td>
</tr>
<tr>
<td>Required Parking in Type 1 Restaurant with Drive-Through</td>
<td>Art. 4.B.2.C.33.F.3(a), Table Location Criteria – Exceptions, Design Criteria</td>
</tr>
<tr>
<td>Commercial Greenhouse Loading</td>
<td>Art. 4.B.7.C(1)d, Buffer</td>
</tr>
<tr>
<td>Solid Waste Transfer Station</td>
<td>Art. 4.B.7.C(10.d), Buffer</td>
</tr>
<tr>
<td>Green Architecture</td>
<td>Art. 5.C.1.E.3, Type 1 Waiver – Green Architecture</td>
</tr>
<tr>
<td>Parking for Community Vegetable Garden</td>
<td>Table 6.B.1.B, Minimum Parking and Loading Requirements, Note 10</td>
</tr>
<tr>
<td>Parking Spaces</td>
<td>Art. 6.C.1.A, Type 1 Waiver</td>
</tr>
<tr>
<td>Loading Spacing</td>
<td>Art. 6.E.2.B.3, Type 1 Waiver – Reduction of Minimum Number of Required Loading Spaces</td>
</tr>
<tr>
<td>Loading Space Width or Length</td>
<td>Art. 6.E.4.A.1.d, Type 1 Waiver – Reduction of Loading Space Width or Length</td>
</tr>
<tr>
<td>Landscaping</td>
<td>Art. 7.B.4.A, Type 1 Waivers for Landscaping</td>
</tr>
<tr>
<td>Billboard Location</td>
<td>Art. 8.H.2.D.4, Replacement</td>
</tr>
</tbody>
</table>

**Notes:**

- 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. 2012-027] [Ord. 2014-025] [Ord. 2015-031] [Ord. 2016-016] [Ord. 2016-042] [Ord. 2018-002] [Ord. 2019-005] [Ord. 2020-001]*

- 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. 2016-042] [Ord. 2018-002]*

4. **Conditions**

**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.

**Notes:**

- *Stricken* indicates text to be deleted. *Stricken and italicized* means text to be totally or partially relocated.

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

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EXHIBIT K

ARTICLE 2 – APPLICATION PROCESSES AND PROCEDURES

ADMINISTRATIVE PROCESSES

(Updated 05/14/2020)

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.

Reason for amendments: [Zoning]

F. Reasonable Accommodation – [Entire language under F, Reasonable Accommodation
Relocated to Art. 2.C.8.C.1, below]

1. Purpose

The purpose of this Section is to establish procedures for processing requests for reasonable accommodation from the County’s Unified Land Development Code and related rules, policies, practices, and procedures, for persons with disabilities as provided by the Federal Fair Housing Amendments Act (42 U.S.C. 3601 et seq.) (EHA), or Title II of the Americans with Disabilities Act (42 U.S.C. 12131 et seq.) (ADA). Any person who is disabled, or qualifying entities, may request a reasonable accommodation, pursuant to the procedures set out in this Section. [Ord. 2011-016] [Ord. 2018-002] [Relocated to Art. 2.C.8.C.1, Purpose]

2. Applicability

An Applicant shall be required to apply for all applicable Development Review processes available in the ULDC prior to filing a request for reasonable accommodation, unless compliance with available Development Review processes would deprive the Applicant, or persons with disabilities served by the Applicant, of an equal opportunity to use and enjoy housing. [Ord. 2018-002] [Relocated to Art. 2.C.8.C.2, Applicability]

3. Notice to the Public of Availability of Accommodation

The County shall endeavor to provide notice to the public, advising that disabled individuals or qualifying entities may request a reasonable accommodation. [Ord. 2011-016] [Ord. 2018-002] [Relocated to Art. 2.C.8.C.3, Notice to the Public of Availability of Accommodation]

4. Application Procedures

The application forms and requirements for submitting a request for reasonable accommodation shall be on forms specified by the County Administrator or designee. [Ord. 2011-016] [Ord. 2018-002] [Relocated to Art. 2.C.8.C.4, Application Procedures]

a. Application Contents

The following considerations shall be applicable for any application information or documentation required: [Ord. 2011-016] [Ord. 2013-002] [Relocated to Art. 2.C.8.C.4.a, Application Contents]

