

AN ORDINANCE OF THE BOARD OF COUNTY COMMISSIONERS OF PALM BEACH COUNTY, FLORIDA, AMENDING THE UNIFIED LAND DEVELOPMENT CODE, ORDINANCE 2003-067, AS AMENDED, AS FOLLOWS: **ARTICLE 1 – GENERAL PROVISIONS:** CHAPTER C, RULES OF CONSTRUCTION AND MEASUREMENT; CHAPTER F, NONCONFORMITIES; CHAPTER G, EMINENT DOMAIN; CHAPTER I, DEFINITIONS & ACRONYMS; **ARTICLE 2 – DEVELOPMENT REVIEW PROCEDURES:** CHAPTER A, GENERAL; CHAPTER B, PUBLIC HEARING PROCESS; CHAPTER C, FLU PLAN AMENDMENTS; CHAPTER D, ADMINISTRATIVE PROCESS; CHAPTER F, CONCURRENCY (ADEQUATE PUBLIC FACILITY STANDARD); CHAPTER G, DECISION MAKING BODIES; **ARTICLE 3 – OVERLAYS AND ZONING DISTRICTS:** CHAPTER B, OVERLAYS; CHAPTER C, STANDARD DISTRICTS; CHAPTER D, PROPERTY DEVELOPMENT REGULATIONS (PDRs); CHAPTER E, PLANNED DEVELOPMENT DISTRICTS (PDDs); CHAPTER F, TRADITIONAL DEVELOPMENT DISTRICTS (TDD's); **ARTICLE 4 – USE REGULATIONS:** CHAPTER A, USER GUIDE AND GENERAL PROVISIONS; CHAPTER B, SUPPLEMENTARY USE STANDARDS; **ARTICLE 5 – SUPPLEMENTARY STANDARDS:** CHAPTER B, ACCESSORY AND TEMPORARY USES; CHAPTER C, DESIGN STANDARDS; CHAPTER D, PARKS AND RECREATION – RULES AND RECREATION STANDARDS; CHAPTER E, PERFORMANCE STANDARDS; **ARTICLE 6 – PARKING:** CHAPTER A, PARKING; **ARTICLE 7 – LANDSCAPING:** CHAPTER A: GENERAL; CHAPTER B, APPROVAL PROCESS AND APPLICABILITY; CHAPTER C, MGTS TIER COMPLIANCE; CHAPTER D, GENERAL STANDARDS; CHAPTER E, REVIEW, INSTALLATION AND MAINTENANCE; CHAPTER F, PERIMETER BUFFER LANDSCAPE REQUIREMENTS; CHAPTER G, OFF-STREET PARKING REQUIREMENTS; CHAPTER H, ENFORCEMENT; **ARTICLE 8 – SIGNAGE:** CHAPTER A, GENERAL; CHAPTER B, EXEMPTIONS; CHAPTER C, PROHIBITIONS; CHAPTER D, TEMPORARY SIGNS REQUIRING SPECIAL PERMIT; CHAPTER F, GENERAL PROVISIONS FOR ALL SIGN TYPES; CHAPTER G, STANDARDS FOR SPECIFIC SIGN TYPES; CHAPTER H, OFF-SITE SIGNS; **PROVIDING FOR:** INTERPRETATION OF CAPTIONS; REPEAL OF LAWS IN CONFLICT; SEVERABILITY; A SAVINGS CLAUSE; INCLUSION IN THE UNIFIED LAND DEVELOPMENT CODE; AND, AN EFFECTIVE DATE.

WHEREAS, Section 163.3202, Florida Statutes, mandates the County compile Land Development Regulations consistent with its Comprehensive Plan into a single Land Development Code; and

WHEREAS, pursuant to this statute the Palm Beach County Board of County Commissioners (BCC) adopted the Unified Land Development Code (ULDC), Ordinance 2003-067, as amended from time to time; and

WHEREAS, the BCC has determined that the proposed amendments further a legitimate public purpose; and

WHEREAS, the Land Development Regulation Commission has found these amendments to the ULDC to be consistent with the Palm Beach County Comprehensive Plan; and

WHEREAS, the BCC hereby elects to conduct its public hearings on this Ordinance at 9:30 a.m.; and

WHEREAS, the BCC has conducted public hearings to consider these amendments to the ULDC in a manner consistent with the requirements set forth in Section 125.66, Florida Statutes.

NOW, THEREFORE, BE IT ORDAINED BY THE BOARD OF COUNTY COMMISSIONERS OF PALM BEACH COUNTY, FLORIDA, as follows:

1 **Section 1. Adoption**

2 The amendments set forth in Exhibits listed below, attached hereto and made a part
3 hereof, are hereby adopted.

- 4 ▪ Exhibit A - Art. 1.C.4, Measurement [Related to Rules of Construction]
- 5 ▪ Exhibit B - Art. 2, Development Review Procedures
- 6 ▪ Exhibit C - Art. 3.B.14, Westgate Community Redevelopment Area Overlay (WCRAO)
- 7 ▪ Exhibit D - Art. 3.E.1.E.1.c, Housing Classification Type
- 8 ▪ Exhibit E - Art. 3, Overlays and Zoning Districts [Related to Requested Uses]
- 9 ▪ Exhibit F - Art. 4, Use Regulations [Related to SSSF and Gas and Fuel Wholesale]
- 10 ▪ Exhibit G - Art. 5.B.1.A.8, Dumpsters
- 11 ▪ Exhibit H - Art. 5.B.1.A, Accessory Uses and Structures [Related to Government Owned
12 Towers]
- 13 ▪ Exhibit I - Art. 5.C.1.H Guidelines Related to Architectural Guidelines
- 14 ▪ Exhibit J - Art. 7, Landscaping
- 15 ▪ Exhibit K - Art. 8, Signage [Related to Temporary Signs]
- 16 ▪ Exhibit L - Art. 8.G.3.B, Electronic Message Signs

17 **Section 2. Interpretation of Captions**

18 All headings of articles, sections, paragraphs, and sub-paragraphs used in this Ordinance
19 are intended for the convenience of usage only and have no effect on interpretation.
20

21

22 **Section 3. Repeal of Laws in Conflict**

23 All local laws and ordinances in conflict with any provisions of this Ordinance are hereby
24 repealed to the extent of such conflict.

25

26 **Section 4. Severability**

27 If any section, paragraph, sentence, clause, phrase, word, map, diagram, or any other
28 item contained in this Ordinance is for any reason held by the Court to be unconstitutional,
29 inoperative, void, or otherwise invalid, such holding shall not affect the remainder of this
30 Ordinance.

31

32 **Section 5. Savings Clause**

33 All development orders, permits, enforcement orders, ongoing enforcement actions, and
34 all other actions of the Board of County Commissioners, the Zoning Commission, the
35 Development Review Officer, Enforcement Boards, all other County decision-making and
36 advisory boards, Special Masters, Hearing Officers, and all other County officials, issued pursuant
37 to the regulations and procedures established prior to the effective date of this Ordinance shall
38 remain in full force and effect.

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Section 6. Inclusion in the Unified Land Development Code


The provisions of this Ordinance shall be codified in the Unified Land Development Code and may be reorganized, renumbered or re-lettered to effectuate the codification of this Ordinance.

Section 7. Providing for an Effective Date

The provisions of this Ordinance shall become effective upon filing with the Department of State.

APPROVED and ADOPTED by the Board of County Commissioners of Palm Beach County, Florida, on this the 25th day of January, 2018.


SHARON R. BOCK, CLERK &
COMPTROLLER

By: 
Deputy Clerk

PALM BEACH COUNTY, FLORIDA, BY
ITS BOARD OF COUNTY
COMMISSIONERS

By: 
Melissa McKinlay, Mayor

APPROVED AS TO FORM AND
LEGAL SUFFICIENCY

By: 
County Attorney

EFFECTIVE DATE: Filed with the Department of State on the 1st day of February, 2018.

EXHIBIT A

ARTICLE 1.C.4 – MEASUREMENT
[RELATED TO RULES OF CONSTRUCTION]
SUPPLEMENTARY STANDARDS
SUMMARY OF AMENDMENTS

Part 1. ULDC Art. 1.C.4, Measurement (page 13 of 110), is hereby amended as follows:

CHAPTER C RULES OF CONSTRUCTION AND MEASUREMENT

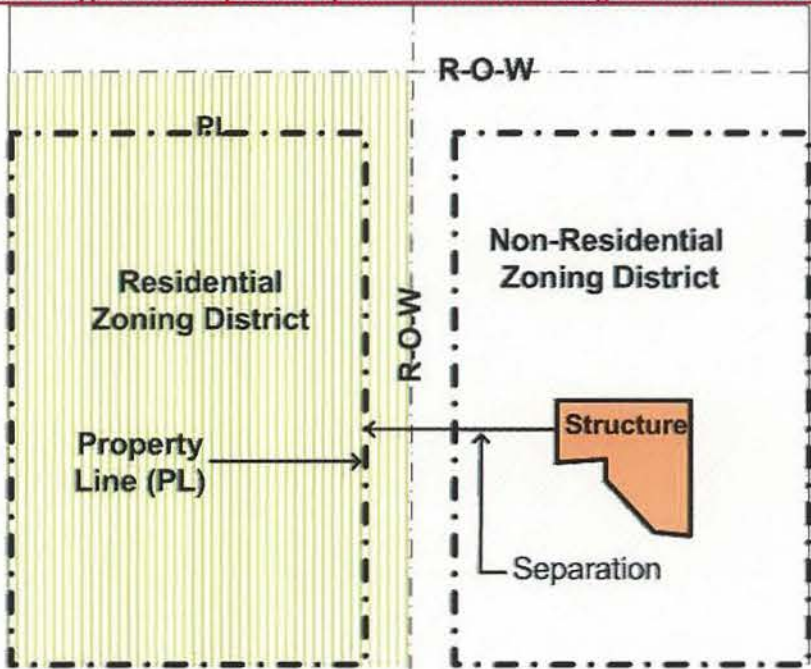
Section 4 Measurement

....

G. Separation from a Zoning District or FLU Designation

When adjacent parcels, located in different zoning districts or FLU designations, and are separated by a R-O-W, the required separation distance shall be measured by drawing a straight line from the closest point of the applicable structure to the closest point of the adjacent property line across the R-O-W.

Figure 1.C.4.G- Typical Example of Separation from a Zoning District or FLU Designation



[Renumber Accordingly]

Notes:

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EXHIBIT B

ARTICLE 2, DEVELOPMENT REVIEW PROCEDURES SUMMARY OF AMENDMENTS

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

ARTICLE 2

DEVELOPMENT REVIEW PROCEDURES APPLICATION PROCESSES AND PROCEDURES

CHAPTER A GENERAL

Section 1 Purpose

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

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

Section 12 **Applicability Zoning Applications**

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

A. Applicability

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

B. Definitions

See Art. 1.I, Definitions and Acronyms.

~~C. Established Dates and Fees~~

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

DC. Authority Application Types and Authorities

1. Processes

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

a1. Board of County Commissioners (BCC)

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

- ~~1) Official Zoning Map Amendment (Rezoning); [Relocated to the table below]~~
- ~~2) Class A conditional use; [Relocated to the table below]~~
- ~~3) Requested use;~~
- ~~4) Development Order Amendment (DOA); [Relocated to the table below]~~
- ~~5) Abandonment; [Ord. 2007-013] [Ord. 2008-003] [Relocated to the table below]~~
- ~~6) Status Report; [Ord. 2007-013] [Ord. 2008-003] [Relocated to the table below]~~
- ~~7) Deviation(s) from Articles 5, 6, and 7 of the ULDC for development supporting Government Facilities within the PO Zoning District; [Ord. 2007-013] [Ord. 2008-003] [Ord. 2017-007] [Relocated to the table below]~~
- ~~8) Type II Waivers, or other waivers as may be expressly stated; [Ord. 2008-003] [Ord. 2009-040] [Ord. 2012-027] [Relocated to the table below]~~

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EXHIBIT B

ARTICLE 2, DEVELOPMENT REVIEW PROCEDURES
SUMMARY OF AMENDMENTS

- 9) ~~Unique Structures; and [Ord. 2008-003] [Ord. 2009-040]~~ [Relocated to the table below, under the notes]
10) ~~Deviations from separation requirements for Homeless Resource Centers in the PO Zoning District, pursuant to Art. 4.B.4.C.10, Homeless Resource Center. [Ord. 2009-040] [Ord. 2017-007]~~ [Relocated to the table below]

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

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

b2. Zoning Commission (ZC)

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

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

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EXHIBIT B

ARTICLE 2, DEVELOPMENT REVIEW PROCEDURES
SUMMARY OF AMENDMENTS

- ~~i) Art. 5.D, Parks and Recreation – Rules and Recreation Standards; [Relocated to Art. 2.B.6.F.2.i, related to Type 2 Variance Prohibitions]~~
~~j) Art. 5.F, Legal Documents (excluding provisions in Art. 5.F.2, Easements); [Relocated to Art. 2.B.6.F.2.j, related to Type 2 Variance Prohibitions]~~
~~k) Art. 5.G, Density Bonus Programs; [Relocated to Art. 2.B.6.F.2.k, related to Type 2 Variance Prohibitions]~~
~~l) Art. 8.G.3.B, Electronic Message Signs [Ord. 2016-020] [Relocated to Art. 2.B.6.F.2.l, related to Type 2 Variance Prohibitions]~~
~~m) Art. 13, Impact Fees; [Relocated to Art. 2.B.6.F.2.m, related to Type 2 Variance Prohibitions]~~
~~n) Art. 14, Environmental Standards; [Relocated to Art. 2.B.6.F.2.n, related to Type 2 Variance Prohibitions]~~
~~o) Art. 15, Health Regulations; [Relocated to Art. 2.B.6.F.2.o, related to Type 2 Variance Prohibitions]~~
~~p) Art. 16, Airport Regulations, and, [Ord. 2017-025] [Relocated to Art. 2.B.6.F.2.o, related to Type 2 Variance Prohibitions]~~
~~q) Art. 2.G, Decision-Making Bodies;~~
~~6) Unique Structures. [Ord. 2008-003]~~

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

| Quasi-Judicial | |
|---|---|
| Class B Conditional Use | |
| DOA for a prior approved Class B Conditional Use | |
| ABN for a prior DO approved by the ZC | |
| Type 2 Variance (1) | |
| Status Report for a prior DO approved by the ZC (2) | |
| Unique Structure | |
| Corrective Resolution for a prior DO approved by the ZC | |
| Release of Unity (2) | |
| Notes: | |
| 1. | Refer to Art. 2.B.6.E, Type 2 Variance for specific provisions where it indicate that the ZC is not authorized to grant variances from Code regulations with prohibited provisions. |
| 2. | This is not considered as quasi-judicial; however it is subject to the Public Hearing process. |

63. Development Review Officer (DRO)

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

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

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

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

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EXHIBIT B

ARTICLE 2, DEVELOPMENT REVIEW PROCEDURES SUMMARY OF AMENDMENTS

~~d. Zoning Director~~

~~The Zoning Director, in accordance with the procedures, standards and limitations of this Article, shall approve, approve with conditions, withdraw, deny or revoke the following types of development order applications: [Ord. 2006-036]~~

- ~~1) Special Permit;~~
- ~~2) Administrative Variances (Type 1A and Type 1B) except when Code regulations include prohibited provisions; [Ord. 2006-036] [Ord. 2014-001]~~
- ~~3) Alternative Sign Plan (ASP); and~~
- ~~4) Administrative Development Order Abandonment.~~

Section 3 Initiation of Applications

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

A. Established Dates and Fees for Zoning Division Applications

1. The Zoning Director shall publish an Annual Zoning Calendar, as may be amended, providing dates and deadlines for the following:
 - a. Submittal of application by the Applicant;
 - b. Resubmittal by the Applicant;
 - c. Issues and Comments identified by Staff;
 - d. Certification of an application for Public Hearings; and
 - e. Hearing dates.
2. All other dates and deadlines for the application processes shall be specified in the Code. If there is a conflict in the dates between the Code and the Calendar, the Code shall prevail.
3. Applications that are submitted to the Zoning Division shall be accompanied by a fee established by the BCC. All fees shall be paid at the time of the submittal of the applications.
4. Any request for a refund of fees shall be in writing, based on the current PZB Refund Policy, and subject to approval by the Zoning Director.

Section 4 Concurrent or Separate Applications

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

A. Land Use Amendments

~~If a small scale land use amendment requires a Rezoning, Conditional Use, DOA or ABN application, the applications shall be reviewed and considered by the BCC concurrently. The Applicant shall submit a master plan and/or site plan as part of the zoning application. The zoning application shall be submitted on the date indicated on the Annual Zoning Calendar within 45 calendar days of receipt of the land use amendment application. An application for a Type II variance may be submitted concurrently or separately. Applications that are contingent upon the approval of variances must be submitted separately. The applicant shall submit a master plan and/or site plan as part of the zoning application. The zoning application shall be submitted at a scheduled zoning application intake within 90 days of receipt of the land use amendment application. If a complete zoning application is not submitted, the land use amendment shall be administratively withdrawn. [Ord. 2006-036] [Ord. 2009-040] [Ord. 2017-007] [Partially relocated from Art. 2.A.1.H.1, Small Scale Amendments]~~

B. Zoning Applications

~~Applications for development orders DOs on the same property may be consolidated for review, subject to the approval by the Zoning Director. When applications for development orders DOs are consolidated, the review period shall not be less than the timeframe established for the application with the longest review period. [Relocated from Art. 2.A.1.H.2, Zoning Applications]~~

C. Type 2 Waivers and Type 2 Variances

~~An application for a Type 2 Waiver or a Type 2 Variance may be submitted concurrently or separately subject to the approval of the Zoning Director. Applications that are contingent upon the approval of variances must be submitted separately. [Relocated from Art. 2.A.1.H.1, Small Scale Amendment]~~

D. Type 2 or 3 Concurrent Review

Concurrent Review allows an Applicant to submit applications to different County Agencies for simultaneous review. The Final Zoning Plans may be approved concurrently with the approval of other Division or Department applications.

1. Types of Concurrent Review

There are two types of Concurrent Review based on the following:

a. Type 2 Concurrent Review

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EXHIBIT B

ARTICLE 2, DEVELOPMENT REVIEW PROCEDURES SUMMARY OF AMENDMENTS

- 1) Zoning Division for Final Plan Approval and Land Development Division for Plat Review; or
- 2) Zoning Division for Final Plan Approval and Building Division for Permit Review.
- b. **Type 3 Concurrent Review**
Zoning Division for Final Plan Approval; Land Development Division for Plat Review; and Building Division for Permit 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 to submit the Concurrent Review application to the DRO.

3. **Submittal to Other Agencies**

Within ten days of submittal of the Concurrent Review Final Plan application to the DRO, the Applicant shall submit the Concurrent Review Plat application(s) to the Land Development Division or the Permit application(s) to the Building Division, based on the type of Concurrent Review.

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

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

Table 2.A.5 - PAC and PAA

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

AE. Pre-Application Conference (PAC)

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

1. **Plan Review Applicant's Request and Responsibility**

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

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

2. **Sufficiency and Insufficiency**

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

3. **Additional IRO and PRA Requirements**

a. **Preliminary PAC Application**

The ~~preliminary PAC~~ application shall identify and document any proposed ~~Type I or Type II Variances or~~ Waivers; and include any previous BCC conditions of approval, if applicable. [Ord. 2010-005] [Ord. 2012-027]

b. **Conceptual Site Plan**

The ~~conceptual site plan~~ Conceptual Plan shall be prepared in compliance with the applicable type of Plans pursuant to the Zoning Technical Manual, Title 2, Plans. The plan

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EXHIBIT B

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shall indicate and delineate the applicable items listed in the Table below for PAC: [Ord. 2010-005]

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

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

4. Review Summary

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

B. Pre-Application Appointment (PAA)

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

1. Applicant's Request and Responsibility

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

F. Initiation of Development Review Process

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

Section 6 Zoning Application Procedures

G. Application Procedures

1. General

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

2A. Zoning Application Requirements

The application form and requirements for a development order, approved through the Public Hearing or the administrative process, Applications shall be submitted in a manner and forms established by the Zoning Division specified by the PBC official responsible for reviewing the application unless otherwise stated herein. The applicant shall also provide additional application requirements specific to a zoning district, use, or process that are referenced in the applicable sections of the ULDC. The general requirements for all applications are outlined in the Zoning

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~~Technical Manual, which is published and periodically updated by the Zoning Division.~~ [Ord. 2005-041] [Ord. 2009-040]

1. Justification Statement

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

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

3B. Plan Requirements

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

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

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

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

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

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

d3. Master Plan

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

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

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

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

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

b) IR, UC or UI District Requirements

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

e2) Lion Country Safari

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

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

For applications with a PMP, the ~~applicant~~ Applicant shall submit a FMP for final review and approval by to the DRO for finalization of the BCC or ZC approved DO(s). The FMP shall be prepared consistent with the BCC or ZC approved PMP, and all modifications shall be approved by the BCC or ZC unless the proposed changes are required to meet ~~e~~

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Conditions of ~~a~~Approval or are in accordance with the ULDC, whichever is more restrictive.
[Ord. 2009-040]

e4. Site Plan

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

1)a. Preliminary Site Plan (PSP)

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

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

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

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

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

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

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

f5. Subdivision Plan

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

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

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

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

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

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

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

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

4)d. Exception

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

g6. Regulating Plans - Optional

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

1)a. Thresholds

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

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- 1 a1) The Applicant may choose to provide design details to demonstrate the intent of the
2 requests or the requests are in compliance with the Standards of the Code; [Ord. 2017-
3 002]
- 4 b2) Staff may recommend the submittal of the Regulating Plans due to the size and
5 complexity of the application and site design; or, [Ord. 2017-002]
- 6 e3) By a ZC or BCC Condition of Approval. [Ord. 2017-002]
- 7 **2)b. Submittal Requirements**
- 8 If submitted, the Plans shall be prepared in accordance with the Submittal Requirements,
9 and consistent with the format and naming requirements pursuant to the Zoning Technical
10 Manual. Regulating Plans shall be drawn to scale or labeled with notes, specifications and
11 dimension, and shall include where applicable, the following: [Ord. 2017-002]
- 12 a1) Street cross sections, including sidewalks, bike lanes, street trees, on street parking
13 and lighting; [Ord. 2009-040] [Ord. 2017-002]
- 14 b2) Typical lot layouts for each housing type, including building envelope, screen
15 enclosure/pool setbacks, and driveway access; [Ord. 2009-040] [Ord. 2017-002]
- 16 e3) Landscape buffer and interior landscaping details (plan view and cross section); [Ord.
17 2009-040] [Ord. 2017-002]
- 18 d) ~~Median landscape detail; [Ord. 2009-040] [Ord. 2017-002]~~
- 19 e4) Pedestrian circulation ~~plan~~ in accordance with Art. 3.E, Planned Development Districts
20 (PDDS); [Ord. 2009-040] [Ord. 2017-002]
- 21 f5) Phasing pursuant to Art. 2.E, Monitoring; [Ord. 2009-040] [Ord. 2010-005] [Ord. 2017-
22 002]
- 23 g6) Screening details; and [Ord. 2009-040] [Ord. 2017-002]
- 24 h7) Neighborhood parks. [Ord. 2009-040] [Ord. 2017-002]
- 25 **c. Other Plans**
- 26 All other plans, including but not limited to: Phasing, Pedestrian or Vehicular Circulation,
27 shall be submitted as Regulating Plans and label with the applicable name specifying the
28 nature of the plan(s). Refer to the Zoning Technical Manual for examples.
- 29 **h7. Landscape Related Plans**
- 30 Article 7, Landscaping, identifies different types of landscape related plans that are
31 administered by the Zoning Division reviewed by the DRO for a final decision: Planting Plan,
32 Landscape Plan, and Alternative Landscape Plan (ALP). All Plans shall be prepared consistent
33 with the approved Master, Site or Subdivision Plan. Application requirements, labeling of Plans,
34 and approval procedures for the Landscape related Plans shall be consistent, where
35 applicable, with ~~Article 2.A.1.G.3, Art. 2.A.6.B, Plan Requirements; and Article 2.A.1.G.3.g,~~
36 Regulating Plans, and the Zoning Technical Manual, and Article 7, LANDSCAPING. All types
37 of Landscape Plans shall be submitted at Building Permit, unless it is required to be submitted
38 at ~~Final DRO Final Approval by the DRO~~ through a Condition of Approval. The following Table
39 summarizes the different types of Plans, applicability, and approval authority. [Ord. 2009-040]
40 [Ord. 2016-042]

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

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

[Ord. 2016-042]

Notes:

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

i8. Sign Plans

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

a. Thresholds

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

4Section 7 Sufficiency Review

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

a. Sufficiency

~~If the application is determined to be sufficient, it shall be reviewed by the appropriate PBC official pursuant to the procedures and standards of this Article. The application shall then be placed on the next available agenda consistent with the established dates published in the Annual Zoning Calendar, or proceed to the next subsequent step in the development review process. The agenda shall be made available to the public no less than five days~~

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~~prior to the applicable hearing or review date. [Ord. 2005-041] [Relocated to Art. 2.B.2, Sufficiency Review, and Art. 2.C.2, Sufficiency Review]~~

~~b. Insufficiency~~

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

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

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

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

H. Consolidated Application

1. Small-Scale Amendments

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

2. Zoning Applications

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

I. Section 8 Review and Certification Decision

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

1. Review

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

2. Certification

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

3. Non-certification

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

a. Resubmittal Requirements

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

4. Application Modification After Certification

Notes:

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EXHIBIT B

ARTICLE 2, DEVELOPMENT REVIEW PROCEDURES
SUMMARY OF AMENDMENTS

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

J. Notification

1. Applicability

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

Table 2.A.1.J—Notification Applicability

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

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

Notes:

1. Applies to Administrative and Public Hearing Abandonments, excluding: Development Orders advertised and abandoned simultaneously as part of a subsequent Development Order; and, Development Orders advertised and reviewed for revocation pursuant to Art. 2.E, Monitoring.