4) Confidential Information

Upon submittal of any medical information or records, including but not limited to condition, diagnosis, or history related to a disabled individual, an Applicant may request that the County, to the extent allowed by law, treat the information or records as confidential. The County shall thereafter endeavor to provide notice to the disabled individual, or their representative, of any request received by the County for disclosure of the medical information or documentation previously requested to be treated as confidential. The County will cooperate with the disabled individual, to the extent allowed by law, in actions initiated by such individual to oppose the disclosure of such medical information or documentation, but the County shall have no obligation to initiate, prosecute, or pursue any such action, or to incur any legal or other expenses, whether by retention of outside counsel, or allocation of internal resources, in connection therewith, and may comply with any judicial order without prior notice to the disabled individual. [Ord. 2011-016] [Ord. 2018-002] [Relocated to Art. 2.C.8.C.4.a.1, Confidential Information]

2) Address of Applicant

Address of the Applicant is requested, unless governed by 42 U.S.C. § 290dd, in which case the address shall not be required, but the Applicant may be requested to provide documentation to substantiate a claim verifying applicability. [Ord. 2011-016] [Ord. 2015-006] [Ord. 2018-002] [Relocated to Art. 2.C.8.C.4.a.2, Address of Applicant]

3) Address of Housing

Address of housing or other location at which accommodation is requested unless governed by 42 U.S.C. § 290dd, in which case address shall not be required, but the Applicant may be requested to provide documentation to substantiate a claim verifying
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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 applicant 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 the request for reasonable accommodation. [Ord. 2011-016] [Ord. 2015-006] [Ord. 2018-002] [Relocated to Art. 2.C.8.C.4.e.4]

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 written notice to respond to the request for additional information. [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)]
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(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.2b]]
c) Impose conditions upon the grant of the request, or. [Ord. 2011-016] [Relocated
to Art. 2.C.8.C.4.g.2c]]
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.2d]]

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 higher
representative) by certified mail, return receipt requested. [Ord. 2011-016] [Ord. 2019-002] [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
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
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]

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2. Authority
The same Authority that granted the original DO shall render a decision on a request for abandonment. [Ord. 2019-034]

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.

4. Sequence of Submittal
An application for an abandonment may be submitted as follows: [Ord. 2019-034]

a. Concurrent Abandonment
A Concurrent Abandonment may be submitted with a separate application requesting a new DO as follows: [Ord. 2019-034]

1) Abandon previous DO approved by the DRO, for the entire DO and submit concurrently with a new DO through an Administrative Approval process; or [Ord. 2019-034]

2) Abandon previous DO approved by the DRO, for the entire DO and submit concurrently with a new DO through a Building Permit approval process. [Ord. 2019-034]

b. Standalone Abandonment
Reviewed for abandonment with no proposed use. Any future use would be subject to the requirements of the Code at time of approval. [Ord. 2019-034]

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.

5. Application Requirements
In addition to the submittal requirements pursuant to Art. 2.A.6.A. Zoning Application Requirements, the Applicant shall provide status of all DRO conditions of approval as outlined in the DRO notifications. The Applicant shall state whether these conditions are no longer applicable, implemented, or pending implementation. The Applicant must confirm that there is no reliance of other interested parties on additional performance activities related to the proposed abandonment. Staff shall determine if the conditions are satisfied, if not, staff shall notify the Applicant to coordinate with the Agency that imposed the condition, and determine the action to achieve compliance. If the Applicant is seeking a new DO, staff shall determine if the current conditions should be carried forward under the new DO request.

6. Standards
When considering an ABN application, the DRO shall utilize the Standards indicated below. A request for an ABN which fails to meet any of these Standards shall be deemed adverse to the public and shall not be approved. An application for a DO abandonment to a temporary use shall demonstrate compliance with only Art. 2.C.5.G.5.d, Changed Conditions or Circumstances. [Ord. 2019-034]

a. Consistency with the Plan
The proposed abandonment is consistent with the Plan. [Ord. 2019-034]

b. Consistency with the Code
The proposed abandonment, is not in conflict with any portion of this Code, and is consistent with the stated purpose and intent of this Code. The abandonment of a DO does not create any new nonconformities. [Ord. 2019-034]

c. Adequate Public Facilities
The proposed abandonment of the DO shall not impact the approved requirements of Art. 2.F, Concurrency (Adequate Public Facility Standards). When a non-implemented DO is abandoned, all concurrency affiliated with the DO is no longer valid. For implemented DOs, concurrency for the remainder of the non-affected area shall remain. Concurrency for any...
new uses on the subject property shall be subject to the requirements of Art. 2.F.

d. Changed Conditions or Circumstances
There are demonstrated changed site conditions or circumstances provided by the
Applicant’s Justification Statement that necessitate the abandonment. Abandonment of the
resolution approving the DO will not impact other DOs approved on the same site. There
is no reliance by other parties for additional performances, or tasks to be implemented, that
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.

Section 6.4. Conditions of Approval

A4. DRO Authority

The DRO shall have the authority to impose Conditions of Approval for administrative DOs.
Conditions of approval may be imposed to: [Ord. 2009-040] [Ord. 2018-002]
1a. Ensure compliance with Code requirements; [Ord. 2009-040]
1b. Ensure compatibility of the proposed development or use with surrounding land uses, address
the location of uses on the site to minimize potential adverse off-site impacts, and ensure on-
site safety; [Ord. 2009-040]
2a. Require the execution of a unity of title, unity of control, shared parking and other legal
documentation necessary to satisfy requirements of this Code; [Ord. 2009-040]
3a. Require road construction necessary to mitigate project impacts including but not limited to
drainage, turn lanes, sidewalks, and signalization; [Ord. 2009-040]
4a. Reduce negative impacts from agricultural uses in the urban services area on surrounding
properties including but not limited to: controlling objectionable odors, fencing, sound
limitations; inspections, reporting or monitoring preservation areas, mitigation, and/or limits of
operation; and, [Ord. 2009-040]
5a. Allow specific requirements of the Code to be waived, provided the proposed development
meets the specific requirements for a Type 1 Waiver. [Ord. 2009-040] [Ord. 2012-027]

B2. Condition Limitations

1a. Conditions imposed by the DRO shall be reasonable, not be contrary to law, limited to on-site
improvements, except for off-site road improvements or conveyances specifically attributable
to the project’s impact.
2a. Conditions shall not amend BCC or, ZC imposed conditions or affect previously approved
conditions. [Ord. 2018-002]
3c. For modifications or additions to previously approved DOs, conditions shall only be imposed to
address the specific impacts of the new use or development. [Ord. 2018-002]

4d. Conditions shall not restrict land uses otherwise permitted by the Code, unless necessary for
parking or concurrency purposes, or require payment of any fees not otherwise required.

C. Completion of Conditions

A DO with Conditions of Approval imposed by the DRO that are required to be completed prior to
a specific date, event or action, shall comply with the procedures established in Art. 2.E.3.D.
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 DO 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.

Section 7. Effect of an Issuance of a DO

A DO approved by the DRO shall have the following effect and authority: [Ord. 2009-040] [Relocated from
Art. 2.C.S.A.3, Effect of an Issuance of a DO]


Notes:
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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]

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]

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]

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,

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

Section 8 Applications Not Issuing a Development Order

A1. Zoning Confirmation Letter (ZCL)

1. Purpose
Confirmaion of information regarding a particular parcel of land, or interpretation of how the Code applies to a given parcel, may be obtained through a Formal ZCL, Site Specific, or Non-Site Specific, or through an Informal ZCL from the DRO pursuant to the procedures in this Section. The scope of the Formal or Informal ZCL shall be limited to those matters under the authority of the Executive Director of PZB pursuant to Art. 1.B.1.A, Authority. [Ord. 2018-002]