2. Reasonable notice shall be required in compliance with F.S. 286.011.

3. Only applicable to an inquiry related to a specific development or parcel and not for general direction on a topic. [Ord. 2017-002]

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

2. Newspaper Publication

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

3. Courtesy Notice

a. Applicability and Mailing Boundary

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

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EXHIBIT B

ARTICLE 2, DEVELOPMENT REVIEW PROCEDURES SUMMARY OF AMENDMENTS

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

| Process | Recipients and Boundaries | | | |
|---|---|---|---------------------------------|-------------------------------------|
| | Certified Mail 0 to 300 feet (1)(5) | Regular Mail 301 to 500 feet (1)(5) | Regular Mail 0 to 500 feet | Regular Mail within One Mile (1) |
| Type I-B Variance | All owners of real property (2); condominium associations (3) and POAs, HOAs or equivalent. | NA | N/A | Counties and Municipalities (4) |
| Type II Variance | | NA | N/A | |
| Other Public Hearing (Rezoning, CA, CB, DOA, Unique Structure, Waiver) | | All owners of real property (2); condominium associations (3) and POAs, HOAs or equivalent. | N/A | |
| Administrative Inquiry (Site Specific) (6) | N/A | N/A | All owners of real property (2) | N/A |
| [Ord. 2011-016] [Ord. 2012-003] [Ord. 2015-031] [Ord. 2016-016] [Ord. 2017-002] [Ord. 2017-007] | | | | |
| Notes: | | | | |
| 1. Distance shall be measured from the property line of the affected area, unless stated otherwise. If the adjacent property within the mailing boundary is owned by the applicant or a related entity, the 300 or 500 foot notification boundary shall be extended from these parcels. A larger notification boundary of 1,000 feet is required for properties located in the Exurban or Rural Tiers. [Ord. 2012-003] A larger notification boundary of 1,000 feet is required for properties located in the Exurban or Rural Tiers. [Partially relocated to note #7 in table 2.B.4.C] | | | | |
| 2. Includes all owners of real property, whose names and addresses are known by reference to the latest published ad valorem tax records of the PBC Property Appraiser. | | | | |
| 3. Includes condominium associations and all real property owners when real property consists of a condominium. | | | | |
| 4. Shall also include municipalities that have the subject parcel identified within the PBC Future Annexation Map | | | | |
| 5. The applicant shall provide the list of all Condominium Associations, POAs, HOAs or equivalent within the boundaries. [Ord. 2016-016] | | | | |
| 6. Shall be mailed a minimum of ten days prior to the date of the AI by the applicant submitting the inquiry. | | | | |

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

b. Notice Content

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

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

c. Failure to Receive Courtesy Notice

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

4. Signs

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

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

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

b. Exceptions

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EXHIBIT B

ARTICLE 2, DEVELOPMENT REVIEW PROCEDURES SUMMARY OF AMENDMENTS

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

~~5. Postponements~~

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

~~K. Public Hearing Procedures~~

~~1. Scheduling~~

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

~~a. Number of Hearings~~

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

~~b. Exception~~

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

~~2. Staff Report and Recommendation~~

~~a. Report~~

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

~~3. Board Action~~

~~a. Action by ZC~~

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

~~1) Scheduling~~

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

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

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

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

~~The ZC shall consider the: application, staff report, relevant support materials, DRO certification, public testimony, and evidence for the public record given at the hearing. An application for a development permit for a Class B conditional use, which does not receive the required rezoning, shall be decertified. At the close of the public hearing, the ZC shall by not less than a majority of a quorum present approve, approve with conditions, modify, postpone, or deny the application. The actions shall be based upon standards in Art. 2.B.1.B Standards and Art. 2.B.3.E, Standards, applicable to all Conditional Uses, and Type II Variances, and any standards specifically applicable to the use as required in Art. 4.B, Use Classification, thereby adopting a resolution approving, approving with conditions, or denying the proposed request. The resolution shall be filed with the Clerk of the Circuit Court. [Ord. 2006-036] [Ord. 2008-003] [Partially relocated to Art. 2.B.5.C.1.c, Class B Conditional Use, DOA, Type 2 Variances and ABN]~~

~~b. Action by BCC~~

~~1) Scheduling~~

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EXHIBIT B

ARTICLE 2, DEVELOPMENT REVIEW PROCEDURES SUMMARY OF AMENDMENTS

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

~~2) Public Hearing(s)~~

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

~~3) Decision~~

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

~~4) Remand~~

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

~~c. Action by the Hearing Officer~~

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

~~4. Conduct of Hearing~~

~~a. Oath or Affirmation~~

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

~~b. Rights of All Persons~~

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

~~c. Order of Proceedings~~

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

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

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

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

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

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

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

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

~~L. Actions by Decision-Making Bodies or Persons~~

~~1. General~~

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

~~2. Administrative Processes~~

~~a. Action by DRO~~

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

~~b. Action by Zoning Director~~

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

~~3. Conditions~~

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

~~4. Findings/Results~~

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

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

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

~~5. Continuance or Postponement~~

~~a. BCC and ZC~~

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

~~6. Notification of Decision~~

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

Q Section 9 Development Order Abandonment (ABN)

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

1. General

A Development Order for a Conditional Use or similar Development Order granted under Ordinance 1957-003, Ordinance 1973-002, Ord. No.1992-002 or Ord. No. 2003-067, as amended, may be abandoned according to the procedures in this Section. [Ord. 2010-022] [Relocated to Art. 2.B.6.G.1, General, related to Development Order Abandonment]

2. Development Orders Not Implemented

All development orders which were never implemented shall be either: [Ord. 2005-002] [Relocated to Art. 2.B.6.G.2, Development Orders not Implemented]

a. Abandoned

Abandoned simultaneously with issuance of a subsequent development order; [Relocated to Art. 2.B.6.G.2.a, Public Hearing Abandonment]

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ARTICLE 2, DEVELOPMENT REVIEW PROCEDURES SUMMARY OF AMENDMENTS

~~b. Administrative Abandoned~~

~~Administratively abandoned upon demonstration to the Zoning Director that the development order was not implemented; or~~ [Relocated to Art. 2.B.6.G.2.b, Administrative Abandonment]

~~c. Reviewed for Revocation~~

~~Reviewed for revocation pursuant to Article 2.E, Monitoring.~~ [Relocated to Art. 2.B.6.G.2.c, Revocation]

3. Implemented Development Orders

~~Certain implemented Development Orders, pursuant to Art. 2.D, Administrative Process, qualify for administrative abandonment. Other implemented Development Orders require Public Hearing abandonment by the Board (BCC or ZC) that approved the Development Order. [Ord. 2009-040] [Ord. 2010-022] [Ord. 2011-001]~~ [Relocated to Art. 2.B.6.G.3, Implemented DOs]

~~a. Administrative Abandonment~~

~~A Development Order, which was used, implemented or benefited from, may be administratively abandoned by filing an application with the Zoning Director demonstrating that the following criteria are met;~~ [Relocated to Art. 2.B.6.G.3.b, Administrative Abandonment]

~~1) All conditions of approval have been met;~~ [Relocated from Art. 2.B.6.G.3.b.1), Related to Administrative Abandonment]

~~2) There is no reliance by other parties on additional performance; and~~ [Relocated from Art. 2.B.6.G.3.b.2), Related to Administrative Abandonment]

~~3) Consent of all property owners has been received.~~ [Relocated from Art. 2.B.6.G.3.b.3), Related to Administrative Abandonment]

~~b. Public Hearing Abandonment~~

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

~~c. Unpaid Status Fees~~

~~A development order shall not be abandoned, either administratively or by approval of a subsequent development order, until all unpaid status report fees imposed by action pursuant to Article 2.E, Monitoring, have been paid.~~ [Relocated to Art. 2.B.6.G.3.c, Unpaid Status Fees]

4. Additional Guidelines

~~In determining whether a development was used, implemented or benefited from, consideration shall be given to the following factors:~~ [Relocated to Art. 2.B.6.G.4, Additional Criteria]

~~a. Whether any construction or additional construction authorized in the development order has commenced.~~ [Relocated to Art. 2.B.6.G.4.a, related to Additional Criteria]

~~b. Whether a physical or economic use of the development order has occurred, including physical or economic expansion.~~ [Relocated to Art. 2.B.6.G.4.b, related to Additional Criteria]

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

A. Postponement and Remand

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

QB. Suspension of Development Review Proceedings

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

MC. Withdrawal

~~The applicant Applicant shall have the right to withdraw an application for a development order DO at any time prior to the final action on the application by the decision making body or person. Requests for withdrawal received by the PBC official responsible for reviewing the application five days prior to a hearing or review date shall be granted without prejudice. Thereafter, the governing body decision making body or person may make a motion on the application for withdrawal with or without prejudice. Withdrawal with prejudice prohibits the filing of a~~

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successive application, which is not materially different, as defined in this Section, for one calendar year.

ND. Denial of Application

1. Denial

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

2. Exceptions

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

3. Reconsideration

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

Section 11P. Violation of Condition of Development Order DO

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

4A. The violation shall be rectified prior to any public hearing or meeting on the issuance of any subsequent development order for that project, unless the subsequent application seeks to amend the condition that has been violated. Unless otherwise specified in the development order DO, an approved use must comply with all conditions prior to implementing the approval.

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

T. Section 12 Outstanding Liens or Fines

4A. General

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

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

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

b2. Applications subject to Administrative Processes for uses designated as a "D" in Use Matrices

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

c3. Time extension approved by the ZC or BCC

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

2B. 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, 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.

R. Section 13 Misrepresentation

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

S. Section 14 Appeal

4A. General

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

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EXHIBIT B

ARTICLE 2, DEVELOPMENT REVIEW PROCEDURES SUMMARY OF AMENDMENTS

B. Judicial Relief

1. Appeal of BCC Decision

Any person aggrieved by a decision of the BCC on an application for a development order DO or Status Report may apply for judicial relief by the filing of a Petition for Writ of Certiorari in the Circuit Court of the Fifteenth Judicial Circuit in and for PBC, Florida, within 30 calendar days of the date the zoning resolution is filed with the Clerk of the Circuit Court. **[Relocated from Art. 2.A.1.S.3.a, Appeal of BCC Decision, below]**

2. Appeal of Hearing Officer and ZC Variance Decisions

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

2C. Non-Judicial Relief

a1. Standards

4a) Filing Time

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

2b) Notification

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

b.2. Processes

4)a. Class B Conditional Use

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

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

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

c3) In making its decision, the BCC shall consider only the record before the ZC at the time of the decision, and the correctness of the findings of fact or any specific condition of approval imposed by the ZC. The notice and hearing provisions for a Class A conditional use shall govern the appeal. **[Ord. 2011-016]**

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

2)b. DRO Review Administrative DO

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

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

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

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

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

3)c. Special Permit Temporary Use

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

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EXHIBIT B

ARTICLE 2, DEVELOPMENT REVIEW PROCEDURES SUMMARY OF AMENDMENTS

- 1 a1) The ~~Zoning Division~~ DRO shall coordinate and establish the date for the Hearing
2 Officer to consider the appeal which shall be within 40 days of the filing of the appeal.
3 [Ord. 2011-016]
4 b2) The Hearing Officer may reverse or affirm or modify the decision of the ~~Zoning Director~~
5 DRO. [Ord. 2011-016]
6 c3) At the hearing, the Hearing Officer shall only consider testimony and argument relating
7 to the application, supporting documentation, and any staff report or documentation
8 presented at the time of the ~~Zoning Director~~DRO's decision. [Ord. 2011-016]
9 d4) The ~~Zoning Director's~~ decision of the DRO shall be presumed correct and the Person
10 seeking the appeal shall have the burden of demonstrating error. The Hearing Officer
11 shall defer to the discretion of the ~~Zoning Director~~ DRO in interpreting the ULDC and
12 shall not modify or reject the interpretation if it is supported by substantial competent
13 evidence, unless the interpretation is found to be contrary to the Plan, this Code, or the
14 Official Zoning Map. [Ord. 2011-016]
15 a) Adult Entertainment
16 The appeal process is set forth on Art. 4.B.2.C.1.d, License per Palm Beach
17 County Adult Entertainment Code.
18 4)d. Interpretations
19 The Person who sought the interpretation may appeal that interpretation to the Hearing
20 Officer, unless stated otherwise, according to the following: [Ord. 2006-036] [Ord. 2011-
21 016]
22 a1) The agency responsible for the interpretation shall coordinate and establish the date
23 for the Hearing Officer to consider the appeal which shall be within 40 days of the filing
24 of the appeal or a date agreed upon the Applicant and Agency Staff. [Ord. 2011-016]
25 b2) The Hearing Officer may reverse or affirm or modify the interpretation. [Ord. 2006-
26 036] [Ord. 2011-016]
27 c3) At the hearing, the Hearing Officer shall only consider testimony and argument relating
28 to documentation submitted by the Person seeking the interpretation, and any staff
29 report or documentation presented at the time of the interpretation. [Ord. 2011-016]
30 d4) The interpretation shall be presumed correct and the Person seeking the appeal shall
31 have the burden of demonstrating error. The Hearing Officer shall defer to the
32 discretion of the applicable authority in interpreting the ULDC and shall not modify or
33 reject the interpretation if it is supported by substantial competent evidence, unless the
34 interpretation is found to be contrary to the Plan, this Code, or the Official Zoning Map.
35 [Ord. 2011-016]
36 5)e. Type 1A and Type 1B Administrative Variance Decisions
37 Any Person aggrieved by a decision of the ~~Zoning Director~~ DRO on an application for a
38 ~~Type 1A or Type 1B Administrative~~ Variance may appeal to the Hearing Officer according
39 to the following: [Ord. 2006-036] [Ord. 2011-016]
40 a1) The Zoning Division shall coordinate and establish the date for the Hearing Officer to
41 consider the appeal which shall be within 40 days of the filing of the appeal or a date
42 agreed upon the Applicant and Zoning staff. [Ord. 2011-016]
43 b2) The Hearing Officer may reverse or affirm or modify the decision. [Ord. 2011-016]
44 c3) At the hearing, the Hearing Officer shall only consider testimony and argument relating
45 to the application, supporting documentation, and any staff report or documentation
46 presented at the time of the Zoning Director's decision. [Ord. 2011-016]
47 d4) The Zoning Director's decision shall be presumed correct and the Person seeking the
48 appeal shall have the burden of demonstrating error. The Hearing Officer shall defer
49 to the discretion of the Zoning Director in interpreting the ULDC and shall not modify
50 or reject the interpretation if it is supported by substantial competent evidence, unless
51 the interpretation is found to be contrary to the Plan, this Code, or the Official Zoning
52 Map. [Ord. 2011-016]
53 6)f. Type 1 Waiver
54 a1) URAO
55 Any Person seeking a URAO Type 1 Waiver from the DRO may appeal that decision
56 to the BCC pursuant to the procedures in Art. 2.A.1.S.2.b.1, Class B Conditional Use.
57 [Ord. 2011-016]
58 b2) Other Type 1 Waivers
59 Any Person seeking a Type 1 Waiver, except for URAO, may appeal that decision to
60 the Zoning Commission subject to the following: [Ord. 2011-016] [Ord. 2012-027]
61 (1a) The ZC shall consider the appeal petition within 60 days of its filing. [Ord. 2011-
62 016]
63 (2b) At the hearing, the ZC shall provide the petitioner, the Applicant, and PBC staff an
64 opportunity to present arguments and testimony. [Ord. 2011-016]

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EXHIBIT B

ARTICLE 2, DEVELOPMENT REVIEW PROCEDURES SUMMARY OF AMENDMENTS

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

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

~~3. Judicial Relief~~

~~a. Appeal of BCC Decision~~

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

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

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

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

CHAPTER B PUBLIC HEARING PROCESSES

Section 1 Purpose

To establish procedures and standards for:

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

Section 2 Sufficiency Review

A. Sufficiency

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

B. Insufficiency

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

1. No further action shall be taken on the application until the deficiencies are remedied.
2. The Applicant shall address all insufficiencies and resubmit the application on the submittal date of the next month pursuant to the Annual Zoning Calendar.
3. If the application is amended and determined to be sufficient by the DRO, the application shall be processed for review.
4. If the deficiencies are not remedied in the next Submittal as indicated on the Annual Zoning Calendar, the DRO shall issue a second written notification to the Applicant indicating the application shall be considered withdrawn unless a time extension request has been submitted.

C. Time Extension

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

D. Administrative Withdrawal

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

Section 3 General

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EXHIBIT B

ARTICLE 2, DEVELOPMENT REVIEW PROCEDURES SUMMARY OF AMENDMENTS

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

Section 4 Review, Resubmittal and Certification

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

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

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

A. Review

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

B. Certification

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

C. Non-certification

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

1. Resubmittal Requirements

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

D. Application Modification After Certification

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

E. Continuance or Postponement

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

Section 5 Notification

A. Applicability

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

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EXHIBIT B

ARTICLE 2, DEVELOPMENT REVIEW PROCEDURES SUMMARY OF AMENDMENTS

Table 2.B.5.A – Notification Applicability

| Requests | Newspaper Publication | Courtesy Notice | Signs |
|---|-----------------------|-----------------|---------|
| ABN (1) | Yes | N/A | N/A |
| Corrective Resolution | Yes | N/A | N/A |
| Type 1 Variance | N/A (2) | Yes | Yes |
| Type 2 Variance | Yes | Yes | Yes |
| Other Public Hearing (Rezoning, Conditional Uses, DOA, Waiver) | Yes | Yes | Yes |
| Administrative Inquiry (3) | N/A | Yes | N/A |
| Redevelopment of Mobile Home Parks | N/A | N/A | Yes (4) |
| [Ord. 2015-031] [Ord. 2017-002] [Ord. 2017-007] [Ord. 2017-025] | | | |
| Notes: | | | |
| 1. Applies to Public Hearing and Administrative Abandonments, excluding: DOs advertised and abandoned simultaneously as part of a subsequent; and, DOs advertised and reviewed for revocation pursuant to Art. 2.E, Monitoring. | | | |
| 2. Notification shall be required in compliance with F.S. 286.011. | | | |
| 3. Only applicable to an inquiry related to a specific development or parcel and not for general direction on a topic. [Ord. 2017-002] | | | |
| 4. In addition to any applicable signs required for the Public Hearing processes applications for the redevelopment of occupied mobile home parks shall be subject to additional posting requirements. | | | |

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

B. Newspaper Publication

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

C. Courtesy Notice

1. Applicability and Mailing Boundary

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

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

| Process | Recipients and Boundaries | | | |
|---|--|--|------------------------------------|-------------------------------------|
| | Certified Mail 0 to 300 feet (1)(5) | Regular Mail 301 to 500 feet (1)(5)(7) | Regular Mail 0 to 500 feet | Regular Mail within One Mile (1) |
| Type 1 Variance | | NA | N/A | |
| Type 2 Variance | | NA | N/A | |
| Other Public Hearing (Rezoning, Conditional Uses, DOA, Waiver) | All owners of real property (2), condominium associations (3) and POAs, HOAs or equivalent. | All owners of real property (2), condominium associations (3) and POAs, HOAs or equivalent. | N/A | Counties and Municipalities (4) |
| Administrative Inquiry (Site Specific) (6) | N/A | N/A | All owners of real property (2) | N/A |
| [Ord. 2011-016] [Ord. 2012-003] [Ord. 2015-031] [Ord. 2016-016] [Ord. 2017-002] [Ord. 2017-007] | | | | |
| Notes: | | | | |
| 1. Distance shall be measured from the property line of the affected area, unless stated otherwise. If the adjacent property within the mailing boundary is owned by the applicant or a related entity, the notification boundary shall be extended an additional 500 feet beyond the boundary of the adjacent parcel. Courtesy notices are not required where the outer boundary of the adjacent parcel lies from the subject site more than 1,500 feet on properties located in the Glades, Exurban and Rural Tiers, or 1,000 feet for properties in other Tiers. [Ord. 2012-003] | | | | |
| 2. Includes all owners of real property, whose names and addresses are known by reference to the latest published ad valorem tax records of the PBC Property Appraiser. | | | | |
| 3. Includes condominium associations and all real property owners when real property consists of a condominium. | | | | |
| 4. Shall also include municipalities that have the subject parcel identified within the PBC Future Annexation Map | | | | |
| 5. The Applicant shall provide the list of all Condominium Associations, POAs, HOAs or equivalent within the boundaries. [Ord. 2016-016] | | | | |
| 6. Shall be mailed a minimum of ten days prior to the date of the AI by the Applicant submitting the inquiry. | | | | |
| 7. A larger notification boundary from 301 to 1,000 feet is required for properties located in the Glades, Exurban or Rural Tiers. [Relocated from note #1.] | | | | |

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

2. Notice Content

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

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

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

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EXHIBIT B

ARTICLE 2, DEVELOPMENT REVIEW PROCEDURES SUMMARY OF AMENDMENTS

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

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EXHIBIT B

ARTICLE 2, DEVELOPMENT REVIEW PROCEDURES SUMMARY OF AMENDMENTS

1) The signs shall be posted within 30 days of a zoning application approval, in accordance with the information above, including number, spacing, location and language, to include the following text: "This mobile home park has been approved for (specific use). Should you decide to purchase any mobile home in this park, you may be required to bear the cost of removing the mobile home to another suitable location". [Ord. 2017-025]

2) The signs shall be maintained until such time as all mobile home units within the affected development area have been removed from the park, or the approval is abandoned. [Ord. 2017-025]

c. Compliance with Notice Requirement

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

1) To the Zoning Division, for signs required under 1 above; and, [Ord. 2017-025]

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

4. Postponements

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

Section 6 Public Hearing Procedures

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

A. Scheduling

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

1. Number of Hearings

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

2. Exception for Official Zoning Map Amendment

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

B. Staff Report and Recommendation

a. Report

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

C. Board Action

1. Action by ZC

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

1) Scheduling

After DRO certification, the application shall be considered at the next available regularly scheduled public hearing by the ZC, or such time as is mutually agreed upon between the Applicant and the Zoning Director. The scheduling of the application for public hearing shall ensure the public notice requirements are satisfied. [Relocated from Art. 2.A.1.K.3.a.1), Scheduling]

a. Rezoning, Class A Conditional Use, DOA, Type II Waivers Recommendations by the ZC

The ZC shall consider the application where the BCC makes a final decision, including staff report, relevant support materials, public testimony DRO certification and public testimony given at the hearing. After close of the public hearing, the ZC shall recommend to the BCC that the application be approved, approved with Conditions, modified, continued, postponed or denied based upon the applicable Standards in Art. 2.B.7, Types of

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Applications. [Ord. 2008-003] [Ord. 2011-016] [Ord. 2012-027] [Ord. 2017-007]
[Relocated from Art. 2.A.1.K.3.a.2), Rezoning, Class A Conditional Use, DOA, Type II
Waiver]

c. Class B Conditional Use, DOA, Type II Variance Final Decision by the ZC

The ZC shall consider the application where the ZC makes a final decision, including, staff report, relevant support materials, DRO certification, public testimony, and public testimony given at the hearing. After close of the public hearing, the ZC shall by not less than a majority of a quorum present approve, approve with conditions, modify, postpone, or deny the application. The actions shall be based upon 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 Zoning Division, Clerk of the Circuit Court. [Ord. 2006-036] [Ord. 2008-003] [Partially relocated from Art. 2.A.1.K.3.a.3), Class B Conditional Use, DOA, and Type II Variance]

d. Remand by the ZC

If at any time during the public hearing, the ZC determines that the application is based upon incomplete, inaccurate information or misstatements of fact, it may remand the application back to the DRO for further review and a revised staff report.