2. Types of ZCL
The request for a ZCL by an Applicant may be in form of an Informal ZCL, a Non-Site Specific Formal ZCL or a Formal ZCL. [Ord. 2018-002]

a. Informal ZCL
Any individual may request standard land use and zoning information that exists as a matter of record pertinent to a parcel of land. The response from the Zoning Division shall provide a summary of the requested information, including but not limited to FLU designation, zoning district, any prior approvals, and whether the property conforms to applicable Code requirements. The informal ZCL request may include plans or other relevant documents pertinent to the parcel of land. The Informal ZCL is not considered a final action of the Zoning Division and therefore, is not subject to appeal. [Ord. 2018-002]

b. Non-Site Specific ZCL
Any individual may request a Non-Site Specific ZCL to determine how the Code may apply in a particular zoning district, overlay, or other zoning designation. The Non-Site Specific ZCL may contain the same information contained in the Informal ZCL, but may also include a request for clarification or interpretation of Code requirements, prior approvals, or other similar matters. The Non-Site Specific ZCL is not considered a final action of the Zoning Division and therefore, is not subject to appeal. [Ord. 2018-002]

c. Formal ZCL
An owner of a parcel of land, any person with a contractual interest in a parcel of land, or any person submitting a DO application for a parcel of land, may request a Formal ZCL to determine how the Code applies to that parcel of land based on an existing DO or a specific plan to seek a DO for a particular use. The Formal ZCL may contain the same information contained in the Informal ZCL, but may also include a request for clarification or interpretation of Code requirements, existing Conditions of Approval, prior approvals or other matters pertinent to the parcel of land. A request for a Formal ZCL is subject to a mandatory PAA. A Formal ZCL is subject to appeal pursuant to Art. 2.A.14., Appeal. [Ord. 2018-002]

3. Processing
Applicants requesting an Informal or a Formal ZCL shall submit same to the DRO subject to the ZAR process. All applications are subject to sufficiency review pursuant to Art. 2.C.2., Sufficiency Review. The BCC may establish an administrative fee by Resolution for processing both Informal and Formal ZCLs. [Ord. 2018-002]

4. ZCL Response
a. Informal ZCL Response

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Within 30 days after the date of which the request is deemed sufficient for review, the DRO shall provide a response to the Applicant. [Ord. 2018-002]

b. Formal ZCL and Non-Site Specific ZCL Response

Within 60 days after the date of which the request is deemed sufficient for review, the DRO shall provide a response or render an interpretation to the Applicant. A response by the DRO may be extended, based on the complexity of the request(s). During the review, the Applicant may be required to submit additional information to assist the DRO in preparing the response. Resubmittal of information to the DRO will restart the response period. [Ord. 2018-002]

J.B. Administrative Inquiry (AI)

1. Purpose

To establish procedures for PBC Officials when submitting inquiries to the BCC asking for direction on procedural matters or to resolve an inconsistency in a Development Order. [Ord. 2011-016] [Ord. 2018-002]

2. Applicability

An inquiry is not a public hearing, but is subject to the notice requirements of Table 2.B.5.A. Notification Applicability. The decision of the BCC shall be final. [Ord. 2011-016] [Ord. 2018-002]

3. Procedures

An AI may be made by a public agency through the Zoning Director using forms and procedures established by the Zoning Division. The AI shall be placed on the BCC agenda by the Zoning Division for the date the inquiry is intended to be presented. Courtesy Notice pursuant to Art. 2.B.5. Notifications, is required for an AI applicable to a parcel for a specific inquiry or to provide development status not monitored by the provisions in Art. 2.E, Monitoring of Development 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.

C. Reasonable Accommodation [Relocated from 2.C.5.F, Reasonable Accommodation]

1. Purpose

The purpose of this Section is to establish procedures for processing requests for reasonable accommodation from the County’s Unified Land Development Code and related rules, policies, practices, and procedures, for persons with disabilities as provided by the Federal Fair Housing Amendments Act (42 U.S.C. 3601 et seq.) (FHA), or Title II of the Americans with Disabilities Act (42 U.S.C. 12131 et seq.) (ADA). Any person who is disabled, or qualifying entities, may request a reasonable accommodation, pursuant to the procedures set out in this Section. [Ord. 2011-016] [Ord. 2018-002] [Relocated from 2.C.5.F.1 Purpose]

2. Applicability

An Applicant shall be required to apply for all applicable Development Review processes available in the ULDC prior to filing a request for reasonable accommodation, unless compliance with available Development Review processes would deprive the Applicant, or persons with disabilities served by the Applicant, of an equal opportunity to use and enjoy housing. [Ord. 2015-006] [Ord. 2018-002] [Relocated from 2.C.5.F.2, Applicability]

3. Notice to the Public of Availability of Accommodation

The County shall endeavor to provide notice to the public, advising that disabled individuals or qualifying entities may request a reasonable accommodation. [Ord. 2011-016] [Ord. 2018-002] [Relocated from 2.C.5.F.3, Notice to the Public of Availability of Accommodation]

4. Application Procedures

The application forms and requirements for submitting a request for reasonable accommodation shall be on forms specified by the County Administrator or designee. [Ord. 2011-016] [Ord. 2018-002] [Relocated from 2.C.5.F.4, Application Procedures]

a. Application Contents

The following considerations shall be applicable for any application information or documentation required: [Ord. 2011-016] [Ord. 2018-002] [Relocated from 2.C.5.F.4.a, Application Contents]

1) Confidential Information

Upon submittal of any medical information or records, including but not limited to condition, diagnosis, or history related to a disabled individual, an Applicant may request that the County, to the extent allowed by law, treat the information or records

Notes:

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as confidential. The County shall thereafter endeavor to provide notice to the disabled individual, or their representative, of any request received by the County for disclosure of the medical information or documentation previously requested to be treated as confidential. The County will cooperate with the disabled individual, to the extent allowed by law, in actions initiated by such individual to oppose the disclosure of such medical information or documentation, but the County shall have no obligation to initiate, prosecute, or pursue any such action, or to incur any legal or other expenses, whether by retention of outside counsel, or allocation of internal resources in connection therewith, and may comply with any judicial order without prior notice to the disabled individual. [Ord. 2011-016] [Ord. 2018-002] [Relocated from 2.C.5.F.4.a.1), Confidential Information]

2) Address of Applicant
Address of the Applicant is requested, unless governed by 42 U.S.C. 290dd, in which case the address shall not be required, but the Applicant may be requested to provide documentation to substantiate a claim verifying applicability. [Ord. 2011-016] [Ord. 2015-006] [Ord. 2018-002] [Relocated from 2.C.5.F.4.a.2), Address of Applicant]

3) Address of Housing
Address of housing or other location at which accommodation is requested unless governed by 42 U.S.C. 290dd, in which case address shall not be required, but the Applicant may be requested to provide documentation to substantiate a claim verifying applicability. [Ord. 2011-016] [Ord. 2018-002] [Relocated from 2.C.5.F.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 from 2.C.5.F.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 from 2.C.5.F.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 from 2.C.5.F.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 from 2.C.5.F.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 from 2.C.5.F.4.e.1)]

2) a record of having such impairment; or, [Ord. 2011-016] [Ord. 2018-002] [Relocated from 2.C.5.F.4.e.2)]

3) that they are regarded as having such impairment. [Ord. 2011-016] [Ord. 2018-002] [Relocated from 2.C.5.F.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 from 2.C.5.F.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
ARTICLE 2 – APPLICATION PROCESSES AND PROCEDURES

ADMINISTRATIVE PROCESSES

(Updated 05/14/2020)


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.1a)]

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.1b)]

(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.1b)]

(2) If the Applicant fails to provide the requested additional information within the 15-day period, a written 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.1b)]

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.2a)]

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.2b)]

c) impose conditions upon the grant of the request; or. [Ord. 2011-016] [Ord. 2018-002] [Relocated from 2.C.5.F.4.g.2c)]

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.2d)]

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]

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.
ARTICLE 2 – APPLICATION PROCESSES AND PROCEDURES

ADMINISTRATIVE PROCESSES

(Updated 05/14/2020)

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 from 2.C.5.F.4.k, Change of Owner/Operator]

Part 3. ULDC Art. 1.H, Definitions and Acronyms (page 75 and 107 of 111, Supplement 27), is hereby amended as follows:

<table>
<thead>
<tr>
<th>Reason for amendments: [Zoning]</th>
</tr>
</thead>
<tbody>
<tr>
<td>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.</td>
</tr>
<tr>
<td>2. Delete Expedited DRO Applications (EDA) from the acronym list as it is no longer used in the Code.</td>
</tr>
</tbody>
</table>

CHAPTER H DEFINITIONS AND ACRONYMS

Section 2 Definitions

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

19. Original Final DRO – For the purposes of Art. 2, Application Processes and Procedures, the first approved plan by the DRO following the BCC or ZC hearing.