2. Action by BCC

a. Public Hearing(s) Recommendations by the ZC

~~At the public hearing(s), the~~ The BCC shall consider the application, staff report, relevant support materials, the recommendation of the ZC, and the public testimony submitted before and given at the hearing, and the evidence introduced into the record at the public hearing(s). [Relocated from Art. 2.A.1.K.3.b.2), Public Hearing(s)]

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, postpone, 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. [Ord. 2008-003] [Ord. 2012-027] [Ord. 2017-007] [Relocated from Art. 2.A.1.K.3.b.3), Decision, page 20]

c. Remand by the BCC

If at any time during the public hearing, the ZC or BCC determines that the application is based upon incomplete, inaccurate information or misstatements of fact, the BCC may refer remand the application back to the ZC or DRO for further review and a revised staff report. [Relocated from Art. 2.A.1.K.3.b.4), Remand]

3. Action by the Hearing Officer

At the public hearing(s), the Hearing Officer shall consider the application, all relevant support materials, staff report, testimony given, and evidence introduced into the record at the public hearing(s) and decide to approve, approve with conditions, deny, continue, postpone, modify or withdraw the request. [Ord. 2006-036] [Relocated from Art. 2.A.1.K.3.c, Action by the Hearing Officer]

D. Conduct of Hearings

1. Oath or Affirmation

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

2. Rights of All Persons

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

3. Order of Proceedings Procedures for Public Hearings

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

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

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EXHIBIT B

ARTICLE 2, DEVELOPMENT REVIEW PROCEDURES SUMMARY OF AMENDMENTS

- b. The PBC official responsible for reviewing the application shall present a written or oral recommendation, including any report prepared. This recommendation shall address each standard required to be considered by this Code prior to rendering a decision on the application.
- c. Public testimony shall be heard. [Relocated from Art. 2.A.1.K.4.c.3), Related to Order of Proceedings]
- d. The PBC official responsible for reviewing the application may respond to any statement made by the Applicant or any public comment. [Relocated from Art. 2.A.1.K.4.c.4), related to Order of Proceedings]
- e. The Applicant may respond to any testimony or evidence presented by the PBC staff or public at the discretion of the Chair. [Relocated from Art. 2.A.1.K.4.c.5), related to Order of Proceedings]
- f. The decision making body may direct questions to staff and the Applicant specific to the request. [Relocated from Art. 2.A.1.K.4.c.6), Related to Order of Proceedings]
- g. The decision making body shall discuss the facts of the application and make a recommendation. [Relocated from Art. 2.A.1.K.4.c.1), related to Order of Proceedings]

E. Continuanace or Postponement of Hearings

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

1. Postponement by Right

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

F. Finalization of Approved DOs

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

G. Other Procedures

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

Section 7 Types of Application

Section 4A Official Zoning Map Amendment (Rezoning) to a Standard District

A1. Purpose

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

B2. Standards

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

1a. Consistency with the Plan

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

2b. Consistency with the Code

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

3c. Compatibility with Surrounding Uses

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

4d. Effect on the Natural Environment

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

5.e. Development Patterns

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

6f. Adequate Public Facilities

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

7g. Changed Conditions or Circumstances

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

C3. Effect of a Map Amendment

4a. General

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

2b. Time Limitations

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

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

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

E5. Rezoning of Mobile Home Parks

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

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

A1. Purpose

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

B2. Standards

When considering a Development Order DO application for a Conditional Use or a Rezoning to a PDD or a TDD, the BCC ~~and or~~ ZC shall utilize consider the Standards a through h4—8 indicated below. ~~An application or Development Order Amendment~~ which fails to meet any of these Standards shall be deemed adverse to the public interest and shall not be approved. [Ord. 2007-001] [Ord. 2011-016] [Ord. 2012-003] [Ord. 2017-007]

4a. Consistency with the Plan

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

2b. Consistency with the Code

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

3c. Compatibility with Surrounding Uses

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

4.d. Design Minimizes Adverse Impact

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

5e. Design Minimizes Environmental Impact

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

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ARTICLE 2, DEVELOPMENT REVIEW PROCEDURES SUMMARY OF AMENDMENTS

- 1 **6f. Development Patterns**
2 The proposed use or amendment will result in a logical, orderly and timely development
3 pattern. [Ord. 2007-001]
- 4 **7g. Adequate Public Facilities**
5 The extent to which the proposed use complies with Art. 2.F, Concurrency. [Ord. 2007-
6 001]
- 7 **8h. Changed Conditions or Circumstances**
8 There are demonstrated changed site conditions or circumstances, provided by the
9 Applicant's Justification Statement that necessitate a modification. [Ord. 2007-001]
- 10 **3. Effect of an issuance of a DO or a Map Amendment**
- 11 a. **General**
12 Issuance of a DO for a Conditional Use or a rezoning to a PDD or TDD shall be deemed
13 to authorize only the particular site configuration, layout, and level of impacts which were
14 approved pursuant to this Code, unless the approval is abandoned.
15 1) Permitted uses may occur in conjunction with or in place of a Conditional Use; and
16 2) Approval of a rezoning shall be deemed to authorize only the particular zoning district
17 for which it is approved.
- 18 b. **Time Limitations**
19 The DO shall be reviewed pursuant to Art. 2.E, Monitoring.
- 20 c. **Zoning Plan Compliance and Initiation of Use**
21 Development, benefit, or use of a Conditional Use shall not be permitted until the Applicant
22 has secured and complied with all other DOs and site improvements required by this Code.
23 [Ord. 2017-007]
24 The approval of a DO shall not ensure that subsequent approvals for other Development
25 Permits will be granted unless the relevant and applicable portions of this Code are met.
- 26 **C. Standards for Unique Structure**
27 ~~In order to be considered a Unique Structure, the BCC and ZC shall consider and find that all five~~
28 ~~standards listed below have been satisfied by the applicant prior to making a motion or decision for~~
29 ~~approval of a Unique Structure. A request for a unique structure which fails to meet any of these~~
30 ~~standards shall be deemed adverse to the public interest and shall not be approved. [Ord. 2009-~~
31 ~~040] [Partially relocated to Art. 2.C.6.E, Standards for Unique Structure]~~
- 32 **1. Consistency with the Plan**
33 ~~The proposed architectural composition is consistent with the purposes, goals, objectives, and~~
34 ~~policies of the Plan, including standards for building and structural intensities and densities.~~
35 ~~[Ord. 2009-040] [Relocated to Art. 2.C.6.E.1, Consistency with the Plan]~~
- 36 **2. Complies with Other Standards of Code**
37 ~~The proposed architectural composition complies with all standards imposed on it by all other~~
38 ~~applicable provisions of this Code for use, layout, function, and general development~~
39 ~~characteristics. [Ord. 2009-040] [Relocated to Art. 2.C.6.E.2, Complies with Other~~
40 ~~Standards of Code]~~
- 41 **3. Architectural Compatibility**
42 ~~The proposed architectural composition is consistent with the Architectural Style, (see~~
43 ~~Technical Manual for examples) and generally consistent with the scale, proportion, unity,~~
44 ~~harmony and context of the architecture in the surrounding area. [Ord. 2009-040] [Relocated~~
45 ~~to Art. 2.C.6.E.3, Architectural Compatibility]~~
- 46 **4. Design Minimizes Environmental Impact**
47 ~~The proposed architectural composition minimizes environmental impacts, including but not~~
48 ~~limited to water, air, stormwater management, wildlife, vegetation, wetlands, and the natural~~
49 ~~functioning of the environment. [Ord. 2009-040] [Relocated to Art. 2.C.6.E.4, Design~~
50 ~~Minimizes Environmental Impact]~~
- 51 **5. Circumstances**
52 ~~Whether and to what extent it can be demonstrated that there are any circumstances that~~
53 ~~support the designation. [Ord. 2009-040] [Relocated to Art. 2.C.6.E.5, Circumstances]~~
- 54 **D. Class A Conditional Use**
- 55 **14. Authorized Class A Conditional Uses**
56 Only those uses that are authorized as Class A Conditional Use in the uUse ~~m~~Matrices in Art.
57 4, Use Regulations, may be approved as Class A Conditional Use, unless stated otherwise
58 herein. The designation of a use as a Class A Conditional Use in a district does not constitute
59 an authorization of such use or an assurance that such use will be approved under this Code.
60 [Ord. 2017-007]
- 61 **E. Requested Use**
62 ~~All prior approvals for a Requested Use shall correspond to a Conditional Use. [Ord. 2017-~~
63 ~~007] [Relocated to 2.C.6.A.5, Requested Use, below]~~
- 64 **F. Class B. Conditional Use**
- 65 **15. Authorized Class B Conditional Uses**

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EXHIBIT B

ARTICLE 2, DEVELOPMENT REVIEW PROCEDURES
SUMMARY OF AMENDMENTS

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

6. Requested Use

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

G. Type II Waivers

1. Purpose

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

2. Applicability

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

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

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

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

3. Standards

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

- a. The Waiver does not create additional conflicts with other requirements of the ULDC, and is consistent with the stated purpose and intent for the Zoning district or Overlay; [Ord. 2010-022] [Ord. 2011-016] [Ord. 2012-027] [Relocated to Art. 2.C.6.D.3.a, related to Standards]
- b. The Waiver will not cause a detrimental effect on the overall design and development standards of the project, and will be in harmony with the general site layout and design details of the development; and, [Ord. 2010-022] [Ord. 2012-027] [Relocated to Art. 2.C.6.D.3.b, related to Standards]
- c. The alternative design option recommended as part of the Waiver approval, if granted, will not adversely impact adjacent properties. [Ord. 2010-022] [Ord. 2012-027] [Relocated to Art. 2.C.6.D.3.c, related to Standards]

HC. Development Order Amendment (DOA)

1. General Purpose

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

2. Standards

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

23. Expedited Application Consideration (EAC)

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

a. Criteria

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ARTICLE 2, DEVELOPMENT REVIEW PROCEDURES SUMMARY OF AMENDMENTS

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

- 1) Approval of the Zoning Director and the County Engineer shall be obtained prior to submission. The Zoning Director and the County Engineer shall consult with any other department responsible for the Conditions of Approval. They shall approve or deny the request to obtain expedited consideration based on compatibility of the request with the surrounding area. The magnitude of the requested modification shall also be considered. The County Engineer and the Zoning Director shall only permit expedited consideration for proposals which have minimal site design impact, and which, if approved, will be compatible with surrounding areas; [Ord. 2007-001] [Ord. 2016-042]
- 2) The proposed application, if approved, will not increase intensity or density of the project; [Ord. 2007-001]
- 3) Proof of compliance with all previous conditions of development approval; [Ord. 2007-001]
- 4) No change to the threshold certificate, except alteration of legal description, shall occur; [Ord. 2007-001]
- 5) The proposed amendment does not affect uses or intensities/densities within a DRI (~~Development of Regional Impact~~); [Ord. 2007-001] [Ord. 2016-042]
- 6) All impacts shall be internal to the project; and, [Ord. 2007-001] [Ord. 2016-042]
- 7) Addition of land area limited to abandoned R-O-W or easements along the perimeter of the development. [Ord. 2016-042]

b. Procedures

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

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

4. Effect of an issuance of a DO

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

D. Type 2 Waivers

1. Purpose

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

2. Applicability

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

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EXHIBIT B

ARTICLE 2, DEVELOPMENT REVIEW PROCEDURES SUMMARY OF AMENDMENTS

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

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

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

3. Standards for a Type 2 Waiver

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

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

4. Standards for a Unique Structure

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

1.a. Consistency with the Plan

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

2.b. Complies with Other Standards of Code

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

3.c. Architectural Compatibility

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

4.d. Design Minimizes Environmental Impact

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

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EXHIBIT B

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5.e. Circumstances

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

5. Effect of an issuance of a DO

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

I. Conditions of Approval

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

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

2. Class B Conditional Use

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

J. Effect of Issuance of a Development Order

1. General

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

2. Site Plan Compliance/Initiation of Use

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

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

Section 3-E. Type II 2 Variance

A1. General Purpose

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

2. Prohibition

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

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

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

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

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

e. Art. 4, Use Regulations, unless specifically authorized in Article 4.B, Use Classification; or, to allow for a reduction in minimum lot size required for a use, in accordance with Art.

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EXHIBIT B

ARTICLE 2, DEVELOPMENT REVIEW PROCEDURES SUMMARY OF AMENDMENTS

1. *G.1.B.6, Lots Reduced by Eminent Domain, Properties Affected by Eminent Domain Proceedings*; [Ord. 2007-013] [Ord. 2008-003] [Ord. 2010-022] [Ord. 2014-001] [Relocated from Art. 2.A.1.D.1.b.5)e), Related to Zoning Commission]
- f. *Art. 5.C.1.H.1.f Design Elements Subject to ZC or BCC approval*; [Ord. 2011-001] [Relocated from Art. 2.A.1.D.1.b.5)f), Related to Zoning Commission]
- g. *Art 5.C.1.H.1.g Rural Design Elements, except for Table 5.C.1.H, Rural Roof Design Elements*; [Ord. 2011-001] [Relocated from Art. 2.A.1.D.1.b.5)g), Related to Zoning Commission]
- h. *Art 5.C.1.I, Large Scale Commercial Development*; [Ord. 2011-001] [Relocated from Art. 2.A.1.D.1.b.5)h), Related to Zoning Commission]
- i. *Art. 5.D, Parks and Recreation – Rules and Recreation Standards, with the exception of Art. 5.D.2.G, Public Park Landscape Standards*; [Relocated from Art. 2.A.1.D.1.b.5)i), Related to Zoning Commission]
- j. *Art. 5.F, Legal Documents (excluding provisions in Art. 5.F.2, Easements)*; [Relocated from Art. 2.A.1.D.1.b.5)j), Related to Zoning Commission]
- k. *Art. 5.G, Density Bonus Programs*; [Relocated from Art. 2.A.1.D.1.b.5)k), Related to Zoning Commission]
- l. *Art. 8.G.3.B, Electronic Message Signs*; [Ord. 2016-020] [Relocated from Art. 2.A.1.D.1.b.5)l), Related to Zoning Commission]
- m. *Art. 13, Impact Fees*; [Relocated from Art. 2.A.1.D.1.b.5)m), Related to Zoning Commission]
- n. *Art. 14, Environmental Standards*; [Relocated from Art. 2.A.1.D.1.b.5)n), Related to Zoning Commission]
- o. *Art. 15, Health Regulations*; [Relocated from Art. 2.A.1.D.1.b.5)o), Related to Zoning Commission]
- p. *Art. 16, Airport Regulations*. [Relocated from Art. 2.A.1.D.1.b.5)p), Related to Zoning Commission]
- 3. Type 2 Variance Applications**
Type 2 Variance applications include those that are processed by the Zoning Division and the Land Development Division. Variance applications may be submitted concurrently or separately with a request for a DO unless determined by the DRO that the Variance is subject to a Standalone application, and must be approved prior to the submittal of the DO application. [Ord. 2011-001] [Ord. 2012-003]
- a. **Zoning Type 2 Variance (ZV)**
The ZV shall only apply to the following applications:
1. ~~any application requesting variances from the ULDC requirements which are allowed under the authority of Article 2.A.1.D.1.b, Zoning Commission~~; [Ord. 2011-001]
 2. ~~any application requesting five or more variances~~; [Ord. 2009-040] [Ord. 2011-001]
 3. ~~any application~~ requesting variances that exceed 15 percent of a required standard or Property Development Regulations for residential lots of three units or less; [Ord. 2009-040] [Ord. 2011-001] [Ord. 2012-003]
 4. ~~any application~~ requesting variances that exceed the standards of Art. 2.D.3.D.2, Non Residential Projects; [Ord. 2012-003] [Ord. 2012-027]
- B. Application Procedure**
- 1b. **Subdivision Variance (SV)**
A ~~variance~~ from Article 11, Subdivision, Platting and Required Improvements, shall be submitted to the County Engineer and shall comply with the application procedures and requirements of this ~~Article~~ Chapter. ~~The County Engineer shall review the application and forward a copy to the applicable agencies for review and comment within 15 days after the application is determined sufficient.~~
- 34. Sequence of Submittal**
An application for a ~~variance~~ shall be submitted as a Concurrent or a Standalone Variance, and shall comply with the following:
- a) **Concurrent Variance**
~~a. A Concurrent Variance shall be submitted with the DO application. The Variance and the DO application shall be scheduled for the same hearings to be considered by the ZC. Approval of a variance by the ZC shall be obtained prior to Final Plan master plan, site plan or subdivision plan approval by the DRO, plat recordation, or issuance of a building permit, whichever occurs first.~~
- b) **Standalone Variance**
~~b. If an application for a development order DO is contingent upon approval of a variance, then the variance shall be submitted as a Standalone Variance application. The approval of the Variance by the ZC shall be obtained prior to certification or Final Approval of the DO by the DRO.~~
- C5. Application Requirements**
- a1) **Description**

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

~~D. Review and Recommendation~~

~~1. Zoning and Subdivision Variances~~

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

~~E6. Standards for Zoning or Subdivision Variance~~

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

- ~~1-a.~~ Special conditions and circumstances exist that are peculiar to the parcel of land, building or structure, that are not applicable to other parcels of land, structures or buildings in the same district;
- ~~2-b.~~ Special circumstances and conditions do not result from the actions of the aApplicant;
- ~~3-c.~~ Granting the variance shall not confer upon the aApplicant any special privilege denied by the Plan and this Code to other parcels of land, buildings, or structures, in the same district;
- ~~4-d.~~ Literal interpretation and enforcement of the terms and provisions of this Code would deprive the aApplicant of rights commonly enjoyed by other parcels of land in the same district, and would work an unnecessary and undue hardship;
- ~~5-e.~~ Granting the variance is the minimum variance that will make possible the reasonable use of the parcel of land, building or structure;
- ~~6-f.~~ Granting the variance will be consistent with the purposes, goals, objectives, and policies of the Plan and this Code; and
- ~~7-g.~~ Granting the variance will not be injurious to the area involved or otherwise detrimental to the public welfare.

~~2.7. Noise Variance~~

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

- ~~a. Additional time is necessary to alter the activity to comply with the provisions of Art. 5.E.4.B, Noise Limitations and Prohibitions; [Ord. 2010-022] [Relocated from Art. 2.B.3.B.2.a, Noise Variance]~~
- ~~b. The activity, operation, or noise source will be of temporary duration which cannot be done in a manner that complies with Art. 5.E.4.B, Noise Limitations and Prohibitions; [Ord. 2010-022] [Relocated from Art. 2.B.3.B.2.b, Noise Variance]~~
- ~~c. No reasonable alternative is available. Any ~~v~~variance granted pursuant to this section contains all conditions upon which the variance has been granted, including but not limited to the effective date, time of day, location, sound level, limit or equipment limitation and duration of the variance. [Ord. 2010-022] [Relocated from Art. 2.B.3.B.2.c, Noise Variance]~~

~~8. Effect of Issuance of a DO~~

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

~~a. Time Limitation~~

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

~~1) Request for Time Extension~~

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

~~2) Exemption for Applications Not Subject to Building Permit~~

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EXHIBIT B

ARTICLE 2, DEVELOPMENT REVIEW PROCEDURES
SUMMARY OF AMENDMENTS

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

b. Conforming

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

Q.G. Development Order Abandonment (ABN)

1. Purpose

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

2. DOs Not Implemented

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

a. Public Hearing Abandonment

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

eb. Revocation

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

3. Implemented DOs

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

a. Public Hearing Abandonment

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

eb. Unpaid Status Fees

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

4. Additional Criteria

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

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

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

Section 8 Conditions of Approval

A. BCC Approved DOs

The DRO and ZC may recommend, and the BCC may impose, such conditions in a DO that are necessary to accomplish the purposes of the Plan and this Code; to prevent or minimize adverse effects upon the public, the environment and neighborhoods; and to ensure compatibility, including, but not limited to, limitations on function, size, bulk, location of improvements and buildings, standards for landscaping, buffering, lighting, adequate ingress and egress, conveyance of property, on-site or off-site improvements, duration and hours of operation. Conditions shall be included if conventional standards are inadequate to protect the public interest and surrounding land uses or if additional improvements are needed to facilitate a transition between different uses. Conditions are not intended to restate Code provisions. Any Code provision which is expressly restated as a condition of approval, shall not be eligible for a variance unless otherwise specified

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in the condition. Fixed time periods may be set for compliance with conditions and shall be governed by Art. 2.E, Monitoring. [Ord. 2007-001] [Ord. 2011-016] [Ord. 2017-007] [Relocated from Art. 2.B.2.I, Conditions of Approval, above]

B. ZC Approved DOs

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

Section 9 Effect of Issuance of a Development Order

1.A. General

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

2.1. Zoning Site Plan Compliance and Initiation of Use

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

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

GB. Effect of Development Order Type 2 Variance

1. General

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

2.1. Time Limitation

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

a. Request for Time Extension

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

b. Exemption for Applications Not Subject to Building Permit

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

3.2. Conforming

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

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

CHAPTER C FLU PLAN AMENDMENTS

Section 1 General

Notes:

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EXHIBIT B

ARTICLE 2, DEVELOPMENT REVIEW PROCEDURES SUMMARY OF AMENDMENTS

A. Purpose

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

B. Authority

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

C. Initiation

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

D. Established Dates and Fees

1. Timing

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

2. Fees

~~The application for a FLUA amendment, and any associated text amendment, shall be accompanied by a fee established by the BCC. Any request for a refund shall be in writing, based upon the current PZB refund policy, and approval by the Planning Director. [Ord. 2012-027] [Relocated to Art. 2.H.1.D.2, Fees]~~

E. Pre-Application Conference

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

F. Application Procedures

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

1. Concurrent Small Scale Amendments

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

2. Contents of Application

a. General

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

b. Amendments to the Application

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

3. Sufficiency Review

~~The Planning Director shall determine whether the application is sufficient or insufficient within ten days of submittal by reviewing the information required in the application and any additional data necessary to evaluate the application. The determination of sufficiency shall be based~~

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EXHIBIT B

ARTICLE 2, DEVELOPMENT REVIEW PROCEDURES SUMMARY OF AMENDMENTS

~~upon whether or not the application responds to all the requested information and meets minimum application criteria, as provided by the Planning Director in the application instructions. [Ord. 2009-040] [Ord. 2012-027] [Relocated to Art. 2.H.1.F.3, Sufficiency Review]~~

~~**a. Sufficiency**~~

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

~~**b. Insufficiency**~~

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

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

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

~~**5. Notification**~~

~~Notice of a proposed amendment for any public hearing shall be provided by publication of advertisement, mailed or electronically transmitted notice and posting as pursuant to the terms of this Section. The Planning Director shall notify the Intergovernmental Plan Amendment Review Clearinghouse (IPARC) of proposed land use amendments pursuant to the Plan Amendment Coordinated Review Interlocal Agreement. [Ord. 2009-040] [Ord. 2012-027] [Relocated to Art. 2.H.1.F.5, Notification]~~

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

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

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

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

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

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

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

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

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

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

~~All municipalities and counties within one mile of the subject site shall be notified. If a site is located within a future annexation area as identified in a municipality's~~

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EXHIBIT B

ARTICLE 2, DEVELOPMENT REVIEW PROCEDURES SUMMARY OF AMENDMENTS

~~Comprehensive Plan, the associated municipality shall be notified. [Ord. 2012-027] [Relocated to Art. 2.H.1.F.5.b.1)c), Municipalities and Counties]~~

~~d) Interested Parties~~

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

~~2) Notice Content~~

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

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

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

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

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

~~3) Failure to Receive Courtesy Notice~~

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

~~c. Signs~~

~~1) The land subject to the application shall be posted with a notice of the public hearing by the applicant on a sign meeting standards and specifications issued by the County at least 15 calendar days in advance of any public hearing. One sign shall be posted for each 500 feet of frontage along a street up to a maximum of ten signs. All signs shall be: [Ord. 2012-027] [Relocated to Art. 2.H.1.F.5.c.1), Signs]~~

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

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

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

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

~~d. Other Courtesy Notice~~

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

~~e. Exceptions to Mailing and Posting~~

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

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

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

~~7. Action by BCC~~

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

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EXHIBIT B

ARTICLE 2, DEVELOPMENT REVIEW PROCEDURES SUMMARY OF AMENDMENTS

a. Transmittal Public Hearing

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

b. Adoption Public Hearing

~~The adoption public hearing shall be on a weekday at least five calendar days after the day the notice for the public hearing is published pursuant to F.S. §163.3184(11)(b)(2), as amended pursuant to the procedures in Article 2.C.1.F.8, Conduct of Hearing. At the public hearing, the BCC shall consider the application, the staff report, the relevant support materials, the State Land Planning Agency comments, and the public testimony given at the public hearing, vote to adopt, adopt with conditions, or not to adopt an ordinance making a site-specific amendment. A decision to adopt an ordinance making a site-specific amendment shall require a majority vote of the members of the BCC present at the hearing. Small-Scale Development Amendments shall require only one public hearing before the BCC, which shall be an adoption public hearing, pursuant to F.S. §163.3187(2), and content provisions of F.S. §125.66(4)(a) as amended from time to time. Actions approving Site-Specific Plan amendments shall be adopted by Ordinances pursuant to F.S. §163.3187, as amended from time to time. [Ord. 2009-040] [Ord. 2012-027] [Partially relocated to Art. 2.H.1.F.7.b, Adoption Public Hearing]~~

8. Conduct of Hearing

a. Rights of All Persons

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

b. Due Order of Proceedings

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

- ~~1) The Planning Director shall present a description of the application, a recommendation, and the staff report. [Ord. 2009-040] [Ord. 2012-027]~~
- ~~2) The applicant shall present any information the applicant deems appropriate; [Ord. 2012-027]~~
- ~~3) Public Testimony shall be heard; [Ord. 2012-027]~~
- ~~4) The Planning Director, the County Attorney and any other PBC staff may respond to any statement made by the applicant or any public comment; then [Ord. 2012-027]~~
- ~~5) The LPA may ask questions to PBC staff, the applicant, or members of the public. [Ord. 2009-040] [Ord. 2012-027]~~

c. Postponement of Public Hearing for Small-Scale Amendments

1) Administrative Postponements

- ~~a) An applicant shall have the right to request and be granted one administrative postponement, of no more than 60 days, of the LPA public hearing without an additional fee; provided that the request is made in writing at least 20 working days prior to the hearing and is submitted along with an additional set of the required five-hundred foot public notice envelopes. [Ord. 2012-027] [Relocated to Art. 2.H.1.F.8.c.1)a), Administrative Postponements]~~
- ~~b) An applicant shall have the right to request and be granted one entitlement continuance, of no more than 60 days, of the BCC Adoption public hearing; provided that the request is made in writing at least 20 working days prior to the hearing and is submitted along with an additional set of the required five-hundred foot public notice envelopes. [Ord. 2009-040] [Ord. 2012-027] [Relocated to Art. 2.H.1.F.8.c.1)b), Administrative Postponements]~~

2) LPA or BCC Public Hearing Continuances

~~The body conducting the public hearing may by its own motion, or at the request of any applicant or the Planning Director, continue the public hearing or meeting to a fixed date, time and place. Such continuances shall be granted at the discretion of the body~~

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EXHIBIT B

ARTICLE 2, DEVELOPMENT REVIEW PROCEDURES SUMMARY OF AMENDMENTS

~~conducting the hearing only upon good cause shown. The applicant may be required to provide an additional set of the required courtesy notice envelopes and may be subject to a fee as established by the BCC. [Ord. 2009-040] [Ord. 2012-027] [Relocated to Art. 2.H.1.F.8.c.2), LPA or BCC Public Hearing Continuances]~~

~~d. Postponement of Large Scale Amendments~~

~~1) Administrative Postponements~~

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

~~2) Non-entitlement Continuances~~

~~The body conducting the public hearing may, on its own motion, or at the request of any applicant or the Planning Director, postpone the amendment to the next round. All postponements shall be granted at the discretion of the body conducting the hearing and shall be subject to a fee established by the BCC. In order to provide the most current data, the applicant of an amendment postponed to the next round shall be required to submit a revised application with new traffic analysis upon the intake date of the next round, along with a new set of courtesy notices. Failure to submit the fee and an updated application will result in the amendment being administratively withdrawn. [Ord. 2012-027] [Relocated to Art. 2.H.1.F.8.d.2), Non Administrative Postponements]~~

~~9. Withdrawal of Applications~~

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

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

CHAPTER DC ADMINISTRATIVE PROCESSES

Section 1 Development Review Officer (DRO) Purpose

A. Purpose

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

~~To establish procedures and standards for:~~

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

Section 2 Sufficiency Review

A. Sufficiency

~~The DRO shall ensure the applications meet all Submittal requirements and the requests are consistent with Art. 2.A, General. If the application is determined to be sufficient by the DRO, it~~

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EXHIBIT B

ARTICLE 2, DEVELOPMENT REVIEW PROCEDURES
SUMMARY OF AMENDMENTS

shall be distributed to the applicable County Agencies for review pursuant to the procedures and standards of this Article.