[Renumber Accordingly]

Section 3 Abbreviations and Acronyms

EDA Expedited DRO Applications [Ord. 2007-013]
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.

<table>
<thead>
<tr>
<th>ULDC ARTICLE</th>
<th>TITLE OF ARTICLE</th>
<th>PROPOSED REVISIONS OF CODE SECTIONS BY APPLICANT</th>
</tr>
</thead>
</table>
| Art. 3.C     | Overlays and Zoning Districts | • 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.1c) 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. 3.E     |                           |                                                  |
| Art. 7      | Landscaping             | • 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 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.
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 1984. 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 49,090 26,640 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.
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 facilities and uses, remain on site must be owned by 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 beds, and a 40,00028,640 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:

<table>
<thead>
<tr>
<th>Reason for amendments:</th>
<th>[PIA]</th>
</tr>
</thead>
<tbody>
<tr>
<td>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.</td>
<td></td>
</tr>
<tr>
<td>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.</td>
<td></td>
</tr>
</tbody>
</table>

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.C.5.B, Administrative Modifications to Prior DOs, 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. [Ord. 2017-002]

   2) Exception from Development Thresholds

         The 87.28-acre Faith Farm Ministries development shall be exempt from Table 4.A.9.B, Thresholds for Projects Requiring Board of County Commission Approval. [Ord. 2017-002]

   3) Split Zoning

         Split zoning of a Legal Lot of Record wherein a portion of the property is zoned IPF, in part, and AGR-PUD Preserve Area, in part, is permitted in accordance with FLUE Policy 1.5-t and Art. 3.E.2.F.3.c.1)c), Split Zoning. No buffer shall be required between land zoned IPF and AGR-PUD Preserve Area, provided both split zoned areas are owned by Faith Farm Ministries or another single non-profit entity whose primary mission is residential treatment and recovery program.

   ....
CHAPTER E PLANNED DEVELOPMENT DISTRICTS

Section 2 Planned Unit Development (PUD)

F. AGR-PUD

3. Preserve Area

A Preserve Area is intended to support Bona Fide Agriculture uses, wetlands, or other significant open space. Adjacent residential development in the PUD should be designed to be compatible with a Preserve Area and shall not detract from its operation or function. [Ord. 2015-047]

a. Location and Access

A Preserve Area may be situated anywhere in the AGR Tier on a legal lot of record with an AGR FLU designation, provided it is accessible by a street. [Ord. 2015-047] [Ord. 2017-002]

b. Uses

Uses allowed in a Preserve Area are indicated in the Use Matrices contained in Art. 4, Use Regulations, and where specified by the Preserve Management Plan as approved by ERM. [Ord. 2006-004] [Ord. 2012-027] [Ord. 2015-047] [Ord. 2017-002] [Ord. 2017-007]

c. Configuration

1) Property Development Regulations

A Preserve Area and any remaining portion of a lot used to create a Preserve Area shall meet the minimum PDRs for the AGR district, inclusive of Table 3.D.1.A. Property Development Regulations (PDRs), with exception to the following: [Ord. 2006-004] [Ord. 2017-002]

a) General Exceptions

The minimum width of an AGR-PUD Preserve Area may be reduced as follows: [Ord. 2017-002]

(1) 100 feet for a Rural Parkway, as defined in the Plan; or [Ord. 2006-004] [Ord. 2015-047] [Ord. 2017-002]