B. Insufficiency

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

1. No further action shall be taken on the application until the deficiencies are remedied.
2. The Applicant shall address all insufficiencies and resubmit the application on the submittal date of the next month pursuant to the Annual Zoning Calendar.
3. If the application is amended and determined to be sufficient by the DRO, the application shall be processed for review.
4. If the deficiencies are not remedied in the next Submittal as indicated on the Annual Zoning Calendar, the DRO shall issue a second written notification to the Applicant indicating the application shall be considered withdrawn unless a time extension request has been submitted.

C. Time Extension

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

D. Administrative Withdrawal

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

Section 3 General

The DRO shall coordinate the review of applications with all the applicable Agencies based on the request(s), and in accordance with the Table 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 Zoning Agency Review (ZAR), which consists of one to a maximum of five Agencies. An Applicant may also request Sequential or Concurrent Review by the DRO.

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EXHIBIT B

ARTICLE 2, DEVELOPMENT REVIEW PROCEDURES
SUMMARY OF AMENDMENTS

Table 2.C.3 - DRO - Administrative Processes

| Requests | Processes | |
|---|--|-------|
| | Full DRO | ZAR |
| Finalization of BCC or ZC DOs | | |
| Finalize the BCC or ZC DOs and Plans | ✓ | |
| Administrative Approval | | |
| A Use subject to Art. 4.A.7.C.2, Administrative Approvals, (1) | ✓ | ✓ (2) |
| Administrative Modifications to Prior DO in accordance with Table 2.C.5.B | ✓ | ✓ (2) |
| Subdivision Plan pursuant to Art. 11, Subdivision, Platting and Required Improvements (3) | ✓ | |
| Type 1 Waiver (4) | ✓ | |
| Type 1 Variance | | ✓ |
| Temporary Use pursuant to Art. 4.B.11, Temporary Uses | | ✓ |
| Special Permit pursuant to Art. 4.B.5.C.1.c, Home Occupation in AR/RSA related to Limited Contractor Storage Yard; Art. 5.B.1.B2, Tent; Art. 5.B.1.B.3.b.7), Watchman Trailer Mobile Home; Art. 5.B.1.B.3.c.9), Real Estate Sales and Management Office Mobile Home; and, Art. 8.H.2, Billboards. | | (6) |
| Reasonable Accommodation | | ✓ |
| Zoning Confirmation Letter (Formal and Non-Site Specific Formal) (5) | | ✓ |
| Zoning Confirmation Letter (Informal) (5) | | ✓ |
| Release of Unity of Title (5) | | ✓ |
| Notes | | |
| 1. | Includes where it specifies the process is subject to the DRO in Art. 4.B, Use Classifications or in Art. 3.B, Overlays, Table 5.G.1.E, Review Process for WHP, Table 5.G.2.D, Review Process for AHP, and Art. 5.G.3.K.3, TDR Review Process. | |
| 2. | There shall be an approved Zoning Plan (Site or Subdivision) for those requests to add a new use or replacement of a use through the ZAR process. | |
| 3. | May be reviewed and approved concurrent with a Final Master Plan that was approved by the BCC. | |
| 4. | Includes Type 1 Waiver for Landscaping | |
| 5. | This type of request will not issue a DO for the subject property. | |
| 6. | Shall be processed as a Special Permit. | |

A. Finalization of BCC or ZC DOs

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

1. DRO Expedited Process (DROE)

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

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

2. Concurrent Review

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

B.2. Administrative Approval Process

The DRO shall make a final decision on a permanent or a temporary use pursuant to Table 2.C.4, DRO - Administrative Processes. Applications may be reviewed under either the Sequential or Concurrent Review process, where applicable. The DROE cannot be utilized for applications that are subject to the Administrative Approval. Final Plan review shall be required for all DOs even for those applications that do not include graphic changes to the Plan(s). All Zoning Plans shall be approved by the DRO prior to applying for a building permit; commencing related land development activities; or utilizing any use subject to DRO approval, unless stated otherwise herein.

B. Application Types

- 1. The following types of development shall require approval of a master plan, site plan, subdivision plan, regulating plan and other types of plans listed in Art. 2.A.1.G.3, Plan Requirements by the DRO prior to the issuance of a building permit; commencement of any related land development activity; utilization of any use or approval granted by the BCC or ZC; or utilization of any use requiring approval by the DRO: [Ord. 2009-040]
 - a. Conditional Use; [Ord. 2017-007]
 - b. All development in a PDD or TDD;

Notes:

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

Section 4 Review, Resubmittal and Final Decision

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

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

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

A. Review

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

3B. Action by the DRO

~~On the review date established by the DRO, the DRO shall inform each applicant of the revisions necessary for the application to receive certification, approval, approval with conditions or denial. Each applicant shall be provided a maximum of three working days to revise minor outstanding issues. Within seven working days after the review date, the The DRO shall either certify, approve, approve with conditions, deny, withdraw or postpone each application on the agenda after reviewing the recommendations and comments provided by the agency officers-Agencies. The DRO shall not certify or approve an application until it plan of development until the plan meets all applicable Code requirements, standards, policies, and if applicable, conditions of approval. [Ord. 2008-003] [Ord. 2009-040]~~

1. Approved

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

2. Not Approved

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

4. Staff Review

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

a. Expedited DRO Applications (EDA—Signature Only)

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

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~~2. Application Requirements~~

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

~~4a. Re-submittal Requirements~~

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

~~C. Continuance or Postponement~~

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

~~Section 5E. Standards for Administrative Approval Types of Application~~

~~Prior to approval by the DRO, a site plan or subdivision plan shall comply with the following standards:~~

~~A. Administrative Approval of New Use~~

~~1. Purpose~~

~~To establish standards for administrative approval of new uses by the DRO. 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.~~

~~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:~~

~~1.a. Consistency with the Plan~~

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

~~2. Consistency with Neighborhood Plans~~

~~The plan of development may be consistent with applicable neighborhood plans. [Ord. 2009-040]~~

~~3. Other Relevant Codes~~

~~The site plan or final subdivision plan shall comply with the PBC's health, fire and building standards and all other relevant and applicable provisions of this Code.~~

~~b. Consistency with the Code~~

~~The proposed use or amendment is not in conflict with any portion of this Code, and is consistent with the stated purpose and intent of this Code.~~

~~c. Adequate Public Facilities~~

~~The proposed use complies with Art. 2.F, Concurrency.~~

~~D3. Effect of an issuance of a Administrative Development Order DO Approval by the DRO~~

~~A development order DO approved by the DRO shall have the following effect and authority: [Ord. 2009-040] [Relocated from Art. 2.D.1.D, Effect of an Administrative Development Order Approval by the DRO]~~

~~a.4 Any permitted uses may occur in conjunction with or in place of the approved use; [Relocated from Art. 2.D.1.D.1, Effect of an Administrative Development Order Approval by the DRO]~~

~~2. A development order for a site plan or a subdivision plan shall apply to only the land legally described in the application submitted to, and found sufficient by, the DRO and shall run with the land for the life of the development order; [Relocated from Art. 2.D.1.D.2, Effect of an Administrative Development Order Approval by the DRO]~~

~~3b. A development order for a site plan or subdivision plan Issuance of a DO approved by the DRO shall be deemed to authorize only the particular site configuration, layout, design, level of impacts, and intensity/or density which were approved by the DRO pursuant to the standards of this Code; and [Relocated from Art. 2.D.1.D.3, Effect of an Administrative Development Order Approval by the DRO]~~

~~4c. A DO development order for a site plan or subdivision may only be amended pursuant to the procedures and standards in this Section-Article. [Relocated from Art. 2.D.1.D.4, Effect of an Administrative Development Order Approval by the DRO]~~

~~BG. Administrative Modifications to Prior Development Orders DOs~~

~~1. Purpose~~

~~To establish review criteria for the evaluation of Administrative Modifications to DOs that are approved by the BCC, ZC or the DRO. The DRO may approve amendments to Preliminary~~

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Plans approved by the BCC/ZC, and approve Final Plans, in accordance with the following procedures: [Ord. 2007-001] [Ord. 2008-003] [Ord. 2009-040] [Ord. 2010-005] [Ord. 2010-022] [Ord. 2011-001] [Ord. 2014-001]

1. Modifications to BCC or ZC Approvals

The DRO shall have the authority to approve modifications to a Development Order approved by the BCC or ZC. An application for an amendment shall be submitted in accordance with Article 2.A.1., Applicability, and reviewed in accordance with the standards in Article 2.D.1.C, Review Procedures. Applications must be submitted on deadlines established on the Zoning Calendar. The authority of the DRO to modify a BCC or ZC approved plan prior approval shall include but not be limited to the following: Table 2.C.5.B, Administrative Modifications to Prior DOs. The DRO may allow the modifications so long the request(s) meet the intent of the BCC or ZC approval, and comply with the Conditions of Approval. The DRO shall determine which Agencies will review the application, and whether the review shall be subject to the Full DRO or ZAR process. A combination of requests may require review through the Full DRO process. In making a decision on the requested modification(s), the DRO shall evaluate the application based on the Table listed below, unless otherwise stated herein. The Zoning Director shall maintain PPM ZO-0-29, Administrative Modifications to Approved Site Plans, outlining a list of minor amendments and establishing items that are exempt from the Administrative Modifications process. [Relocated from Art. 2.D.1.G.2.b, Agency Review] [Ord. 2008-003] [Ord. 2010-005] [Ord. 2010-022] [Ord. 2011-001]

a. ~~The relocation of no more than 25 percent of the total approved square footage or other area indicated as being covered by buildings or structures to portions of the site not previously covered.~~ [Relocated to Table 2.D.7 – Administrative Modifications of a Prior DO]

1) ~~No modification shall relocate square footage to a building that enlarges the footprint more than 50 percent of the building area indicated in the latest BCC or ZC approved plan; [Ord. 2015-006] [Ord. 2016-016]~~ [Partially relocated to Table 2.D.7 – Administrative Modifications of a Prior DO]

2) ~~Relocated square footage shall not be used to create additional freestanding buildings or structures.~~ [Relocated to Table 2.D.7 – Administrative Modifications of a Prior DO] ~~This shall not apply to accessory structures which are not subject to Concurrency review in accordance with PPM ZO-O-049, Permits Not Subject to Concurrency Review; and, [Ord. 2009-040] [2015-006]~~ [Relocated to Table 2.C.7, Administrative Modifications to a Prior Development Order, Note 1]

a. Exceptions

1. All Class A or Class B Conditional Uses shall remain in the location consistent with the plan(s) approved by the BCC or ZC; unless a condition of approval allows an alternative location on the same site.

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

b. Modifications to BCC or ZC Approved Plans

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.

b. ~~An increase in the square footage indicated on the most recently ZC or BCC approved Plan(s) shall be subject to the following: [Ord. 2008-003] [Ord. 2009-040] [Ord. 2014-025]~~

1) ~~Maximum of five percent or 5,000 square feet of any building, structure or outdoor area considered as square footage, whichever is less; [Ord. 2014-025] [Ord. 2015-006]~~ [Relocated to Table 2.C.7 – Administrative Modifications of a Prior DO]

2) ~~Maximum 5,000 square feet of the total ZC or BCC approved square footage; and, [Ord. 2014-025] [Ord. 2015-006]~~ [Partially relocated to Table 2.C.7 – Administrative Modifications of a Prior DO]

3) ~~The allowable five percent or 5,000 square feet shall not be used to create new freestanding buildings or structures.~~ [Partially relocated to Table 2.C.7 – Administrative Modifications of a Prior DO] ~~This provision shall not apply to accessory structures which are not subject to Concurrency review in accordance with PPM ZO-O-049. [Ord. 2015-006]~~

c. ~~Additions to or relocations of buildings and structures shall not be constructed closer to perimeter property lines than shown on the plan approved by the BCC or ZC, unless the FLU designation, Zoning district, or existing use of the adjacent parcel is compatible; [Ord. 2009-040] [Ord. 2011-001]~~ [Partially relocated to Table 2.C.7 – Administrative Modifications of a Prior DO]

1) ~~For a Renewable Energy Wind Facility within the AP Zoning District, this shall apply to the Project Boundary, provided they meet separation or setback requirements from~~

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- ~~streets, and residential uses and districts. [Ord. 2011-016] [Ord. 2017-007]~~
[Relocated to Table 2.C.7 – Administrative Modifications of a Prior DO, footnote #3]
- d. ~~For a Renewable Energy Wind Facility within the AP Zoning District, an increase in no more than ten percent, up to a maximum of ten, of the number of wind turbines approved by the BCC. [Ord. 2011-016] [Ord. 2014-025] [Ord. 2017-007]~~ [Relocated to Table 2.C.7 – Administrative Modifications of a Prior DO]
- e. ~~An overall increase of not more than ten percent of the height of any structure; [Relocated to Table 2.C.7 – Administrative Modifications of a Prior DO]~~
- f. ~~Access points; [Ord. 2008-003] [2015-006]~~
- 1) ~~Relocation, addition, or deletion of internal access points; [Ord. 2015-006]~~ [Relocated to Table 2.C.7 – Administrative Modifications of a Prior DO]
- 2) ~~Addition of emergency access ways, as required by PBC Fire Rescue. The DRO shall ensure the District Commissioner is notified of this request in advance of final DRO approval. The access point shall be secured by a gate that has the necessary mechanism to ensure it is closed and secured after each Fire Rescue emergency call. [Ord. 2015-006]~~ [Relocated to Table 2.C.7 – Administrative Modifications of a Prior DO]
- g. ~~Relocation of open space or recreation areas, provided that the request does not result in a substantial change in the amount, configuration, or character of open space or recreation approved by the BCC or ZC; [Ord. 2008-003]~~ [Relocated to Table 2.C.7 – Administrative Modifications of a Prior DO]
- h. ~~The addition or modification of phase lines shall be consistent with the intent of the Development Order; [Ord. 2008-003] [Ord. 2011-001]~~
- i. ~~The applicant shall demonstrate compliance with Article 2.F, Concurrency (Adequate Public Facilities) for any increase in density or intensity beyond the original Development Order or addition or modification of phase lines; [Ord. 2008-003] [Ord. 2009-040] [Ord. 2011-001]~~ [Partially relocated to Table 2.C.7 – Administrative Modifications of a Prior DO]
- j. ~~The applicant shall demonstrate compliance with Article 12, Traffic Performance Standards, without additional conditions of approval to ensure compliance, as determined by the County Engineer for any increase in traffic impact beyond what was reviewed and approved in the original Development Order; [Ord. 2008-003] [Ord. 2009-040] [Ord. 2011-001]~~
- k. ~~Requested or Class A or B Conditional Uses shall remain in the location approved by the BCC or ZC, unless a condition of approval allows relocation; or, [Ord. 2008-003] [Ord. 2010-005] [Ord. 2011-001] [Ord. 2012-027]~~
- l. ~~Add new or amend existing Freestanding ATMs. [Ord. 2013-021]~~
- m. ~~Modification to IRO or URAO Plans, provided that there are no conflicts with prior conditions of approval, any improvement or amenity used to garner support for a project, or testimony from Public Hearing(s); or, [Ord. 2010-005] [Ord. 2010-022] [Ord. 2011-016] [Ord. 2012-027]~~
- n. ~~Requests for Type I Waivers; [Ord. 2011-016] [Ord. 2012-027] [Ord. 2015-031]~~
- o. ~~Requests to modify a Type II Waiver or a Type II Variance when the amendment request is more conforming to Code requirements; [Ord. 2012-027] [Ord. 2015-031]~~
- p. ~~To add Type II electronic message signs; or [Ord. 2015-031] [Ord. 2016-042]~~
- q. ~~The number of loading spaces may be proportionately reduced, if the space is not needed as a result of a reduction in size or change in use. [Ord. 2016-042]~~
- 2. Administrative Modifications**
- a. Purpose**
- To establish procedures to allow for approvals of specific minor corrections, additions and amendments to Final Plans approved by the BCC, ZC or DRO. [Ord. 2007-001] [Ord. 2014-001] [Ord. 2015-006] [Ord. 2016-016]
- b. Agency Review**
- Agency Review is for applications that require amendment(s) to existing approved plan(s). This type of application requires review, comments, and conditions by a maximum of five DRO Agencies. The DRO shall determine which Agencies are required to review the amendment based upon the request and compliance with County Ordinances. The Zoning Director shall maintain PPM Z0-0-29, Administrative Modifications to Approved Site Plans, outlining a list of minor amendments and establishing items that are exempt from the Administrative Modifications process. Amendments include the following, provided Art. 2.D.1.G.1, Modifications to BCC or ZC Approvals, requirements are not exceeded: [Ord. 2008-003] [Ord. 2011-001] [Ord. 2014-001] [Ord. 2015-006] [Ord. 2016-016]
- 1) Increases in building square footage indicated on the latest BCC, ZC or DRO approved plan shall be limited to the following: [Ord. 2008-003] [Ord. 2014-001] [Ord. 2015-006] [Ord. 2016-016]

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- a) ~~Maximum of five percent or 2,500 square feet of any building, structure or outdoor area considered square footage, whichever is less; [Ord. 2008-003] [Ord. 2014-001] [Ord. 2015-006] [Ord. 2016-016]~~
 - b) ~~Maximum 2,500 square feet of the total BCC, ZC or DRO approved square footage; and, [Ord. 2016-016]~~
 - c) ~~Increases in square footage shall not be used to create new freestanding buildings or structures. [Ord. 2008-003] [Ord. 2014-001] [Ord. 2015-006] [Ord. 2016-016]~~
 - d) ~~Provisions a) to c). above, shall not apply to accessory structures which are not subject to Concurrency review in accordance with PPM-ZO-O-049, or clubhouses located in the Recreation pod of a PDD. [Ord. 2008-003] [Ord. 2014-001] [Ord. 2015-006] [Ord. 2016-016]~~
 - 2) ~~The relocation of building square footage indicated on the latest BCC, ZC or DRO approved site plan shall be limited to the following: [Ord. 2016-016]~~
 - a) ~~No more than 25 percent of the total site approved square footage or other area indicated as being covered by buildings or structures to portions of the site not previously covered. [Ord. 2016-016]~~
 - b) ~~No modification shall relocate square footage to a building that enlarges the footprint more than 25 percent of the building area. [Ord. 2016-016]~~
 - c) ~~Clubhouse located in the Recreation pod of a PDD shall be exempt from the relocation thresholds. [Ord. 2016-016]~~
 - 3) ~~Modifications to approved Alternative Landscape Plan (ALP) [Ord. 2008-003] [Ord. 2014-001]~~
 - 4) ~~Modifications to approved phase lines; [Ord. 2014-001]~~
 - 5) ~~New uses that require DRO approval, provided all improvements to the use are interior to the structure, with the exception of the following minor exterior improvements: [Ord. 2014-001]~~
 - a) ~~Modifications to existing parking areas; [Ord. 2014-001]~~
 - b) ~~Outdoor dining areas; [Ord. 2014-001]~~
 - c) ~~Walk-in coolers; or, [Ord. 2014-001]~~
 - d) ~~Above ground tanks. [Ord. 2014-001]~~
 - 6) ~~Palm Beach County School Board Projects; [Ord. 2008-003] [Ord. 2014-001]~~
 - 7) ~~Modifications to approved Type 1B Excavation; [Ord. 2008-003] [Ord. 2011-001] [Ord. 2014-001] [Ord. 2017-007]~~
 - 8) ~~Minor modifications to approved architectural elevations provided consistent with previously approved elevations and conditions of approval; [Ord. 2014-001] [Ord. 2015-031]~~
 - 9) ~~Proposed or relocated guard houses; and, [Ord. 2014-001] [Ord. 2015-031]~~
 - 10) ~~PUD informational signs. [Ord. 2015-031]~~
 - 11) ~~Stealth Towers equal to or less than 100 feet in height located in the AGR, AR and RE Zoning Districts, provided the parcel has an existing DRO approved site plan. [Ord. 2017-007]~~
- The applicant shall be responsible for obtaining the recommendation of approval and any comments from the affected DRO agencies, in a form and manner established by the Zoning Director. [Ord. 2007-001] [Ord. 2008-003] [Ord. 2011-001]
- c. ~~Zoning Review~~
- ~~Zoning review is for applications that require only Zoning Division approval of: minor corrections to tabular data, additions and amendments to existing approved plans. Amendments include the following: [Ord. 2008-003] [Ord. 2014-001] [Ord. 2015-006]~~
- 1) ~~Change in sign location; [Ord. 2008-003]~~
 - 2) ~~Minor modifications to approved parking areas (such as relocation of handicapped parking spaces or removal of spaces exceeding ULDC requirements); [Ord. 2008-003] [Ord. 2014-001]~~
 - 3) ~~Relocation of terminal islands to accommodate trees or utility lines; [Ord. 2008-003]~~
 - 4) ~~Reduction in building size, provided there are no changes to approved architectural elevations; [Ord. 2008-003]~~
 - 5) ~~Minor modifications to approved lot lines to be consistent with plat; [Ord. 2008-003] [Ord. 2014-001]~~
 - 6) ~~Temporary sales trailers pursuant to a Special Permit); [Ord. 2008-003] [Ord. 2014-001] [Ord. 2015-031]~~
 - 7) ~~Other minor structures subject to approval by the DRO and, [Ord. 2008-003] [Ord. 2014-001] [Ord. 2015-031]~~
 - 8) ~~Type II time and temperature or fuel price electronic message signs to approved freestanding signs. [Ord. 2015-031]~~

2. Standards

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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 Administrative Approval of a new use, the DRO shall also consider the limitations and criteria stated in the following Table:

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

| Request | Allowable Modification | Criteria |
|--|---|---|
| Relocation of Building square footage (1) (2) [Partially relocated from Art. 2.D.] | Allow relocation of no more than 25 percent of the total approved square footage or other area indicated as being covered by buildings or structures to portions of the site not previously covered. [Relocated from Art. 2.D.1.G.1.a.] | <ul style="list-style-type: none">Relocation of square footage to a building shall not enlarge the footprint of the building more than 50 percent of the building area as indicated on the latest applicable BCC or ZC approved plan; [Ord. 2015-006] [Ord. 2016-016] [Partially relocated from Art. 2.D.1.G.1.a.1), above]Relocated square footage may be requested in conjunction with the increase of square footage;Relocated square footage shall not be used to create additional freestanding buildings or structures (4); [Ord. 2009-040] [2015-006] [Partially relocated from Art. 2.D.1.G.1.a.2), above]Relocation of square footage may be integrated vertically provided the overall height will not exceed ten percent of the approved height and meet setback requirements, and; [Partially relocated from Art. 2.D.2.D.1.G.1.e, above]Shall not be relocated or constructed closer to perimeter property lines than what was 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. [Ord. 2009-040] [Ord. 2011-001] [Partially relocated from Art. 2.D.2.D.1.G.1.c, above] |
| Increase in square footage for building, structure or outdoor area that is considered as square footage (1) (2) [Partially relocated from Art. 2.D.2.D.1.G.1.b, above] | Allow an increase of a maximum of five percent or 5,000 square feet of any building, structure or outdoor area that is considered as square footage; whichever is less. [Relocated from Art. 2.D.2.D.1.G.1.b.1), above] | <ul style="list-style-type: none">The increase shall not exceed a maximum of five percent or 5,000 square feet of the total square feet approved by the BCC or ZC; [Relocated from Art. 2.D.2.D.1.G.1.b.2), above]The increase shall not exceed a maximum of five percent or 5,000 square feet of any building, structure or outdoor area considered as square footage, whichever is less. [Ord. 2014-025] [Ord. 2015-008] [Relocated from Art. 2.D.2.D.1.G.1.b.1), above]The increase shall not be used to create new freestanding building(s) or structure(s) (4) [Ord. 2015-006]; [Relocated from Art. 2.D.2.D.1.G.1.b.3), above]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; andSubject to Adequate Public Facilities Review. [Ord. 2008-003] [Ord. 2009-040] [Ord. 2011-001] [Relocated from Art. 2.D.2.D.1.G.1.b.3), above] |
| External Emergency Access Ways relocated from Art. 2.D.2.D.1.G.1.f.2), above] | Addition of emergency access ways [Relocated from Art. 2.D.2.D.1.G.1.f.2), above] | <ul style="list-style-type: none">Required by the PBC Fire Rescue Department; relocated from Art. 2.D.2.D.1.G.1.f.2), above]Notice to the District Commissioner by the Zoning Division; and relocated from Art. 2.D.2.D.1.G.1.f.2), above]Access point(s) shall be secured by a gate that has the necessary mechanism to ensure it is closed and secured after each Fire Rescue emergency call. [Ord. 2015-006] relocated from Art. 2.D.2.D.1.G.1.f.2), above] |
| Relocation of Open Space or Recreation Area(s) | Allow the relocation of open space or recreation area(s) [Ord. 2008-003]. [Partially relocated from Art. 2.D.2.D.1.G.1.g, above] | <ul style="list-style-type: none">Relocation shall be within the same overall site or pod;The acreage of the required open space or recreation area(s) shall remain the same; andBy relocating the open space or recreation area, it will not result an incompatibility issue from the adjacent properties or pods that are internal to the site. |
| Phase Lines of the Development | Allow addition and modification of phase line of the development. This may apply to those ZC or BCC approved DO that have no Phase lines. [Ord. 2008-003] [Ord. 2011-001] [Partially relocated from Art. 2.D.2.D.1.G.1.h, above] | <ul style="list-style-type: none">If the addition or modifications are consistent with the intensity or density of the approved DO; andAddition or modification of the Phase lines shall not exceed the approved Concurrence. |
| Type 2 Waiver or Type 2 Variance | Modification of the approved Waiver or Variance | <ul style="list-style-type: none">Modification shall increase the degree of conformity with the current Code requirements. |
| Renewable Energy Wind Facility within the AP Zoning District [Relocated from Art. 2.D.2.D.1.G.1.d, above] | Allow an increase of ten percent or a maximum of ten of wind turbines approved by the BCC. [Ord. 2011-016] [Ord. 2014-025] [Ord. 2017-007] [Relocated from Art. 2.D.2.D.1.G.1.d, above] | <ul style="list-style-type: none">Shall comply with separation or setback requirements from streets, and residential uses and districts as contained for the use in Art. 4, Use Regulations.(3) |

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EXHIBIT B

ARTICLE 2, DEVELOPMENT REVIEW PROCEDURES
SUMMARY OF AMENDMENTS

1

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

| Request | Allowable Modification | Criteria |
|--|---|---|
| Relocation of Building square footage (1) (2) | Allow relocation of no more than 25 percent of the total approved square feet (sq. ft.) or other area indicated as being covered by buildings or structures to portions of the site not previously covered. | ZAR <ul style="list-style-type: none">Relocation of square footage to a building shall not enlarge the footprint of the building more than 25 percent of the building area as shown on the latest 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 requirement; andShall not be relocated or constructed closer to perimeter property lines than what was originally shown on the BCC or ZC approved plan, unless the FLU designation, Zoning District, or existing use of the adjacent parcel is compatible. |
| Increase in square footage for building, structure or outdoor area that is considered as square footage (1) (2) | Allow an increase of a maximum of five percent or 2,500 square feet of any building, structure or outdoor area that is considered as square footage; whichever is less. | <ul style="list-style-type: none">The increase shall not exceed a maximum of 2,500 sq. ft. of the total sq. ft. approved by the BCC or ZC;The increase shall not exceed a maximum of five or 2,500 square feet of any building, structure or outdoor area considered square footage, whichever is less; [Ord. 2008-003] [Ord. 2014-001] [Ord. 2015-006] [Ord. 2016-016] [Relocated from Art.2.D.2.D.1.G.2.b.1)a), above]The increase in square feet shall not be used to create new freestanding building(s) or structure(s) (4); andSubject to Adequate Public Facilities Review. |
| Overall Height Increase | Allow a maximum of ten percent | <ul style="list-style-type: none">Shall meet setback requirements. |
| Internal Access Points [Relocated from Art. 2.D.2.D.1.G.1.f.1), above] | Allow relocation, addition or deletion [Ord. 2015-006] [Relocated from Art. 2.D.2.D.1.G.1.f.1), above] | <ul style="list-style-type: none">Determine whether the proposed location is in proximity to a street intersection; andWhether the proposed location will not negatively impact the existing sidewalk, and maintain the safety of pedestrians. |
| Relocation of Site Elements: Signs | Allow change in location of freestanding ground mounted signs | <ul style="list-style-type: none">Request is based on an approved Master Sign Plan. |
| Relocation of Site Elements: Parking and Loading | Allow relocation of parking or loading spaces | <ul style="list-style-type: none">Shall be consistent with Art. 6, Parking. |
| Architectural Elevations | Allow modifications to approved Architectural elevations | <ul style="list-style-type: none">If the proposed modifications are consistent with the BCC, ZC or DRO approved Architectural elevations or any applicable Conditions of Approval |
| Reduction in building size | Allow reduction in or elimination of building square feet | <ul style="list-style-type: none">The reduction or elimination of building square feet shall not negatively impact the layout and design of the approved plan; andAmendment to the approved Adequate Public Facilities to indicate the reduction in or elimination of square feet. |
| Modification of Type 1B Excavation | Allow reconfiguration | <ul style="list-style-type: none">Reconfiguration shall not bring the excavation closer to the property line. |
| Phase Lines of the Development | Allow relocation of phase line of the development. This shall apply to those ZC or BCC approved DO that have approved Phase lines. | <ul style="list-style-type: none">Relocation is allowed if the Phase lines are consistent with the intensity or density of the approved DO; andRelocation of the Phase lines shall not exceed the approved Concurrency. |
| Freestanding Unmanned Structure | Addition or modification of ATM or Unmanned Retail Structure [Ord. 2013-021] [Partially relocated from Art. 2.D.2.D.1.G.1.I, above] | <ul style="list-style-type: none">Proposed location shall not impede vehicular or pedestrian traffic circulation. |
| Renewable Energy Wind Facility within the AP Zoning District [Relocated from Art. 2.D.1.G.1.c.1), above] | Relocation of wind turbines, buildings and structures. | <ul style="list-style-type: none">Provided they comply with separation or setback requirements from streets, and residential uses and districts, as contained for the use in Art. 4, Use Regulations. (3) [Ord. 2011-016] [Ord. 2017-007] [Relocated from Art. 2.D.1.G.1.c.1), above] |
| Notes: (1) This shall not apply to accessory structures which are not subject to Concurrency review in accordance with PPM-ZO-O-049, Permits Not Subject to Concurrency Review. [Relocated from Art. 2.D.1.G.1.a.2), related to Modifications to BCC, ZC or DRO Approvals] (2) Clubhouse located in the Recreation pod of a PDD shall be exempt from the relocation thresholds. [Ord. 2016-016] [Relocated from Art. 2.D.1.G.2.b.2).c), related to Agency Review Administrative Modifications] (3) Applicable to the Project Boundary instead of the individual property lines. (4) Except for Freestanding ATMs or Unmanned Retail Structures, and accessory structures. | | |

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3. Other Modifications
The addition or relocation of guard houses or other minor structures shall be allowed pursuant to PPM ZO-0-049, as amended.

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EXHIBIT B

ARTICLE 2, DEVELOPMENT REVIEW PROCEDURES SUMMARY OF AMENDMENTS

4. Effect of an Issuance of a DO for Administrative Modifications

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

Section 2C. Special Permit Temporary Use

A.1. Purpose

To create standards and an approval process for certain uses and structures, which are generally temporary in nature, but require monitoring for compliance with Code requirements to ensure compatibility with surrounding land uses. A Temporary Use may be accommodated in a temporary structure or a permanent structure that is legally approved. A Temporary Use shall include, but not limited to those items listed in Art. 4.B.11, Temporary Use. [Ord. 2007-013] [Ord. 2015-006] [Relocated from Art. 2.D.2.A, Purpose as it related to Special Permit]

B.2. Prior Approved and Authorized Special Permits

Any prior approved Special Permits that are requesting an annual renewal or do not have an expiration date indicated on the Permit, shall be subject to the approval of a Temporary Use through the ZAR process. Special Permits shall be issued only for Art. 4.B.5.C.1.c, Home Occupation-AR/RSA related to limited Contractor Storage Yard; Art. 5.B.1.B.2, Tent; Art. 5.B.1.B.3.b.7), Watchman Trailer Mobile Home; Art. 5.B.1.B.3.c.9), Real Estate Sales and Management Office Mobile Home and, Art. 8.H.2, Billboards, subject to the applicable standards and code requirements. Only the uses identified in the use matrices in Art. 4, Use Regulations, by an "S" shall require a special permit. This designation does not constitute an authorization of such use or an assurance that such use will be approved under this Code. Each proposed special permit application shall be evaluated by the Zoning Director for compliance with the standards and conditions set forth in this Section, and the applicable district. [Ord. 2015-006] [Ord. 2017-007] [Relocated from Art. 2.D.2.B, Authorized Special Permits as it related to Special Permit]

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.

G4. Sufficiency Determination

All Special Permit Temporary Use requests are subject to the requirements of Art. 2.A.1.G.4, 2.C.2, Sufficiency Review. [Ord. 2015-006] Relocated from Art. 2.D.2.C, Sufficiency Determination as it related to Special Permit]

D5. Review Process and Final Decision

The application shall be submitted to the DRO subject to the ZAR review process. in a form established by the Zoning Director and shall be consistent with this Code. If the request complies with Code requirements and the Standards listed below, and is not subject to Building Permit Review, the Applicant shall receive a Temporary Use DO 15 days prior to the date of the event.

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. Any Special Permit application requiring building permits shall be submitted a minimum of 30 days prior to the effective date of the Special Permit. Prior to issuance of the Special Permit the DO approval of the Temporary Use, any associated building permits shall be secured and all required inspections scheduled with the Building and Code Enforcement Divisions and Fire Department. [Ord. 2007-013] [Ord. 2009-040] [Ord. 2015-006] Relocated from Art. 2.D.2.D, Review Process as it related to Special Permit]

E6. 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 in the following Table: The following standards shall apply to all special permits: [Relocated from Art. 2.D.2.E Standards as related to, Special Permit]

1a. 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. Compliance with the goals policies and objectives in the Plan; [Relocated from Art. 2.D.2.E.1, Standards as it related to Special Permit]

2b. 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 Compliance with the applicable property development regulations of the zoning district in which the use is located; [Relocated from Art. 2.D.2.E.2, Standards as it related to Special Permit]

3. Compliance with all applicable portions of this Code, including, but not limited, concurrency, parking, and landscaping; and

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EXHIBIT B

ARTICLE 2, DEVELOPMENT REVIEW PROCEDURES SUMMARY OF AMENDMENTS

4. ~~Utilization of the proposed location, design, layout, access, and duration of the use to minimize will not create potential adverse impacts on surrounding land uses.~~ [Relocated from Art. 2.D.2.E.4, Standards as it related to Special Permit]

~~F.7. Conditions~~

~~The Zoning Division DRO shall have the authority to apply conditions to the special permit Temporary Use which ensure compliance with Code requirements, time limitations, and the Standards listed above. If a special permit Temporary Use is found in violation of any condition or Code requirement, the Zoning Division DRO may withhold future special permits from the Applicant from requesting the same temporary use for a period of 24 months.~~ Relocated from Art. 2.D.2.F, Conditions as related to Special Permit]

~~a. Withholding Application~~

~~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:~~

- ~~a. it is a reoccurring violation;~~
- ~~b. the violation has created an impact on the surrounding properties or uses; and~~
- ~~c. the Applicant has demonstrated an effort to correct the violation.~~

~~G8. Renewal-Limited Timeframe~~

~~Certain special permits are required to be renewed annually.~~

~~1. Special permits requiring annual renewal shall be subject to the following:~~

- ~~a. Renewal shall occur on or prior to the date the original permit was issued, or a new permit shall be applied for;~~
- ~~b. Renewal permit shall be subject to the regulations in effect at the time of renewals; and~~
- ~~c. Renewal fee as provided in the fee schedule.~~

~~2. Failure to renew a special permit shall result in the permit becoming null and void. The use or activity permitted by the special permit shall cease immediately and the affected area returned to its pre-permit state.~~

~~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.~~ [Relocated from Art. 2.D.2.G, Renewal as it related to Special Permit]

~~H9. Expiration~~

~~Failure to utilize a special permit the Temporary Use DO within one year of issuance the date of approval, or by the date specified in the DO or in a Condition of Approval, shall result in the permit approval becoming null and void.~~ [Relocated from Art. 2.D.2.H, Expiration as it related to Special Permit]

~~I10. Discontinuance~~

~~A special permit A Temporary Use DO shall expire if the use or activity is discontinued for more than 90 days.~~ [Relocated from Art. 2.D.2.I, Discontinuance as it related to Special Permit]

~~J11. Revocation~~

~~An special permit 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 special permit Temporary Use DO shall result in the permit Approval becoming null and void. The use or activity permitted by the special permit DO shall cease immediately and the affected area shall be returned to its pre-permit original state before the Temporary Use DO was issued.~~ [Relocated from Art. 2.D.2.J, Revocation as it related to Special Permit]

Part 5. ULDC Art. 2.D.3, Type 1A and Type 1B Administrative Variances (pages 43-4 of 88), are hereby amended as follows:

~~Section 3D. Type 1 Administrative Variances~~

~~A1. Purpose~~

~~To allow minor deviation variation from certain standards of this Code when special circumstances or conditions peculiar to the property exist, and the literal enforcement of this Code would result in undue and unnecessary hardship; and to provide the Zoning Director DRO the authority to review, approve, deny, and render conditions to an administrative variance as necessary to accomplish the goals, objectives and policies of the Plan and this Code, including, but not limited to, limitations on size, bulk, location, requirements for landscaping, buffering, lighting, and provisions of adequate ingress and egress. This Section may not be combined with any other Section that allows variations from the same PDRs.~~

[Relocated from Art. 2.D.3.A, Purpose as it related to Type 1A and Typ1B Administrative Variances]

~~B2. Application Procedures~~

~~This Section may not be combined with any other Section that allows variations from the same PDRs.~~ [Ord. 2015-006] [Relocated from Art. 2.D.3.A, Purpose as it related to Type 1A and Type 1B Administrative Variances]

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EXHIBIT B

ARTICLE 2, DEVELOPMENT REVIEW PROCEDURES SUMMARY OF AMENDMENTS

~~C. Type 1A Administrative Variances~~

~~Type 1A variances may be considered for the following: [Ord. 2006-036] [Ord. 2015-006]~~

~~1. Structural Encroachments into Setbacks~~

~~A variance may be requested for a setback reduction up to five percent of the minimum requirement. [Ord. 2006-036]~~

~~2. Preservation of Vegetation~~

~~Variance requests that will accommodate the preservation of existing native tree(s) pursuant to Article 14.C, Vegetation Preservation and Protection, as follows: [Ord. 2006-036]~~

~~a. Up to five percent of a required setback; and~~

~~b. Up to five percent of the required number of parking spaces.~~

~~3. Native Ecosystem Overlay District (NEO)~~

~~A variance may be issued from off-street parking, off-street loading, density-intensity, heights and setbacks provided the following criteria are met pursuant to the extent permitted Article 3.B.7, NEO, Native Ecosystem Overlay.~~

~~a. Procedure~~

~~1) A NEO variance application shall be submitted in a form and established by the Zoning Director and made available to the public.~~

~~2) The application shall be reviewed by ERM to ensure the property is located in an established NEO district. ERM may conduct a site visit to verify the NEO and impact of the proposed development. A written determination by ERM shall be sent to the Zoning Division regarding the proposed preservation.~~

~~b. Restrictive Covenant~~

~~A restrictive covenant shall be recorded in order to preserve the native vegetation identified in the application prior to issuance of an administrative variance. A restrictive covenant shall be recorded in the PBC Public Records on a form established by the County Attorney, to ensure the preservation of native vegetation in perpetuity. The NEO administrative variance shall not be issued until a copy of the recorded restrictive covenant is submitted to the Zoning Division.~~

~~4. Vacant Lots~~

~~The owner of a lot that is subject to the requirement in Art. 7.E.5.B, Vacant Lots, may apply to the Zoning Director for a variance from the time frames, landscaping, and amount of coverage required based on consideration of the following criteria: [Ord. 2005-002] [Ord. 2006-036]~~

~~a. The length of time the lot has been maintained as a vacant lot;~~

~~b. Whether the applicant intends to redevelop the lot within one year of the demolition of the home;~~

~~c. Whether literal interpretation of the terms of the requirements would create an unnecessary and undue hardship, and the applicant can demonstrate that the demolition does not significantly diminish the residential character of the neighborhood;~~

~~d. The existence of special conditions that mitigate the detrimental effect of the vacant lot on the character of the residential neighborhood; and~~

~~e. Whether granting the variance will be consistent with the purposes, goals, objectives, and policies of the Plan and this Code.~~

~~D3. Type 1B Administrative Variances Variance Request Limitations~~

~~A pre-application meeting with staff shall be required prior to application submittal. 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 1B variances may be considered for the following: [Ord. 2006-036] [Ord. 2008-003] [Ord. 2012-003] [Relocated from Art. 2.D.3.D, Type 1B Administrative Variances]~~

~~4.a. Residential Lots of Three Units or Less~~

~~A variance may be requested for the following: [Ord. 2006-036] [Ord. 2008-003]~~

~~a.1) Reductions or increases of Property Development Regulations PDRs greater than five percent of the minimum or maximum requirement. [Ord. 2006-036] [Ord. 2008-003] [Ord. 2012-003]~~

~~b.2) Relief from Article 5.B.1.A, Accessory Uses and Structures as follows: General; Fences, Walls and Hedges; Docks; Entry Features; Fuel, Gas, or Chemical Storage Tanks; Dumpsters; Neighborhood Recreation Facility; Outdoor Recreation Amenities; Screen Enclosures; and Permanent Generators. [Ord. 2008-003] [Ord. 2013-001]~~

~~c.3) Relief from Art. 7.D.4.A.3.3-B.2, Residential Hedge Height. [Ord. 2015-006]~~

~~d.4) Relief from Excavation Standards in Art. 4.B.10.C.2, Type 1A Excavation and Art. 4.B.10.C.3, Type 1B Excavation. [Ord. 2008-003] [Ord. 2017-007] [Relocated from Art. 2.D.3.D.1, Residential Lots of Three Units or Less as it related to Type 1B Administrative Variance]~~

~~2.b. Non Residential Projects~~

~~A variance may be requested for the following: [Ord. 2008-003]~~

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EXHIBIT B

ARTICLE 2, DEVELOPMENT REVIEW PROCEDURES SUMMARY OF AMENDMENTS

- a-1) Setback reduction greater than five percent but not exceeding 15 percent of the minimum requirement; **[Ord. 2008-003]**
- b-2) Reduction in the number of parking spaces not exceeding 15 percent of the minimum requirement; **[Ord. 2006-036] [Ord. 2008-003]**
- c-3) Relief from Article 5.B.1.A., Accessory Uses and Structures as follows: General; Fences, Walls and Hedges; Outdoor Storage; Outdoor Display; Entry Features; Fuel, Gas, or Chemical Storage Tanks; Dumpsters; Neighborhood Recreation Facility; Outdoor Recreation Amenities; Screen Enclosures; and Permanent Generators. **[Ord. 2008-003] [Ord. 2013-001]** [Relocated from Art. 2.D.3.D.2, Non-Residential Projects as it related to Type 1B Administrative Variance]

3.c. Permanent Generators on SFD and ZLL Lots

A ~~variance~~ may be requested to reduce the minimum front and/or side setback requirements for permanent generators proposed on ~~single-family-SFD~~ or ZLL lots, provided that the generator complies with all other applicable ULDC requirements. **[Ord. 2007-001]** [Relocated from Art. 2.D.3.D.3, Permanent Generators on SFD and ZLL Lots as it related to Type 1B Administrative Variances]

H4. Standards

~~The Zoning Director shall consider and find that all criteria listed below have been satisfied by the applicant prior to making a final decision regarding an application for an administrative variance. When considering a Type 1 Variance request, the DRO shall consider Standards a through g, indicated below. A Type 1 Variance which fails to meet any of these Standards shall be deemed adverse to the public interest, and shall not be approved.~~

1. Type 1A

- a. ~~Special conditions and circumstances exist that are peculiar to the parcel of land, building or structure, that are not applicable to other parcels of land, structures, or buildings in the same district; [Ord. 2006-036]~~
- b. ~~Granting the variance shall not confer upon the applicant any special privilege denied by the Plan and this Code to other parcels of land, structures or buildings in the same district; [Ord. 2006-036]~~
- c. ~~Literal interpretation and enforcement of the terms and provisions of this Code would deprive the applicant of rights commonly enjoyed by other parcels of land in the same district, and would work an unnecessary and undue hardship; [Ord. 2006-036]~~
- d. ~~All viable options to address the situation have been exhausted; [Ord. 2006-036]~~
- e. ~~The request is the minimum variance necessary to make possible a reasonable use of the parcel of land. [Ord. 2006-036]~~

2. Type 1B

~~This Section may not be combined with any other Section that allows variations from the same PDRs.~~

- a. ~~Special conditions and circumstances exist that are peculiar to the parcel of land, building or structure, that are not applicable to other parcels of land, structures, or buildings in the same district; [Ord. 2006-036]~~
- b. ~~Special conditions and circumstances do not result from the actions of the applicant; [Ord. 2006-036]~~
- 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]~~
- 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]~~
- 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]~~
- f. ~~Granting the variance will be consistent with the purposes, goals, objectives, and policies of the Plan and this Code; and [Ord. 2006-036]~~
- g. ~~Granting the variance will not be injurious to the area involved or otherwise detrimental to the public welfare. [Ord. 2006-036]~~ [Relocated from Art. 2.D.3.H, Standards as it related to Type 1B Administrative Variances]

F5. Conditions

~~The Zoning Director DRO may recommend impose conditions of approval in a development order for an administrative variance 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. [Relocated from Art. 2.D.3.F, Conditions]~~

G6. Time Limitation

~~Unless otherwise specified in the development order DO or a Condition of Approval, failure to utilize an administrative variance Type 1 Variance within one year of issuance, or by date specified in a~~

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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]** **[Relocated from Art. 2.D.3.G, Time Limitation]**

17. Effect of Development Order a Type 1 Variance DO

Approval of a variance 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]** **[Relocated from Art .2.D.3.I, Effect of Development Order]**

Section 4 — Administrative Inquiry (AI)

A. Purpose

To establish procedures for PBC Officials when submitting inquiries to the BCC asking for direction on procedural matters or to resolve an inconsistency in a Development Order. **[Ord. 2011-016]** **[Relocated from Art. 2.D.13.A, Purpose]**

B. Applicability

An inquiry is not a public hearing and is not subject to the advertising and notice requirements of Article 2, Development Review Process. The decision of the BCC shall be final. **[Ord. 2011-016]** **[Partially relocated from Art. 2.D.13.B, Applicability]**

C. Procedures

An AI may be made by a public agency through the Zoning Director using forms and procedures established by the Zoning Division. The AI shall be placed on the BCC agenda by the Zoning Division for the date the inquiry is intended to be presented. Courtesy Notice pursuant to Art. 2.A.1.J, Notifications, is required for an AI applicable to a parcel for a specific inquiry or to provide development status not monitored by the provisions in Art. 2.E, Monitoring. **[Ord. 2011-016]** **[Ord. 2017-002]** **[Relocated from Art. 2.D.13.C, Procedures]**

Section 5 — Interpretations

A. Purpose

To establish a process for Interpretations of this Code as defined in Article 1.B, Interpretation of the Code. **[Ord. 2011-016]** **[Relocated to Art. 2.C.14.A, Purpose]**

B. Applicability

Any owner of a parcel of land, and person with a contractual interest in a parcel of land, or any person submitting a Development Order application for a parcel of land may request an interpretation on how one or more provisions in the Code or the Official Zoning Map apply to that parcel of land. **[Ord. 2011-016]** **[Relocated to Art. 2.C.14.B, Applicability]**

C. Procedures

1. Submission of Request for Interpretation

A request for interpretation shall be submitted to the appropriate PBC official in a form established by that official and made available to the public. The request shall be accompanied by fee established by the BCC. **[Ord. 2011-016]** **[Relocated to Art. 2.C.14.C.1, Submission of Request for Interpretation]**

2. Sufficiency Determination

All interpretation requests are subject to requirements pursuant to Art. 2.A.1.G.4, Sufficiency Review. **[Ord. 2011-016]** **[Relocated to Art. 2.C.14.C.2, Determination]**

3. Rendering of Interpretation

Within 30 days after the request for interpretation has been determined sufficient, the PBC official responsible for rendering the interpretation shall review and evaluate the request in light of the Plan, this Code, the Official Zoning Map, and consultation with the County Attorney, and render an interpretation. The interpretation result shall be in writing and shall be mailed to the applicant. **[Ord. 2011-016]** **[Relocated to Art. 2.C.14.C.3, Rendering of Interpretation]**

D. Appeal

A person applying for an interpretation pursuant to this section may seek an appeal according to Art. 2.A.1.S, Appeal. **[Ord. 2011-016]** **[Relocated to Art. 2.C.14.D, Appeals]**

E. Official Record

Each PBC official responsible for rendering an interpretation shall maintain a record of the interpretation and forward a copy to the Zoning Director. This record shall be available for public inspection, upon reasonable request, during normal business hours. **[Ord. 2011-016]** **[Relocated to Art. 2.C.14.E, Official Records]**

Section 6E. Type 11 Waiver

A.1. Purpose

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The purpose of To establish procedures and evaluation standards for a Type I-1 Waivers. A Type 1 Waiver is to allow flexibility for and minor adjustments to the property development regulations mixed-use; infill redevelopment projects; site design or layout; preservation or incorporation of existing native, non-prohibited or specimen vegetation; or for the innovative use of plant material and 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]

B.2. Applicability

Requests for Type I-1 Waivers shall only be permitted where expressly stated within the ULDC: [Ord. 2011-016] [Ord. 2012-027]

Table 2.C.5.E, Summary of Type 1 Waivers

| Requests | ULDC Reference |
|---|--|
| Glades Area Overlay (GAO) | Table 3.B.4.F, Type 1 Waivers for Industrial Pods |
| NEO, Native Ecosystem Overlay | Art. 3.B.7.D, Property Development Regulations (PDR) |
| Northlake Boulevard Overlay Zone (NBOZ) Design Guidelines | Table 3.B.8.E, Type 1 Waivers for NBOZ Design Guidelines |
| Infill Redevelopment Overlay (IRO) | Table 3.B.15.G, Type 1 Waivers |
| Urban Redevelopment Overlay (URAO) | Table 3.B.16.G, Type 1 and 2 URAO Waivers |
| Structural Setback – Reduction not to exceed five percent less than the minimum requirement (1) | Table. 3.D.1.A – Property Development Regulations |
| Required Parking for Location Criteria Exception in Type I Restaurant with Drive Through | Art. 4.B.2.C.32.f.3)a)(2), Location Criteria – Exceptions, Design Criteria |
| Commercial Greenhouse Loading Zones | Art. 4.B.6.C.17.c.4)b), Loading |
| Solid Waste Transfer Station Landscape Buffer Planting | Art. 4.B.7.C.10.d, Buffer |
| Screening for Roof Mounted Mechanical Equipment | Art. 5.B.1.A.19.a.2), Screening Requirements for Roof Mounted Mechanical Equipment |
| Green Architecture | Art. 5.C.1.E.3, Type 1 Waiver – Green Architecture |
| Required Parking for Community Vegetable Garden | Table 6.A.1.B – Minimum Off-Street Parking and Loading Requirements, Note 10. |
| Reduction in Number of Minimum Required Loading Spaces [uses < 10,000 square feet] | Art. 6.B.1.D.2, Type 1 Waiver – Reduction of Minimum Number of Required Loading Spaces |
| Reduction of Loading Space Width or Length [for uses that require limited loading] | Art. 6.B.1.H.7, Type 1 Waiver – Reduction of Loading Space Width or Length |
| Landscaping | Table 7.B.3, Type 1 Waiver for Landscaping |
| Billboard Replacement – Billboard Location Criteria | Art. 8.H.2.D.4., Replacement |
| PUD Informational Signs | Art. 8.G.3.B.6.b, Standards for Type 3 Electronic Message Signs |
| [Ord. 2012-027] [Ord. 2014-025] [Ord. 2015-031] [Ord. 2016-016] [Ord. 2016-042] | |
| Notes: | |
| 1. This Waiver shall only be utilized for detached housing types on individual lots, and shall not be utilized for multiple lots under one application, i.e. "blanket" application. | |

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

Table 2.D.6.B – Summary of Type I Waivers

| Type I Waiver Summary List |
|--|
| Glades Area Overlay (GAO) |
| Northlake Boulevard Overlay Zone (NBOZ) Design Guidelines |
| Infill Redevelopment Overlay (IRO) |
| Urban Redevelopment Overlay (URAO) |
| Lifestyle Commercial Center (LCC) |
| Required Parking for Location Criteria Exception in Type I Restaurant with Drive Through |
| Commercial Greenhouse Loading Zones |
| Solid Waste Transfer Station Landscape Buffer Planting |
| Screening for Roof Mounted Mechanical Equipment |
| Green Architecture |
| Reduction in Number of Minimum Required Loading Spaces [uses < 10,000 square feet] |
| Reduction of Loading Space Width or Length [for uses that require limited loading] |
| Requirements for Walls or Fences Where Adjacent to Existing Walls |
| Billboard Replacement – Billboard Location Criteria |
| Required Parking for Community Vegetable Garden |
| Incompatibility Buffers for Recreation or Civic Pods, Areas or Tracts |
| PUD Informational Signs |
| Landscaping |
| [Ord. 2012-027] [Ord. 2014-025] [Ord. 2015-031] [Ord. 2016-016] [Ord. 2016-042] |

C3. Standards

When considering whether to approve, approve with conditions, or deny a DO application for a Type I-1 Waiver request, the DRO shall consider the following s Standards in addition to any other s Standards applicable to the specific Waiver as contained in this Code. For a Waiver application that requires the submittal of an ALP, the Applicant shall comply with additional

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standards pursuant to Art. 7.B.3.A2-A, Type ~~1~~ Waivers for Landscaping. [Ord. 2010-022] [Ord. 2011-016] [Ord. 2012-027] [Ord. 2016-042]

1. The Waiver does not create additional conflicts with other requirements of the ULDC, and is consistent with the stated purpose and intent for the Zoning district or Overlay; [Ord. 2010-022] [Ord. 2011-016] [Ord. 2012-027]
2. The Waiver will not cause a detrimental effect on the overall design and development standards of the project, and will be in harmony with the general site layout and design details of the development; and, [Ord. 2010-022] [Ord. 2012-027]
3. The alternative design option recommended as part of the Waiver approval, if granted, will not adversely impact adjacent properties. [Ord. 2010-022] [Ord. 2012-027]

4. Conditions

The DRO may impose Conditions of Approval in a Type 1 Waiver DO, as necessary, to accomplish the goals, objectives and policies of the Plan and this Code, including, but not limited to, limitations on size, bulk, location, requirements for landscaping, buffering, lighting, and provisions of adequate ingress and egress. Any violation of the Waiver or Condition shall be a violation of this Code.

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. Section 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] [Relocated from Art. 2.D.7.A, Purpose and Intent]

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] [Relocated from Art. 2.D.7.B, 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] [Relocated from Art. 2.D.7.C, 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] [Relocated from Art. 2.D.7.D, Application Procedures]

a. Application Contents

The following considerations shall be applicable for any application information or documentation required: [Ord. 2011-016] [Relocated from Art. 2.D.7.D.1, 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 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 counselor, 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] [Relocated from Art. 2.D.7.D.1.a, Confidential Information]

2) Address of Applicant

Address of the applicant is requested, unless governed by 42 U.S.C. §290d.d., 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] [Relocated from Art. 2.D.7.D.1.b, 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. 290d.d., in which case address shall not be required, but the

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applicant may be requested to provide documentation to substantiate a claim verifying applicability. **[Ord. 2011-016]** [Relocated from Art. 2.D.7.D.1.c, 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]** [Relocated from Art. 2.D.7.D.2, 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 a applicant's, or an appealing party as applicable, attorneys' fees or costs in connection with the request, or an appeal. **[Ord. 2011-016]** **[Ord. 2015-006]** [Relocated from Art. 2.D.7.D.3, Fee]

d. County Assistance

The County shall provide such assistance and accommodation as is required pursuant to FHA and ADA in connection with a disabled person's request for Reasonable Accommodation, including assistance with reading application questions, and responding to questions related to completing application or appeal forms, among others, to ensure the process is accessible. **[Ord. 2011-016]** [Relocated from Art. 2.D.7.D.4, County Assistance]

e. Findings for Reasonable Accommodation

In determining whether the Reasonable Accommodation request shall be granted or denied, the applicant shall be required to establish that they are protected under the FHA or ADA by demonstrating that they are handicapped or disabled, as defined in the FHA or ADA. Although the definition of disability is subject to judicial interpretation, for purposes of this ordinance the disabled individual must show: **[Ord. 2011-016]** **[Ord. 2015-006]**

- 1) a physical or mental impairment which substantially limits one or more major life activities; **[Ord. 2011-016]**
- 2) a record of having such impairment; or **[Ord. 2011-016]**
- 3) that they are regarded as having such impairment. **[Ord. 2011-016]**

The applicant shall demonstrate that the proposed accommodations being sought are reasonable and necessary to afford disabled persons equal opportunity to use and enjoy housing. The foregoing, as interpreted by the Courts, shall be the basis for a decision upon a Reasonable Accommodation request made by the appropriate PBC official. **[Ord. 2011-016]** **[Ord. 2015-006]** [Relocated from Art. 2.D.7.D.5, Findings for Reasonable Accommodation]

f. Authority

The determination of which appropriate PBC official has the authority to consider and act on requests, or appeals of a decision for Reasonable Accommodation, shall be consistent with Art. 1.B.1.A, Authority. **[Ord. 2011-016]** [Relocated from Art. 2.D.7.D.6, Authority]

g. Action by Appropriate PBC Official

A written response shall be issued within 45 days of the date of sufficiency advising the applicant of the PBC official's action. **[Ord. 2011-016]** **[Ord. 2015-006]** [Relocated from Art. 2.D.7.D.7, Action by Appropriate PBC Official]

1) Request for Additional Information Timeframes

If additional information is required to make a final decision, the following shall apply: **[Ord. 2011-016]** **[Ord. 2015-006]** [Relocated from Art. 2.D.7.D.7.a, Request for Additional Information Timeframes]

a) Within 45 days of sufficiency determination, a written notice requesting additional information may be requested, specifying what information is required. **[Ord. 2011-016]** **[Ord. 2015-006]**

b) The applicant shall have 15 days from the date of the written notice to respond to the request for additional information not to exceed 60 days from the date of the sufficiency determination. **[Ord. 2011-016]** **[Ord. 2015-006]**

(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]**

(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]**

2) Determination

In accordance with Federal law, the appropriate PBC official, shall: **[Ord. 2011-016]**

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- 1 a) ~~grant the accommodation request; [Ord. 2011-016]~~
2 b) ~~grant a portion of the request and deny a portion of the request; [Ord. 2011-016]~~
3 c) ~~impose conditions upon the grant of the request; or [Ord. 2011-016]~~ 4) ~~deny~~
4 ~~the request. Any such denial shall be in writing and shall state the grounds~~
5 ~~therefore. [Ord. 2011-016] [Relocated from Art. 2.D.7.D.7.b, Determination]~~
6
7 **3) Notice of Proposed Decision**
8 ~~All written determinations shall give notice of the right to appeal. The notice of~~
9 ~~determination shall be sent to the requesting party (i.e. the disabled individual or his/her~~
10 ~~representative) by certified mail, return receipt requested. [Ord. 2011-016]~~
11 ~~[Relocated from Art. 2.D.7.D.7.c, Notice of proposed Decision]~~
12
13 **h. Appeal**
14 ~~Within 30 days after the appropriate PBC official has rendered a decision on a Reasonable~~
15 ~~Accommodation, the applicant may appeal the decision. This timeframe shall be based~~
16 ~~upon the date of the letter mailed to the requesting party. All appeals shall contain a~~
17 ~~statement containing sufficient detail of the grounds for the appeal. Appeals shall be to a~~
18 ~~Hearing Officer as set forth in this Code. The Hearing Officer shall, after duly noticing the~~
19 ~~applicant of the public hearing for appeal, render a determination as soon as reasonably~~
20 ~~practicable, but in no event later than 60 days after an appeal has been filed. Such hearing~~
21 ~~shall be de novo. A Hearing Officer's decision may be appealed to the 15th Judicial Circuit~~
22 ~~Court by petition for writ of certiorari. [Ord. 2011-016] [Relocated from Art. 2.D.7.D.8,~~
23 ~~Appeal]~~
24
25 **i. Stay of Enforcement**
26 ~~While an application for Reasonable Accommodation, or appeal of a determination of~~
27 ~~same, is pending before the County, the County will not enforce the subject ULDC~~
28 ~~requirement, or related rules, policies, practices or procedures, against the applicant. [Ord.~~
29 ~~2011-016][Relocated from Art. 2.D.7.D.9, Stay of Enforcement]~~
30
31 **j. Time Limitation**
32 ~~A Determination granting, partially granting, or granting with conditions, a Reasonable~~
33 ~~Accommodation, may remain valid either for one-year from the date of issuance, or by the~~
34 ~~date specified in a Development Order or associated Condition of Approval, otherwise it~~
35 ~~shall become null and void. This provision shall retroactively apply to all prior~~
36 ~~Determinations for a Reasonable Accommodation prior to the effective date of this~~
37 ~~Ordinance. [Ord. 2017-002] [Relocated from Art. 2.D.7.D.10, Time Limitation]~~
38
39 **G. Development Order Abandonment (ABN)**
40
41 **1. General**
42 ~~An Administrative DO granted under a prior Ordinance, may be abandoned according to the~~
43 ~~procedures in this Chapter.~~
44
45 **2. DOs Not Implemented**
46 ~~All DOs which were never implemented shall be either: [Ord. 2005 – 002] [Relocated from~~
47 ~~Art. 2.A.1.Q.2, Development Orders not Implemented]~~
48
49 **a. Administrative Abandonment**
50 ~~Administratively abandoned upon demonstration to the ~~Zoning Director~~ DRO that the DO~~
51 ~~was not implemented; or [Relocated from Art. 2.A.1.Q.2.b, Administrative Abandoned]~~
52
53 **b. Revocation**
54 ~~Reviewed for revocation pursuant to Art. 2.E, Monitoring.~~
55
56 **3. Implemented DOs**
57 ~~Certain implemented DOs, pursuant to Art. 2.DC, Administrative Processes, qualify for~~
58 ~~administrative abandonment. [Ord. 2009-040] [Ord. 2010-022] [Ord. 2011-001] [Relocated~~
59 ~~from Art. 2.A.1.Q.3, Implemented Development Orders]~~
60
61 **a. Administrative Abandonment**
62 ~~A DO, which was used, implemented or benefited from, may be administratively~~
63 ~~abandoned by filing an application with the ~~Zoning Director~~ DRO demonstrating that the~~
64 ~~following criteria are met; [Relocated from Art. 2.A.1.Q.3.a, Administrative~~
65 ~~Abandonment]~~
66
67 1) ~~All ~~e~~Conditions of ~~a~~Approval have been met; [Relocated from Art. 2.A.1.Q.3.a.1),~~
68 ~~related to Administrative Abandonment]~~
69
70 2) ~~There is no reliance by other parties on additional performance; and, [Relocated from~~
71 ~~Art. 2.A.1.Q.3.a.2), related to Administrative Abandonment]~~
72
73 3) ~~Consent of all property owners has been received. [Relocated from Art.~~
74 ~~2.A.1.Q.3.a.3), related to Administrative Abandonment]~~
75
76 **b. Unpaid Status Fees**
77 ~~A DO shall not be abandoned, either administratively or by approval of a subsequent DO,~~
78 ~~until all unpaid status report fees imposed by action pursuant to Article 2.E, Monitoring,~~
79 ~~have been paid.~~
80
81 **4. Additional Criteria**

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In determining whether a DO was used, implemented or benefited from, consideration shall be given to either one or both of the criteria:

- a. Whether any construction or additional construction authorized in the DO has commenced;
or
- b. Whether a physical or economic use of the DO has occurred, including physical or economic expansion.

FH. Conditions of Approval

1. DRO Authority

The DRO shall have the authority to ~~recommend conditions of approval for Public Hearing development orders requiring BCC or ZC approval and~~ impose conditions of approval for administrative ~~development orders DOs~~. Conditions of approval may be ~~recommended or~~ imposed to: **[Ord. 2009-040]**

- a. Ensure compliance with Code requirements; **[Ord. 2009-040]**
- b. Ensure compatibility of the proposed development or use with surrounding land uses, address the location of uses on the site to minimize potential adverse off-site impacts, and ensure on-site safety; **[Ord. 2009-040]**
- c. Require the execution of a unity of title, unity of control, shared parking and other legal documentation necessary to satisfy requirements of this Code; **[Ord. 2009-040]**
- d. Require road construction necessary to mitigate project impacts including but not limited to drainage, turn lanes, sidewalks, and signalization; **[Ord. 2009-040]**
- e. Reduce negative impacts from agricultural uses in the urban services area on surrounding properties including but not limited to: controlling objectionable odors, fencing, sound limitations; inspections, reporting or monitoring preservation areas, mitigation, and/or limits of operation; and **[Ord. 2009-040]**
- f. Allow specific requirements of the Code to be waived, provided the proposed development meets the specific requirements for a Type I Waiver. **[Ord. 2009-040] [Ord. 2012-027]**

2. Condition Limitations

- a. Conditions imposed by the DRO shall be reasonable, not be contrary to law, limited to on-site improvements, except for off-site road improvements or conveyances specifically attributable to the project's impact.
- b. Conditions shall not amend BCC ~~or~~, ZC ~~or variance~~ imposed conditions or affect previously approved conditions.
- c. For modifications or additions to previously approved ~~DOs development orders~~, conditions shall only be imposed to address the specific impacts of the new use or development.
- d. Conditions shall not restrict land uses otherwise permitted by the Code, unless necessary for parking or concurrency purposes, or require payment of any fees not otherwise required.

I. Zoning Confirmation Letter (ZCL)

1. Purpose

Confirmation of information regarding a particular parcel of land, or interpretation of how the Code applies to a given parcel, may be obtained through a Formal ZCL, site specific, or non-site specific, or through an Informal ZCL from the DRO pursuant to the procedures in this Section. The scope of the Formal or Informal ZCL shall be limited to those matters under the authority of the Executive Director of PZB pursuant to Article 1.B.1.A., Interpretation of the Code, Authority.

2. Types of ZCL

The request for a ZCL by an applicant may be in form of an Informal ZCL, a Non-Site Specific Formal ZCL or a Formal ZCL.

a. Informal ZCL

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

b. Non-Site Specific ZCL

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

c. Formal ZCL

An owner of a parcel of land, any person with a contractual interest in a parcel of land, or any person submitting a DO application for a parcel of land, may request a Formal ZCL to

Notes:

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EXHIBIT B

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determine how the Code applies to that parcel of land based on an existing DO or a specific plan to seek a DO for a particular use. The Formal ZCL may contain the same information contained in the Informal ZCL, but may also include a request for clarification or interpretation of Code requirements, existing conditions of approval, prior approvals or other matters pertinent to the parcel of land. A request for a Formal ZCL is subject to a mandatory PAA. A Formal ZCL is subject to appeal pursuant to Art. 2.A.1.S., Appeals.

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.3., Sufficiency Review. The BCC may establish an administrative fee by Resolution for processing both Informal and Formal ZCLs.

4. ZCL Response

a. Informal ZCL Response

Within 30 days after the date of which the request is deemed sufficient for review, the DRO shall provide a response to the applicant.

b. Formal ZCL and Non-Site Specific ZCL Response

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

J. Administrative Inquiry (AI)

A1. Purpose

To establish procedures for PBC Officials when submitting inquiries to the BCC asking for direction on procedural matters or to resolve an inconsistency in a Development Order. **[Ord. 2011-016]** [Relocated from Art. 2.D.4.A, Purpose]

B2. 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]** [Partially relocated from Art. 2.D.4.B, Applicability]

C3. 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. **[Ord. 2011-016]** **[Ord. 2017-002]** [Relocated from Art. 2.D.4.C, Procedures]

Part 6. ULDC Art. 2, Development Review Procedures, is hereby amended to add new Art. 2.D, ULDC Privately Initiated Amendment (PIA), as follows:

CHAPTER D ULDC PRIVATELY INITIATED AMENDMENT (PIA)

Section 1 Purpose and Intent

The PIA is a discretionary process based on BCC authority to initiate, hear, consider, approve or deny amendments to the ULDC. The BCC or responsible PBC Official, as specified in Art. 1.B.1.A, Authority, initiate ULDC amendments, which typically includes input or requests from other governmental entities, industry or the public.

The PIA is established to provide for a transparent application process to allow for non government entities to make formal request to the BCC to initiate amendments to the ULDC, in scenarios where the responsible PBC Official does not support initiating the amendment, or recommends staff address the request in a future scheduled ULDC Amendment Round.

The PIA process is comprised of two phases, the first of which serves to minimize both applicant and staff resources, by allowing for an abbreviated application for initial staff and LDRAB review, and presentation to the BCC to confirm or deny a request to simply initiate the amendment process. If initiated, the second phase typically requires additional specificity and supporting information from the applicant, coordination with staff and any interested parties to refine and calibrate the amendment, but otherwise follows the standard procedure for the processing of ULDC amendments.

Under no circumstance will a PIA be processed that is in violation of State, Federal or other applicable local government laws, or where inconsistent with the Comprehensive Plan, except where submitted with a concurrent amendment to the Plan.

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Section 2 Authority

Acceptance of a PIA application to amend the ULDC shall be at the discretion of the responsible PBC Official as specified in Art. 1.B.1.A, Authority, in consultation with the Zoning Director. Any private application to amend the Comprehensive Plan that will require a concurrent or subsequent amendment to the ULDC, shall comply with the following:

- A. The applicant shall include documentation confirming that the responsible PBC Official and PZB has been consulted prior to submittal of an amendment to the Comprehensive Plan; and,
- B. Submittal of a concurrent PIA application to amend the ULDC, unless the responsible PBC Official specifies an alternative submittal deadline. The responsible PBC Official, in consultation with the Zoning Director, shall have the discretion to waive the Phase 1 PIA requirement, provided that this is specified in the initiation requests to the Planning Commission and BCC.

Section 3 Standards

Evaluation of a PIA shall include consideration of the following standards:

- 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.
- B. 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;
- D. Will not be in conflict with any other ULDC provisions or amendment will also address the other inconsistencies;
- E. The request has been demonstrated to be a new industry trend not anticipated by the Comprehensive Plan or ULDC; and,
- F. 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.

Section 4 Mandatory Pre-Application Appointment (PAA)

A. Applicability

A PAA is mandatory for any request for a PIA, or for any proposed Plan amendment that will require an amendment to the ULDC.

B. Purpose

The purpose of the PAA is to confirm that a potential applicant has coordinated with staff to evaluate or exhaust all other potential options and has performed sufficient due diligence to ascertain the viability of the request.

C. PAA Requirements

The applicant shall provide a Justification Statement and any necessary supporting documentation outlining the rationale for the proposed amendment, to include a preliminary evaluation of the Standards cited above.