(2) for an equestrian use that meanders through a 60/40 Development Area; or [Ord. 2006-004] [Ord. 2015-047] [Ord. 2017-007]

b) Non-Conforming Legal Lot of Record

A Legal Lot of Record that does not meet the minimum acreage or dimensions of the AGR district may be used as a Preserve Area if in compliance with all other requirements of this Section; or, [Ord. 2006-004] [Ord. 2017-002]

c) Split Zoning

(1) In cases of split zoning, where a Legal Lot of Record is partially zoned AGR and AGR-PUD Preserve Area where permitted in accordance with FLUE Policy 1.5.1-I, the following shall apply: [Ord. 2017-002]

(4a) Subdivision shall be prohibited unless each newly subdivided parcel meets the minimum PDRs for the AGR district; [Ord. 2017-002]

(4b) The Preserve Area shall be configured in one reasonably compact contiguous location within the subject parcel; [Ord. 2017-002]

(4c) That portion of the lot not designated as a Preserve Area, shall be configured as one reasonably compact and contiguous area; [Ord. 2017-002]

(4d) Access to either zoning district may be through the designated Preserve Area on the subject parcel, or vice-versa. [Ord. 2017-002]

(4e) Where applicable, setbacks shall be measured from the perimeter of the subject parcel, unless stated otherwise herein; and, [Ord. 2017-002]

(4f) A Farm Residence and all accessory structures accessory to the Farm Residence, excluding fences or walls, shall be set back a minimum of five feet from an AGR-PUD Preserve Area located on the same lot. [Ord. 2017-002]

(2) In cases of split zoning, where a Legal Lot of Record is partially zoned IPF and AGR-PUD Preserve Area where permitted in accordance with FLUE Policy 1.5.1-I, the following shall apply:

(a) Subdivision shall be prohibited unless each newly subdivided parcel meets the minimum PDRs for the IPF or AGR district;

(b) The Preserve Area shall be configured in one reasonably compact contiguous location within the subject parcel;

(c) That portion of the lot not designated as a Preserve Area, shall be configured as one reasonably compact and contiguous area;

(d) Access to either zoning district may be through the designated Preserve Area on the subject parcel, or vice-versa;

(e) Where applicable, setbacks shall be measured from the perimeter of the subject parcel, unless otherwise stated herein; and,

(f) All structures and accessory structures within the IPF portion of the lot, excluding fences or walls, shall be set back a minimum of five feet from an AGR-PUD Preserve Area located on the same lot.
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:

<table>
<thead>
<tr>
<th>Reason for amendments:</th>
<th>[PIA]</th>
</tr>
</thead>
<tbody>
<tr>
<td>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.</td>
<td></td>
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</tbody>
</table>

CHAPTER C LANDSCAPE BUFFER AND INTERIOR LANDSCAPE REQUIREMENTS

Section 2 Types of Landscape Buffer

There are three types of landscape buffers: Right-of-Way (R-O-W); Compatibility; and, Incompatibility Buffers.

Landscape requirements for each type of buffer shall be provided in accordance with the following standards, unless stated otherwise herein. [Ord. 2018-002]

C. Incompatibility Buffer

An Incompatibility Buffer shall consist of Canopy trees, palms or pines, and rows of shrubs. Palms or pines may be used as a substitute for trees. In addition, an Incompatibility Buffer shall consist of a continuous, opaque landscape barrier. [Ord. 2009-040] [Ord. 2016-016] [Ord. 2018-002]

4. AGR-PUD Landscape Buffer

a. A Type 3 Incompatibility Buffer shall be required between the Development Area and all adjacent properties zoned AGR, AP, SA, or AR, including Preservation Areas. The buffer shall be a minimum of 50 feet in width and a wall shall not be required. [Ord. 2006-004] [Ord. 2008-003] [Ord. 2018-002]

1. Buffer Width Reduction

The minimum 50-foot buffer width required along the perimeter of an AGR-PUD Development Area may be reduced for the following: [Ord. 2013-001] [Ord. 2018-002]

4a) Abutting R-O-W, Open Space, or Another Buffer

A 50 percent reduction (minimum of 25 feet in width) shall be permitted if: [Ord. 2013-001] [Ord. 2018-002]

a) The buffer is within a non-residential pod and adjacent to a R-O-W greater than 50 feet in width. [Ord. 2018-002]

b) The buffer is adjacent to another platted PUD buffer a minimum of 20 feet in width; or, [Ord. 2018-002]

c) The buffer is adjacent to open space (e.g. lake, canal, etc.) greater than 50 feet in width. [Ord. 2018-002]