D. Decision

The applicable responsible PBC Official shall provide a written response within seven working days affirming if a PIA will be accepted, denied, or if additional follow up is required by the applicant. Other options may be applicable, including where the applicant and responsible PBC Official may agree to a staff initiated amendment based on currently two Round of amendments each year or a standalone ordinance based on BCC direction when the amendments is requested to be expedited.

Section 5 Application Procedures

As the PIA is a discretionary process, acceptance of an application is typically determined through a higher level of collaboration between the applicant and applicable PBC Official, or designee. Upon completion of the mandatory PAA and favorable decision by the responsible PBC Official, a PIA application may be submitted in accordance with the following Application Procedures.

A. General Overview

The PIA is comprised of two phases as outlined under Purpose and Intent above.

1. Phase 1

The Phase 1 PIA allows an applicant to submit a preliminary request for staff evaluation and recommendation, presentation to the LDRAB for recommendation, and final presentation to the BCC to deny the request, or direct the responsible PBC Official to accept a request for a Phase 2 PIA, or other direction including scheduling, limitations or other similar.

2. Phase 2

The Phase 2 PIA requires the applicant to coordinate with staff and any interested parties, and may require a more detailed analysis and supporting documentation to substantiate the request. Once the application is deemed sufficient it shall be scheduled for presentation to

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- the LDRAB. The intent of this hearing is to obtain a final recommendation and determination of consistency with the Comprehensive Plan, prior to being scheduled for presentation to the BCC for Request for Permission to Advertise. Pursuant to approval of the request, one or more duly noticed Public Hearings are required, in accordance with F.S. 125.66.
- B. Application Fees**
Fees shall be established in accordance with the official PZB Fee Schedule. Additional public notice costs may be assessed to the applicant seeking to process a PIA amendment outside of the two yearly scheduled ULDC Amendment Rounds.
- C. Application Requirements**
Applications shall be in a form established by the responsible PBC Official, in consultation with the Zoning Director, but at a minimum shall include an updated Justification Statement in accordance with the standards specified for a Phase 1 PIA.
- D. Sufficiency Review**
Notification of sufficiency or insufficiency shall be forwarded to the applicant within ten days of receipt of a Phase 1 or 2 PIA application.
- 1. Sufficiency**
If the application is determined to be sufficient by the applicable PBC Official, it shall be reviewed and evaluated pursuant to the procedures and standards of this Chapter.
- 2. Insufficiency**
In an application is determined to be insufficient, staff shall provide written notification to the applicant summarizing the deficiencies.
- a.** No further action may be taken on the application until the deficiencies are remedied. If the deficiencies are not remedied within 20 days from the date of the insufficiency notification, the application shall be administratively withdrawn.
- b.** Revised applications shall be subject to the above timeframe to determine sufficiency or insufficiency.
- c.** If amended and determined to be sufficient, the application may be processed.
- E. Review**
The applicant shall demonstrate that the application has met the Standards cited above, in addition to responding to input provided by the LDRAB, BCC, LDRAB Subcommittee when applicable, and staff comments, or other issues identified through the amendment process.
- 1. LDRAB Scheduling**
Applications may be placed on an agenda by the responsible PBC Official, in consultation with the Zoning Director, a minimum of 15 days prior to the next available LDRAB meeting, or a subsequent meeting as mutually agreed upon by the applicant and responsible PBC Official.
- 2. Staff Report and Recommendation**
The responsible PBC Official reviewing the application shall prepare a report for both Phase 1 and 2 PIA applications, which incorporates an analysis of the Standards cited above, confirmation of consistency with the Plan, and evaluation of any other issues identified through the amendment process, and make a recommendation of approval, denial, or an alternative amendment. In the case of a Phase 1 PIA, the recommendation for approval may be limited to indicating that the request merits consideration. The report shall be made available to the public at least five days prior to the hearing date.
- 3. Application Modification After Certification**
Applications shall not be modified after certification, unless requested or agreed to by the responsible PBC Official, the latter of which may be subject to postponement of any scheduled meetings or Hearings. Modifications after presentation to the LDRAB/LDRC may not be permitted where substantially different from what the LDRAB reviewed, or where such may alter the original LDRC consistency determination.
- F. Scheduling**
Applications for a Phase 1 or 2 PIA shall be submitted a minimum of 5 weeks prior to presentation to the LDRAB, or other time as may be determined by the responsible PBC Official, in consultation with the Zoning Director. Additional time may be required by the responsible PBC Official, where an LDRAB Subcommittee has been convened, additional public meetings are scheduled, or where there is a concurrent Plan PIA, among others. Once an application has been certified, the responsible PBC Official shall schedule advisory board meetings and BCC Public Hearings, in consultation with the Zoning Director, as follows:
- 1. Phase 1**
A Phase 1 PIA shall be scheduled for presentation to the LDRAB to obtain a preliminary recommendation, and to the BCC at a Public Hearing for direction on initiating the amendment.
- 2. Phase 2**
A Phase 2 PIA shall be scheduled for presentation to the LDRAB to obtain a recommendation, the LDRC for a consistency determination with the Plan, and the BCC for Request for Permission to Advertise, and one or more Public Hearings, in accordance with F.S. 125.66.
- a. Scheduling Options**

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Applicants are encouraged to process a PIA within the timeframes for Amendment Rounds established annually by the Zoning Division. Applicants may opt to request that a PIA be scheduled for the first available LDRAB, LDRC or BCC Zoning Hearings, but this may result in additional fees to cover required notifications.

Section 6 Notification

A. Applicability

Public notification is required for LDRC meetings and BCC Public Hearings, excluding Requests for Permission to Advertise for Public Hearings.

B. Newspaper Publication

Notice shall be posted in a newspaper of general circulation in PBC, as follows:

1. LDRC Meeting

In accordance with PBC PPM CW-L-038.

2. BCC Public Hearings

In accordance with F.S. 125.66.

C. Postponements

All applications postponed for three or more consecutive LDRC meetings or Public Hearings, shall require that the newspaper notification be republished.

Section 7 Action by LDRAB and LDRC

A. Advisory Board

The LDRAB is the designated advisory board for the majority of the ULDC; however, there may be other entities tasked with reviewing specific ULDC provisions. All ULDC amendments are subject to LDRC review.

1. Meeting

The advisory board shall consider the application, staff report, relevant support materials, and public testimony given at the meeting.

2. Recommendation

In concluding that portion of the meeting designated on the agenda for a PIA, the advisory board shall recommend to the BCC that the application be approved, approved with modifications, or denied, based on the standards for a PIA, unless the applicant and responsible PBC Official agrees to a continuance or postponement.

B. LDRC

A Phase 2 PIA shall be presented to the LDRC, which shall make a determination of consistency with the Plan.

Section 8 Action by the BCC

After review and recommendation by the LDRAB, including LDRC consistency determination for a Phase 2 PIA, the application shall be considered at the next available regularly scheduled Public Hearing by the BCC, or such time as is mutually agreed upon between the applicant and responsible PBC Official.

A. Public Hearing

At the public hearing(s), the BCC shall consider the application, staff report, relevant support materials, the recommendation of the LDRAB, the testimony given and the evidence introduced into the record at the public hearing(s).

B. Postponements, Continuance or Remand

The BCC shall have the discretion to postpone or continue any PIA application at any time, or remand the application back to the LDRAB.

C. Decision

1. Phase 1

At the conclusion of the hearing, the BCC may elect to initiate the amendment, initiate with additional modifications or stipulations, or deny the request.

2. Phase 2

A Phase 2 PIA shall require a Public Hearing to Request for Permission to Advertise required Public Hearings, and one or more Public Hearings in compliance with F.S. 125.66. At the conclusion of the final Public Hearing, the BCC may approve, approved with conditions, modify, or deny the PIA application.

D. Conduct at Hearing

Shall be in accordance with Art. 2.B.6.D, Conduct of Hearing

Section 9 Appeals

The PIA process is discretionary and not subject to appeals.

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Part 7. ULDC Art. 2.F, CONCURRENCY [Related to Public School Concurrency] (page 60-62, 67-69 of 87), is hereby amended as follows:

CHAPTER F CONCURRENCY (ADEQUATE PUBLIC FACILITY STANDARD)

Section 1 General

A. Purpose and Intent

The purpose and intent of this Section is to ensure that adequate potable water, sanitary sewer, solid waste, drainage, ~~public school~~, park, road and mass transit public facilities and fire-rescue are available to accommodate development concurrent with the impact of development on such public facilities, consistent with the LOS standards for those public facilities adopted in the Plan. This objective is accomplished by (1) establishing a management and monitoring system to evaluate and coordinate the timing and provision of the necessary public facilities to service development, and (2) by establishing a regulatory program that ensures that each public facility is available to serve development concurrent with the impacts of development on public facilities.

Section 3 Review For Adequate Public Facilities

A. General

To ensure that adequate potable water, sanitary sewer, solid waste, drainage, ~~public school~~, parks and recreation, road, mass transit, and fire-rescue public facilities are available concurrent with the impacts of development on each public facility, PBC shall establish the following development review procedures. ~~To ensure public schools are available concurrent with the impacts of development, PBC has adopted the "Public School Concurrency Ordinance of PBC" which is codified in Article 2.F.6, Public School Concurrency.~~

C. Standards for Review of Application for Adequate Public Facilities Determination and Concurrency Reservation

5. Public School Facilities

~~The public school component for the proposed development shall be subject to the application and review procedures set forth in the Public School Concurrency Ordinance of PBC, which is codified in Article 2.F.6, Public School Concurrency.~~

Part 8. ULDC Art. 2.F, CONCURRENCY [Related to Public School Concurrency] (pages 67 to 69 of 87), is hereby amended as follows:

Section 6 Public School Concurrency

A. Short Title

~~This Section shall be known as, and may be cited as, "the Public School Concurrency Ordinance of PBC, Florida."~~

B. Authority

~~The BCC of PBC has the authority to adopt this ordinance pursuant to the PBC Charter, F.S. Chapter 125 and F.S. Chapter 163, and the Agreement.~~

C. Definitions

~~See Article 1.1, Definitions and Acronyms, for Public School Concurrency definition specific to Article 2.F.6, Public School Concurrency.~~

D. Applicability

1. Area of Jurisdiction

- a. ~~This Section shall apply in the unincorporated area of PBC.~~
- b. ~~This Section shall also apply within those Municipalities that have opted into this Section by not adopting an implementing ordinance within the time frame specified in the agreement. Any such Municipality may opt out of this Section at any time by adopting its own implementing ordinance consistent with the agreement. Once a Municipality has opted out of this Section, this Section shall not apply within that Municipality.~~

2. Time of Application of Ordinance

- a. ~~This Section shall not apply to Proposed New Residential Development until the commencement of the school concurrency program as specified in Art. V, Section A, of the Agreement.~~
- b. ~~This Section shall not apply to Proposed New Residential Development whenever and wherever the school concurrency program is suspended pursuant to the terms of the Agreement.~~

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- 1 c. This Section shall terminate, or its effect shall be suspended; in the event termination or
2 suspension of the school concurrency program occurs as set forth in the Agreement.
- 3 **3. Applications Requiring Concurrency Review**
4 Unless otherwise provided herein, this Section shall apply to all Site Specific development
5 orders for Proposed New Residential Development.
- 6 **4. Exemptions**
7 The following are exempt from the school concurrency requirements contained in this Section:
8 a. Single family lots of record, existing as such at the time this Section is adopted.
9 b. Any Residential Development that received final approval of a Site Specific development
10 order prior to the commencement of the school concurrency program, as specified in Art.
11 V, Section A, of the Agreement, is considered vested for that which was previously
12 approved and shall not be considered as Proposed New Residential Development for
13 purposes of school concurrency. Any Residential Development which is exempt from
14 school concurrency under Local Government's concurrency regulations shall not be
15 considered as Proposed New Residential Development for purposes of school
16 concurrency.
17 c. Any Proposed New Residential Development that has filed a complete application prior to
18 the commencement of the school concurrency program, as specified in Art. V, Section A
19 of the Agreement.
20 d. Any amendment to any previously approved Residential Development which does not
21 increase the density of the development.
22 e. Any previously approved Residential Development or any other previously approved
23 Development with a residential component located within any existing "Transportation
24 Concurrency Exception Area," as defined in F.S. §163.3180(5).
- 25 **E. Standard**
26 **1. LOS**
27 The PBC Public School Facilities Element, the Municipalities' Plans, and the agreement
28 establish the adopted LOS set forth below. The actual LOS (utilization) for all schools of each
29 type of school in each CSA and each individual school shall be established each year by the
30 first student count of the second semester.
31 a. Tiered LOS shall be in force pursuant to the Tiered LOS Table in the public school facilities
32 element until August 1, 2004. Individual schools of each type may exceed the tiered LOS
33 during the period in which tiered LOS are in effect, provided that the CSA's tiered LOS is
34 not exceeded. However, each individual school's LOS which exceeds the tiered LOS,
35 during the time that the tiered LOS is in effect, shall not exceed the utilization standards for
36 that school type as shown in the maximum utilization table of the public school facilities
37 element. During the time that the tiered LOS standard is in effect, the School District shall
38 initiate necessary program and/or boundary adjustments so that the tiered LOS is not
39 exceeded in each CSA.
40 b. After August 1, 2004, the following LOS standards shall be established for all schools of
41 each type within each CSA and each individual school:
42 1) Ten percent of capacity (utilization) as determined by the (FISH); or
43 2) A higher LOS up to 120 percent of FISH capacity (utilization/LOS) for individual schools
44 if a school capacity study (SCS) undertaken pursuant to the agreement determines
45 that the school can operate at the higher LOS.
- 46 **2. Concurrency Service Areas**
47 School concurrency shall be measured and applied on the basis of 21 CSA's as described in
48 the public school facilities element.
- 49 **3. Three Year Rule**
50 In determining whether capacity is available, the School District shall consider any new capacity
51 which will be in place or under actual construction in the first three years of the School District
52 5 Year Capital Facilities Plan.
- 53 **4. Adjacent CSA Capacity**
54 In determining whether capacity is available, the School District shall consider adjacent CSA
55 capacity as specified in the agreement.
- 56 **F. Review of Residential Development**
57 **1. Application**
58 At the time of and in conjunction with the application for an adequate public facilities review in
59 accordance with the Code, or in the case of a Municipality, in accordance with its public facilities
60 review process, the applicant for a Proposed New Residential Development shall submit to the
61 appropriate Local Government a request for a school concurrency determination.
62 a. The request for school concurrency determination shall contain the following information:
63 location of the development; the build out time frame of the development; and the number,
64 type and size of all the residential units anticipated to be occupied each calendar year. The
65 applicant shall include with its request for school concurrency determination, a non-
66 refundable fee established by the School District, PBC, or any Municipality that provides

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- 1 initial review, shall review the request for completeness and shall in addition determine
2 whether the project is exempt from school concurrency as set forth in Article 2.F.1.D,
3 Exemptions. Notwithstanding the foregoing, this fee shall be returned to the applicant if
4 PBC, or any Municipality that provides initial review, determines that the applicant is
5 exempt and that no further review is required by the School District.
- 6 ~~b. If the project is in the unincorporated area and found not exempt PBC, PBC shall review~~
7 ~~the request for completeness and submit the request to the School District within ten days~~
8 ~~of finding the request complete. The PBC shall collect the required fees submitted with all~~
9 ~~requests for school concurrency determination and shall transmit these fees, less two~~
10 ~~percent for administrative costs, to the School District on a monthly basis. For projects~~
11 ~~located within a Municipality, the Municipality may follow the same process set forth in the~~
12 ~~sentence above. In the alternative, the Municipality may, after reviewing the request for~~
13 ~~completeness and determining that the project is not exempt, instruct the applicant to~~
14 ~~submit the request and the required fee directly to the School District.~~
- 15 ~~c. The School District shall review the application in accordance with the provisions of Art. V,~~
16 ~~Section A of the Agreement.~~
- 17 ~~d. Within the times set forth in Art. V, Section F, of the Agreement, the School District shall~~
18 ~~review the application and notify the applicant and the local Government of its~~
19 ~~determination. For projects located in the unincorporated area, notice by the School~~
20 ~~District determining the development to be in compliance shall specify that the date of~~
21 ~~issuance of the letter of determination of school concurrency shall be the same as the date~~
22 ~~of issuance of PBCs concurrency reservation, adequate public facilities agreement, or~~
23 ~~equivalency determination, as appropriate. Letter of determination of school concurrency~~
24 ~~determining the development to be in compliance shall be valid for one year from the date~~
25 ~~of issuance. Once the local Government site specific development order is issued, the~~
26 ~~concurrency determination shall run with the development order.~~

G. Development Order Approval

- 28 1. ~~No development order for a Proposed New Residential Development shall be approved unless~~
29 ~~there is a valid letter of determination of concurrency from the School District finding the~~
30 ~~Development in compliance.~~
- 31 2. ~~If the letter of determination of concurrency requires conditions or mitigation to be placed on~~
32 ~~the development, the development order issued by PBC or the Municipality shall incorporate~~
33 ~~those conditions.~~
- 34 3. ~~If the letter of determination of concurrency requires the development to be phased to~~
35 ~~mitigation, the conditions of approval of the development order shall implement the phasing~~
36 ~~requirements by specifying that Building Permits will be withheld if the conditions are not~~
37 ~~fulfilled.~~

H. Appeals

39 Applicants seeking relief from School District decisions shall appeal such decisions as provided for
40 by law.

41 [Renumber Accordingly]

44 Part 9. ULDC Art. 2.G.1, Board of County Commissioners (pages 69-70 of 87), are hereby
45 amended as follows:

CHAPTER G DECISION MAKING BODIES

Section 1 Board of County Commissioners

A. Powers and Duties

49 In addition to any authority granted to the Board of County Commissioners (BCC) by general or
50 special law, the BCC shall have the following powers and duties under the provisions of this Code:

- 51 1. to initiate, hear, consider and approve, approve with conditions, or deny applications to amend
52 the text of the Plan;
- 53 2. to initiate, hear, consider and approve, approve with conditions, or deny applications for Site
54 Specific amendments to the FLUA of the Plan;
- 55 3. ~~to initiate, hear, consider and approve, approve with conditions, or deny applications for~~
56 ~~Transfer of Development Rights (TDRs) and Workforce Housing Program (WHP) Programs;~~
57 ~~[Ord. 2007-013]~~
- 58 4.3. to initiate, hear, consider and approve, or deny requests to amend the text of this Code; [Ord.
59 2009-040]
- 60 5.4. to initiate, hear, consider and approve, approve with conditions, or deny applications for
61 development permits DO to amend the Official Zoning Map of this Code;
- 62 5. ~~to hear, consider and approve, approve with conditions, or deny applications for DO for Class~~
63 ~~A Conditional uses;~~

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6. to initiate, hear, consider and approve, approve with conditions, or deny applications for Transfer of Development Rights (TDRs) and Workforce Housing Program (WHP) Programs;
7. to hear, consider and approve, approve with conditions, or deny applications for DOA and EAC;
8. to hear, consider and approve, approve with conditions, or deny applications for DO for Preliminary Plans for those specific PDDs, TDDs, or Class A Conditional Uses pursuant to Art. 2.A.5.C. Plan Requirements;
9. to hear, consider and approve, approve with conditions, or deny applications for ABN;
10. to hear, consider and approve, approve with conditions, or deny applications for Status Report of a prior approved DO;
11. to review, hear, consider, and approve, approve with conditions, or deny requests for Deviations from: Article 4.B.4.C.10.d, Homeless Resource Center, Location and Separation Requirements, and Articles 5, 6, and 7 for development supporting government facilities within the PO Zoning District;
12. to hear, consider and approve, approve with conditions or deny applications for Type 2 Waivers;
13. to hear, consider and approve, approve with conditions, or deny application for Unique Structures;
14. to hear and consider release of agreement;
15. to hear and consider AI;
16. to review, hear, consider, and approve, or deny applications for Corrective Resolutions;
17. to establish fees for the review of applications for development orders or permits, and appropriate funds to defray the costs of administering this Code;
18. to act to ensure compliance with development orders or permits as approved and issued;
19. to hear and consider appeals from, and affirm or reverse decisions of the Zoning Commission on applications for development permits for Class B conditional uses;
20. to hear, consider and decide appeals from decisions of the DRO on applications for URAO Type 1 Waivers;
21. to designate and appoint hearing officers to make decisions as the BCC may deem appropriate;
22. to appoint other advisory boards that are determined necessary to assist in the implementation of this Code or the Plan; and,
23. to take such other action not delegated to the decision-making bodies set forth in this Article or other officials of PBC Departments, as the BCC may deem desirable and necessary to implement the provisions of the Plan and this Code; [Ord. 2009-040]
6. to hear, consider and approve, approve with conditions, or deny applications for development permits orders for Preliminary Development Plans for a Residential Planned Unit Development District (PUD), Traditional Neighborhood Development District (TND), Mixed Use Planned Development District (MXPD), Multiple Use Planned Development District (MUPD), Planned Industrial Park Development District (PIPD), Mobile Home Park Planned Development District (MHPD), Recreational Vehicle Park Planned Development District (RVPD), Traditional Marketplace Development (TMD), and Traditional Town Development (TTD);
7. to hear, consider and approve, approve with conditions, or deny applications for development permits for Class A conditional uses;
8. to hear and consider appeals from, and affirm or reverse decisions of the Zoning Commission (ZC) on applications for development permits for Class B conditional uses;
9. to designate and appoint hearing officers to make decisions as the BCC may deem appropriate;
10. to establish fees for the review of applications for development permits, and appropriate funds to defray the costs of administering this Code;
11. to act to ensure compliance with development orders or permits as approved and issued;
12. to hear and consider administrative inquiries;
13. to take such other action not delegated to the decision-making bodies set forth in this Article or other officials of PBC Departments, as the BCC may deem desirable and necessary to implement the provisions of the Plan and this Code; [Ord. 2009-040]
14. to appoint other advisory boards that are determined necessary to assist in the implementation of this Code or the Plan; [Ord. 2007-013]
15. to review, hear, consider, and approve, approve with conditions, or deny requests for deviations from: Article 4.B.4.C.10.d, Homeless Resource Center, Location and Separation Requirements, and Articles 5, 6, and 7 for development supporting government facilities within the PO Zoning District; [Ord. 2007-013] [Ord. 2009-040] [Ord. 2011-016] [Ord. 2017-007]
16. to hear, consider and approve, approve with conditions, or deny application for Unique Structures; [Ord. 2009-040] [Ord. 2011-016]
17. to hear, consider and approve, approve with conditions or deny applications for Type II Waivers and Waiver of Code Provisions for Historic Resources; and, [Ord. 2011-016] [Ord. 2012-027]
18. to hear, consider and decide appeals from decisions of the DRO on applications for URAO Type I Waivers. [Ord. 2011-016]

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EXHIBIT B

ARTICLE 2, DEVELOPMENT REVIEW PROCEDURES SUMMARY OF AMENDMENTS

Part 10. ULDC Art. 2.G.3, Appointment Bodies (page 79, 81 of 87), is hereby amended as follows:

CHAPTER G DECISION MAKING BODIES

Section 3 APPOINTED BODIES

A. Land Development Regulation Advisory Board

5. Meetings

a. General

General meetings of the LDRAB shall be held as needed to dispense of matters properly before the LDRAB. Special meetings may be called by the Chair or in writing by a majority of the members of the LDRAB. Staff shall provide 24-hour written notice to each LDRAB member before a special meeting is convened.

b. Subcommittees

The LDRAB shall consider recommendations from the Zoning Director and determine by majority vote to create subcommittees with the expertise necessary to make recommendations on specific Code amendments. Subcommittee appointments shall be made at a regular LDRAB meeting. [Ord. 2009-040]

c. Alternate Members Vote

The alternate members may vote on a matter only when serving in place of an absent regular member.