4b) Abutting a Rural Parkway

A reduction to a minimum of 15 feet in width shall be permitted if the buffer is abutting a Rural Parkway a minimum of 100 feet in width. [Ord. 2013-001] [Ord. 2018-002]

b. A Lot with Split Zoning of IPF and AGR-PUD

No landscape buffer shall be required between the portion of the lot zoned IPF and AGR-PUD Zoning Districts, provided both areas are owned by Faith Farm Ministries or another single non-profit entity whose primary mission is residential treatment and recovery program.
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 Behl, 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

County Administrator
Verdenia C. Baker

“An Equal Opportunity
Affirmative Action Employer”

Official Electronic Letterhead
Part 1. ULDC Art. 2.C.5.D.3, Variance Request Limitations (page 50 of 101, Supplement 26), is 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.

CHAPTER C ADMINISTRATIVE PROCESSES

Section 5 Types of Applications

D. Type 1 Variance

3. Variance Request Limitations

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 With Three Units or Less

1) Reductions or increases of PDRs greater than five percent of the minimum or maximum requirement. Reduction or increase of PDRs less than or equal to five percent of the minimum or maximum shall be processed in accordance with Art. 2.C.5.E., Type 1 Waiver. [Ord. 2006-036] [Ord. 2008-003] [Ord. 2012-003] [Ord. 2018-002]

b. Accessory Uses and Structures

2) Relief from Art. 5.B.1.A, Accessory Uses and Structures as follows: General; Fences, and 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]


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]

be. Non-Residential Projects

1) Setback reduction greater than five percent but not exceeding 15 percent of the minimum requirement. [Ord. 2008-003] [Ord. 2018-002]

2) Reduction in the number of parking spaces not exceeding 15 percent of the minimum requirement for those parcels that do not meet the criteria pursuant to Art. 6.C.1.A.1.a. Reduce Required Parking. [Ord. 2006-036] [Ord. 2008-003] [Ord. 2018-002]

3) Relief from Art. 5.B.1.A, Accessory Uses and Structures as follows: General, Fences, Walls, and Hedges; Outdoor Storage; Outdoor Display; Entry Features; Fuel, Gas, or Chemical Storage Tanks; Dumpsters; Neighborhood Recreation Facility; Outdoor Recreation Amenities; Screen Enclosures; and, Permanent Generators. [Ord. 2008-003] [Ord. 2013-001] [Ord. 2018-002]

c. Permanent Generators on SFD and ZLL Lots

A Variance may be requested to reduce the minimum front and/or side setback requirements for permanent generators proposed on SFD or ZLL lots, provided that the generator complies with all other applicable ULDC requirements. [Ord. 2007-001] [Ord. 2018-002]
EXHIBIT M

ARTICLE 2 – APPLICATION PROCESSES AND PROCEDURES
RESIDENTIAL TYPE 1 VARIANCES

CR-2019-0025
(Updated 02/14/20)

Part 2. ULDC Art. 2.B.7.E.3.a.1, Zoning Type 2 Variance (page 37 of 101, Supplement 26), is hereby amended as follows:

<table>
<thead>
<tr>
<th>Reason for amendments: [Zoning]</th>
</tr>
</thead>
<tbody>
<tr>
<td>1. Remove duplicative and redundant language, and default to referencing Type 1 Variance applicability below the Type 2 Variance threshold.</td>
</tr>
</tbody>
</table>

CHAPTER B  PUBLIC HEARING PROCESSES

Section 7  Types of Applications

E. Type 2 Variance

3. Type 2 Variance Applications

a. Zoning Type 2 Variance (ZV)

The ZV shall only apply to the following applications requesting variances that exceed the request limitations of Art. 2 C.5.D. Type 1 Variance. [Ord. 2018-002]

1) requesting variances that exceed 15 percent of a required standard or Property Development Regulations for residential lots of three units or less; and [Ord. 2009-040] [Ord. 2011-001] [Ord. 2012-003] [Ord. 2018-002]


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