C. Development Review Appeals Board

2. Powers and Duties

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

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

J. Planning Commission

1. Establishment

There is hereby established a Planning Commission (PLC). [Ord. 2008-003]

2. Powers and Duties

b. to initiate, review, hear, consider and make recommendations to the BCC to approve, approve with conditions, approve with modifications, or deny applications to amend the Plan, including Site Specific (Future Land Use Map) amendments to the Plan;

L. Zoning Commission

1. Establishment

There is hereby established a Zoning Commission (ZC)

2. Powers and Duties

The ZC shall have the following powers and duties under the provisions of this Code.

a. to initiate, review, hear, consider, and make recommendations to the BCC to approve, approve with conditions, or deny applications to amend the Official Zoning Map; [Ord. 2009-040]

b. to review, hear, consider, and make recommendations to the BCC to approve, approve with conditions, or deny applications for development orders pursuant to Art. 2.A.1.D.1.b, C.2, Zoning Commission Quasi-Judicial Processes; [Ord. 2009-040]

c. to review, hear, consider, and approve, approve with conditions, or deny applications for development permits for Class B ~~e~~Conditional uses and Type ~~4~~variance 2 Variance applications; [Ord. 2006-036]

d. to review, hear, consider, and approve, approve with conditions, or deny applications for development orders for DOA for a prior approved DO;

e. to hear, consider and approve, approve with conditions, or deny applications for DO for Preliminary Plans for Class B Conditional Uses pursuant to Art. 2.A.5.C, Plan Requirements;

f. to review, hear, consider, and approve, approve with conditions, or deny applications for ABN;

g. to review, hear, consider, and approve, approve with conditions, or deny applications for Status Reports;

h. to review, hear, consider, and approve, approve with conditions, or deny applications for Unique Structures;

i. to review, hear, consider, and approve, or deny applications for Corrective Resolutions;

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EXHIBIT B

ARTICLE 2, DEVELOPMENT REVIEW PROCEDURES SUMMARY OF AMENDMENTS

- ~~d-i.~~ to make its special knowledge and expertise available upon request of the BCC to any official, department, board, commission or agency of PBC, the State of Florida or Federal government;
- ~~e-k.~~ to make studies of the resources, possibilities and needs of PBC and to report its findings and recommendations, with reference thereto, from time to time, to the BCC;
- ~~f-l.~~ to recommend to the BCC additional or amended rules of procedure not inconsistent with this Section to govern the ZC's proceedings; **[Ord. 2006-036]**
- ~~g-m.~~ to consider and render a final decision on appeals of Green Architecture application; **[Ord. 2009-040] [Ord. 2011-016] and**
- ~~h-n.~~ to hear, consider and decide appeals from decisions of the DRO on applications for Type ~~1~~ **1** Waivers, except URAO. **[Ord. 2011-016] [Ord. 2012-027]**

Part 11. ULDC Art. 2.G.4, Staff Officials (pages 82-84, 86-87 of 87), are hereby amended as follows:

CHAPTER G DECISION MAKING BODIES

Section 4 STAFF OFFICIALS

B. Code Enforcement Director

1. Creation and Appointment

The Code Enforcement Director shall be the head of enforcement of this Code, and shall be appointed and serve at the pleasure of the Executive Director of PZB.

2. Jurisdiction, Authority and Duties

In addition to the jurisdiction, authority and duties which may be conferred upon the Code Enforcement Director of PZB by other provisions of PBC Code, the Code Enforcement Director of PZB shall have the following jurisdictions, authority and duties under this Code:

- to monitor and assist in the enforcement of this Code; and
- to ensure compliance with conditions of a development order.

.... G. Development Review Officer (DRO)

1. Establishment

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

2. Powers and Duties

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

- ~~to coordinate all PAC and PAA;~~ **[Relocated from Art. 2.G.4.N.2.a, related to Zoning Director Jurisdiction, Authority and Duties]**
- ~~to accept, review, approve, and update all applicable application requirements;~~ **[Relocated from Art. 2.G.4.N.2.b, related to Zoning Director Jurisdiction, Authority and Duties]**
- ~~to accept and determine sufficiency of applications for, review, certify and prepare staff reports recommending approval, approval with conditions, or denial of applications for rezonings, Class A and Class B Conditional Uses, Type 2 Waivers, and Type 2 Variances;~~ **[Ord. 2017-007] [Relocated from Art. 2.G.4.N.2.d, related to Zoning Director Jurisdiction, Authority and Duties]**
- ~~to accept applications for review and approve, approve with conditions, or deny applications for applications subject to Administrative processes pursuant to Table 2.C.2.B, DRO – Administrative Processes;~~ **[Partially relocated from Art. 2.G.4.N.2.e, related to Zoning Director Jurisdiction, Authority and Duties]**
- ~~to request other PBC officials and other agencies to provide factual information on applications for development permits as is deemed appropriate;~~ **[Ord. 2011-016] [Relocated from Art. 2.G.4.G.2.f, Development Review Officer (DRO) – Powers and Duties, page 83]**
- ~~to hear, consider, and determine the sufficiency of applications for and make recommendations to approve, approve with conditions, or deny applications for official zoning map amendments;~~
- ~~to hear, consider, and determine the sufficiency of applications for and recommendations to the BCC to approve, approve with conditions, or deny applications for development permits for Conditional Uses;~~ **[Ord. 2017-007]**
- ~~to hear, review, consider and approve, approve with conditions, or deny applications for development orders for site plans;~~
- ~~to review, consider and finalize Zoning Plans that were approved by the BCC or ZC;~~
- ~~to hear, review, consider and approve, approve with conditions, or deny applications for development permits orders for Final Subdivision or Site Plans;~~

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EXHIBIT B

ARTICLE 2, DEVELOPMENT REVIEW PROCEDURES SUMMARY OF AMENDMENTS

- ~~e-h.~~ to hear, review, consider and approve, approve with conditions, or deny applications for TDR's for subdivisions requesting a two unit per acre or less density increase pursuant to Article 5.G.3 Transfer of Development of Rights (TDRs) Special Density Program;
- ~~f.~~ ~~to request other PBC officials and other agencies to provide factual information on applications for development permits as is deemed appropriate; [Ord. 2011-016]~~
- ~~g.~~ to recommend to the BCC additional or amended rules of procedure not inconsistent with this Section to govern the DRO; ~~and, [Ord. 2011-016]~~
- ~~h.~~ ~~to hear, consider and approve, approve with conditions or deny applications for Type I-1 Waivers. [Ord. 2011-016] [Ord. 2012-027]~~

3. Comments and Recommendations

- a. The DRO may seek comments and recommendations from the following PBC departments and divisions, as well as other local government and state government agencies, as deemed appropriate by the DRO: [Ord. 2008-037]

- 1) Zoning Division;
- ~~2) Planning Division;~~
- ~~3) Engineering Department;~~
- ~~4) PBC HD;~~
- ~~5) ERM;~~
- ~~6) Parks and Recreation Department;~~
- ~~7) Building Division;~~
- ~~8) Department of Airports;~~
- ~~9) Water Utilities Department;~~
- ~~10) Fire-Rescue Department;~~
- ~~11) PREM;~~
- ~~12) Housing and Community Development (HCD);~~
- ~~13) PBC School Board;~~
- ~~14) Lake Worth Drainage District;~~
- ~~15) Department of Environmental Protection (DEP) for Type 3 Excavation. [Ord. 2008-037] [Ord. 2017-007]~~
- 2) Building Division;
- 3) Department of Airports;
- 4) Department of Environmental Protection (DEP) for Type 3 Excavation;
- 5) Engineering Department;
- 6) Environmental Resources Management Department;
- 7) Fire Rescue Department;
- 8) Housing and Community Development (HCD);
- 9) Lake Worth Drainage District;
- 10) Parks and Recreation Department;
- 11) PBC HD;
- 12) PBC School Board;
- 13) Planning Division;
- 14) PREM; and,
- 15) Water Utilities Department.

- b. Recommendations and comments shall be forwarded to the DRO no less frequently than two times a month to dispose of matters properly and may be called for by the DRO.

4. Procedures

a. DRO

The Executive Director of PZB shall designate a DRO for overseeing different types of Zoning applications and processes.

b. Secretary

The DRO shall designate a Secretary. The Secretary shall maintain all records of the DRO. The records shall be stored with the agency serving as Secretary herein, and shall be available for inspection by the public, upon reasonable request, during normal business hours.

c. Staff

The Zoning Division of PZB shall be the professional staff for the DRO.

d. Certification **for Public Hearing Processes**

All actions shall require approval certification by the DRO. The DRO shall only withhold approval when ~~a proposed project an application~~ fails to meet a Code standard based upon a recommendation from an affected agency.

e. Approval for Administrative Processes

All actions shall require approval by the DRO. The DRO shall only withhold approval when an application fails to meet a Code standard based upon a recommendation from an affected agency.

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EXHIBIT B

ARTICLE 2, DEVELOPMENT REVIEW PROCEDURES SUMMARY OF AMENDMENTS

e.f. Record of DRO

Upon request, the DRO may provide, at cost, copies of recommendations upon which a decision is based.

f.g. Appeal

Appeal of any decision of the DRO shall be made to the DRAB based on the requirements in Art. 2.A. ~~11.C.2.b.1.S.2.b.2~~, DRO Review, unless stated otherwise. [Ord. 2011-016]

K. Executive Director of Planning, Zoning and Building

2. Jurisdiction, Authority and Duties

- ****
c. to administer the PZB Department, including the Planning Division, the Zoning Division, the Building Division, ~~and the Code Enforcement Division,~~ the Contractors Certification Division and the Administrative Division; [Ord. 2012-027]

M. Planning Director

1. Creation and Appointment

The Planning Director of PZB shall be the division head of the Planning Division of PZB, and shall be appointed and serve at the pleasure of the Executive Director of PZB.

2. Jurisdiction, Authority and Duties

- ****
d. to accept, review, and prepare staff reports recommending approval, approval with conditions, approval with modifications, or denial of applications for Site Specific (FLUA) amendments to the Plan; and

N. Zoning Director

1. Creation and Appointment

The Zoning Director of PZB shall be the division head of the Zoning Division of PZB, and shall be appointed and serve at the pleasure of the Executive Director of PZB.

2. Jurisdiction, Authority and Duties

In addition to the jurisdiction, authority and duties which may be conferred upon the Zoning Director by other provisions of PBC Code, the Zoning Director shall have the following jurisdictions, authority and duties under this Code:

- ~~a. to coordinate all pre-application conferences;~~ [Relocated to Art. 2.G.4.G.2.a, related to Power and Duties of the DRO]

- ~~b. to accept, review, approve, and update all applicable application requirements;~~ [Relocated to Art. 2.G.4.G.2.b, related to Power and Duties of the DRO]

- ~~c. a.~~ to set the Zoning calendar, as required by Article 2.A, General;

- ~~d. to accept applications for, review and prepare staff reports recommending approval, approval with conditions, or denial of applications for re-zonings, Class A and Class B Conditional Uses, waivers, site plans, subdivisions, special permits, DRIs and variances;~~ [Ord. 2017-007] [Relocated to Art. 2.G.4.G.2.c, related to Power and Duties of the DRO]

- ~~e. to review and approve, approve with conditions, or deny applications for development permits for special use permits and administrative variances and time extensions;~~ [Partially relocated to Art. 2.G.4.G.2.d, related to Power and Duties of the DRO]

- ~~f. b.~~ to recommend annually any necessary amendments to this Code;

- ~~g. to administer the process of DRI review in unincorporated PBC;~~

- ~~h. c.~~ to submit administrative inquiries AI to the BCC pursuant to Article 2.D.4 ~~C.5.J~~, Administrative Inquiry (AI). [Ord. 2011-016]

- ~~i. a.~~ to review and approve or deny applications for Adequate Public Facilities (Concurrency); [Ord. 2016-016]

- ~~j. h.~~ to revoke or suspend, if necessary, any development order or permit, ~~including a special permit~~, which was issued in violation of this Code; and, [Ord. 2016-016]

- ~~k. i.~~ to oversee the preservation and maintenance of vegetation not covered under the provisions of Art. 14, Environmental Standards, through design review, conditions of approval and inspections. [Ord. 2016-016]

Part 12. NEW ULDC Art. 2.H, FLU PLAN AMENDMENTS (page 87 of 87), is hereby established as follows:

CHAPTER H FLU PLAN AMENDMENTS

Section 1 General

Notes:

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EXHIBIT B

ARTICLE 2, DEVELOPMENT REVIEW PROCEDURES SUMMARY OF AMENDMENTS

A. Purpose

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

B. Authority

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

C. Initiation

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

D. Established Dates and Fees

1. Timing

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

2. Fees

The application for a FLUA amendment, and any associated text amendment, shall be accompanied by a fee established by the BCC. Any request for a refund shall be in writing, based upon the current PZB refund policy, and approval by the Planning Director. [Ord. 2012-027] [Relocated from Art. 2.C.1.D.2, Fees]

E. Pre-Application Meeting

The purpose of the pre-application meeting is to identify issues relating to the proposed application prior to the intake date. A pre-application meeting with the Planning Division prior to the FLUA amendment intake is mandatory. [Ord. 2012-027] [Relocated from Art. 2.C.1.E, Pre-Application Conference]

F. Application Procedures

An application for a site specific amendment shall be submitted to the Planning Director along with application fees established by the BCC. [Ord. 2012-027] [Relocated from Art. 2.C.1.F, Application Procedures]

1. Concurrent Small Scale Amendments

If a small scale land use amendment requires a rezoning, conditional use, development order amendment or abandonment application(s), all applications shall be reviewed concurrently and considered by the BCC at the same public hearing. The applicant shall submit a site plan or conceptual site plan as part of the zoning application(s). The complete zoning application must be submitted at a scheduled zoning application intake within 45 calendar days of receipt of the small scale land use amendment application. If a complete zoning application is not timely submitted, the small scale land use amendment shall be administratively withdrawn immediately. [Ord. 2009-040] [Partially relocated from Art. 2.C.1.F.1, Concurrent Small Scale Amendments]

2. Contents of Application

a. General

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

b. Amendments to the Application

After the amendment is determined to be sufficient for processing, applications shall not be significantly modified unless requested by the Planning Division. Significant changes to the application submitted following a finding of sufficiency shall serve as grounds for administrative postponement by the Planning Director to the next amendment round. Significant changes to the application include, but are not limited to, changes to the proposed future land use designation, changes to proposed conditions of approval, changes to associated private text amendments. Information provided by an applicant following the distribution of the staff report to the LPA shall serve as grounds for postponement, as appropriate, of the public hearings by the board holding the public hearing. [Ord. 2009-040] [Partially relocated from Art. 2.C.1.F.2.b, Amendments to the Application]

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EXHIBIT B

ARTICLE 2, DEVELOPMENT REVIEW PROCEDURES SUMMARY OF AMENDMENTS

3. Sufficiency Review

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

a. Sufficiency

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

b. Insufficiency

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

4. Review, Report and Recommendation by Planning Director

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

5. Notification

Notice of a proposed amendment for any public hearing shall be provided by publication of advertisement, mailed or electronically transmitted notice and posting as pursuant to the terms of this Section. The Planning Director shall notify the Intergovernmental Plan Amendment Review Committee (IPARC) of proposed land use amendments pursuant to the Plan Amendment Coordinated Review Interlocal Agreement. **[Ord. 2009-040] [Ord. 2012-027] [Relocated from Art. 2.C.1.F.5, Notification]**

a. Newspaper Publication

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

b. Courtesy Notice

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

1) Applicability and Mailing Boundary

a) Property Owners

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

b) POA's and Cooperatives

All POA's and Cooperatives located within 500 feet of the periphery of the subject site in the Urban/Suburban, Agricultural Reserve, and Glades Tiers, and within 1000 feet of the periphery of the subject site in the Exurban and Rural Tiers, shall

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EXHIBIT B

ARTICLE 2, DEVELOPMENT REVIEW PROCEDURES SUMMARY OF AMENDMENTS

be notified. **[Ord. 2012-027]** [Relocated from Art. 2.C.1.F.5.b.1)b), POA's and Cooperatives]

c) Municipalities and Counties

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

d) Interested Parties

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

2) Notice Content

All notices shall include the following information: **[Ord. 2012-027]** [Relocated from Art. 2.C.1.F.5.b.2), Notice Content]

a) a general summary of the application; **[Ord. 2012-027]** [Relocated from Art. 2.C.1.F.5.b.2)a)]

b) a date, time and place for the public hearings; **[Ord. 2012-027]** [Relocated from Art. 2.C.1.F.5.b.2)b)]

c) a general location map indicating the subject site including major streets; and **[Ord. 2012-027]** [Relocated from Art. 2.C.1.F.5.b.2)c)]

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

3) Failure to Receive Courtesy Notice

Failure to receive a courtesy notice shall not be deemed a failure to comply with this requirement, and shall not be grounds to challenge the validity of any decision made by BCC. **[Ord. 2012-027]** [Relocated from Art. 2.C.1.F.5.b.3)]

c. Signs

1) The land subject to the application shall be posted with a notice of the public hearing by the applicant on a sign meeting standards and specifications issued by the County within 45 calendar days of the determination that the application is sufficient for processing. The applicant shall submit photographs and a written affidavit confirming the signs have been posted. One sign shall be posted for each 500 feet of frontage along a street up to a maximum of ten signs. All signs shall be: **[Ord. 2012-027]** [Partially relocated from Art. 2.C.1.F.5.c.1), Signs]

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

b) Setback no more than 25 feet from the property line fronting the street. **[Ord. 2012-027]** [Relocated from Art. 2.C.1.F.5.c.1)b)]

c) Erected in full view of the public. **[Ord. 2012-027]** [Relocated from Art. 2.C.1.F.5.c.1)c)]

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

d. Public Notice of County Initiated Amendments

The County shall provide written notification to each property owner of property subject to a County Initiated future land use change a minimum of 30 calendar days prior to the first public hearing.

e. Exceptions to Mailing and Posting

The Courtesy mailing notice and posting notice requirements shall not apply to County Initiated site specific FLUA amendment for a land use change to a Conservation (CON) designation following acquisition by a public agency or a corrective land use change. **[Ord. 2012-027]** [Partially relocated from Art. 2.C.1.F.5.e, Exceptions to Mailing and Posting]

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

The LPA public hearing shall be advertised in a newspaper of general circulation in accordance with requirements set forth in F.S. 163.3164(39), as amended from time to time. The LPA shall conduct a public hearing on the application pursuant to the procedures in Article 2.H.1.F.8, Conduct of Hearing, and make recommendations regarding the proposed amendments to the BCC. At the public hearing, the LPA shall review the application, the staff report, the relevant support materials, and public testimony given at the hearings. At the close of the public hearing,

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EXHIBIT B

ARTICLE 2, DEVELOPMENT REVIEW PROCEDURES SUMMARY OF AMENDMENTS

the LPA shall vote on its recommendations (approval, approval with conditions or denial). **[Ord. 2009-040] [Ord. 2012-027]** [Relocated from Art. 2.C.1.F.6, Action by the Planning Commission Sitting as the Local Planning Agency (LPA)]

7. Action by BCC

Action by the BCC shall be governed by F.S. 163.3184, as amended from time to time. **[Ord. 2012-027]**

a. Transmittal Public Hearing

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

b. Adoption Public Hearing

The adoption public hearing shall be on a weekday at least five calendar days after the day the notice for the public hearing is published pursuant to F.S. 163.3184(11)(b)(2), as amended pursuant to the procedures in Article 2.H.1.F.8, Conduct of Hearing. At the public hearing, the BCC shall consider the application, the staff report, the relevant support materials, the State Land Planning Agency comments, and the public testimony given at the public hearing, and by affirmative vote of a majority of the members of the BCC present at the meeting, vote to adopt, adopt with conditions, or not to adopt an ordinance making a site specific amendment. Small Scale Development Amendments shall require only one public hearing before the BCC, which shall be an adoption public hearing, pursuant to F.S. 163.3187(2), and provisions of F.S. 125.66(4)(a) as amended from time to time. Actions approving Site Specific Plan amendments shall be adopted by Ordinances pursuant to F.S. 163.3187, as amended from time to time. **[Ord. 2009-040] [Ord. 2012-027]** [Relocated from Art. 2.C.1.F.7.b, Adoption Public Hearing]

8. Conduct of Hearing

a. Rights of All Persons

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

b. Due Order of Proceedings

The order of the proceedings shall be pursuant to 2.B.6.D, Conduct of Hearing. [Partially relocated from Art. 2.C.1.F.8.b, Due Order of Proceedings]

c. Postponement of Public Hearing for Small Scale Amendments

1) Administrative Postponements

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

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

2) LPA or BCC Public Hearing Continuances

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

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EXHIBIT B

ARTICLE 2, DEVELOPMENT REVIEW PROCEDURES SUMMARY OF AMENDMENTS

d. **Postponement of Large Scale Amendments**

In order to provide most current data, the applicant of an amendment postponed to the next round shall submit the fee with an updated application including a new traffic analysis on the intake date of the next round, along with a new set of courtesy notices. Failure to submit the fee and an updated application will result in the amendment being administratively withdrawn. [Partially relocated from Art. 2.C.1.F.8.d.1), Administrative Postponements]

1) **Administrative Postponements**

An applicant shall have the right to request and be granted one administrative postponement, to a subsequent amendment round and will be subject to a fee as established by the BCC; provided that the request is made in writing at least 20 days prior to the LPA public hearing. The Planning Director may approve administrative postponements provided that the request is made in writing at least 5 days prior to the publication of the agenda for the public hearing. [Ord. 2009-040] [Ord. 2012-027] [Partially relocated from Art. 2.C.1.F.8.d.1), Administrative Postponements]

2) **Non-Administrative Postponements**

Following the publication of the agenda for a public hearing, postponements shall be granted at the discretion of the body conducting the hearing and shall be subject to a fee established by the BCC. The LPA may continue a public hearing within the same amendment round. The LPA may postpone an amendment to a subsequent amendment round at the request of an applicant provided that the BCC public hearing has not been advertised. [Ord. 2012-027] [Partially relocated from Art. 2.C.1.F.8.d.2), Non Entitlement Continuances]

9. **Withdrawal of Applications and Refunds**

An applicant shall have the right to withdraw an application for a site specific amendment at any time prior to the advertised adoption public hearing by the BCC. Any request for a refund shall be in writing, based upon the current PZB refund policy, and approval by the Planning Director. [Ord. 2009-040] [Ord. 2012-027] [Relocated from Art. 2.C.1.F.9, Withdrawal of Applications]

Part 13. New ULDC Art. 2.I, COORDINATED SCHOOL PLANNING (pages 87 of 87), is hereby established as follows:

CHAPTER I COORDINATED SCHOOL PLANNING

SECTION 1 Purpose

The purpose of this Chapter is to establish a mechanism for collaborative planning and decision making with the Palm Beach County School District and Palm Beach County to measure district school capacity available to accommodate new development pursuant.

SECTION 2 Authority

The Board of County Commissioners has the authority to adopt this chapter pursuant to the Palm Beach County Charter, and Florida Statutes 163.01, Florida Statutes 163.3177(6)(h), Florida Statutes 1013.33, the Palm Beach County Comprehensive Plan and the Interlocal Agreement for Coordinated Planning (R-2015-1864).

SECTION 3 Applicability

The requirements of the Interlocal Agreement for Coordinated Planning, as amended, shall apply to all DOs for the safe, convenient, orderly and adequate provision of public school facilities.

SECTION 4 School Capacity Availability Determination

The County shall notify the School District of any land use or rezoning applications that may increase residential FLUE Designation or density at least 30 days prior to the date of the applicable public hearing. The County will transmit to School District all applicable support material, and the date, time, and place of the applicable public meeting. Within 20 days of receipt of completed application, the School District shall submit to the County a school capacity availability determination providing the District's findings and recommendations.

Part 14. ULDC Art. 1.I, DEFINITIONS & ACRONYMS (pages 45, 56, 61, 64, 70 , 85, 106 and 108 of 110), is hereby amended as follows:

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EXHIBIT B

ARTICLE 2, DEVELOPMENT REVIEW PROCEDURES SUMMARY OF AMENDMENTS

CHAPTER I DEFINITIONS & ACRONYMS

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

66. **Concurrency, Public Facilities** - capital facilities including, but not limited to, roads, parks and recreation, fire-rescue, library law enforcement, and public buildings, and school sites.

~~70. **Concurrency Service Area (CSA)** - the specific geographic unit within a school district in which school concurrency is applied and measured.~~

~~[Renumber Accordingly]~~

F. Terms defined herein or referenced Article shall have the following meanings:

~~43. **Florida Inventory of School Houses (FISH)** - for the purposes of Art. 2, the report of the capacity of existing facilities. The FISH capacity is the number of students that may be housed in a facility (school) at any given time based on using a percentage of the number of existing satisfactory student stations and a designated size for each program. In PBC, permanent capacity does not include the use of relocatables unless they meet the standards for long-term use pursuant to F.S. §235.061.~~

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

~~28. **Interlocal Agreement** - Agreement between the BCC, the municipalities of PBC, and the PBC School Board effective January 25, 2001, and recorded in the Official Records Book 12272, Page 973, Public Records, PBC, Florida; [Ord. 2010-022]~~

L. Terms defined herein or referenced Article shall have the following meanings:

23. **Level of Service (LOS)** -

~~a. For the purposes of Art. 2, the measure of the utilization, expressed as a percentage, which is the result of comparing the number of students enrolled in any school with the satisfactory student stations (FISH capacity) at a given location or within a designated area (i.e., a CSA), e.g., a facility with 1,000 students and a FISH capacity of 970, has a LOS of 103 percent. Also referred to as the utilization of a facility.~~

~~b. For the purposes of Art. 12, the measure of the functional and operational characteristics of a roadway based upon traffic volume in relation to road capacity or the amount of vehicle delay or average speed.~~

M. Terms defined herein or referenced Article shall have the following meanings:

~~53. **Municipalities** - for the purposes of Art. 2, all municipalities in PBC, except those that are exempt from participating in the school concurrency program, pursuant to F.S. §163.3180.~~

S. Terms defined herein or referenced Article shall have the following meanings:

~~9. **School District Five Year Capital Facilities Plan** - for the purposes of Art. 2, the School District of PBC Five Year Work Plan and Capital Budget as authorized by F.S. §235.185.~~

Section 3 Abbreviations and Acronyms

~~FISH - Florida Inventory of School House~~

~~PIA - Privately Initiated Amendment~~

~~SCS - School Capacity Study~~

Part 15. ULDC Art. 1.F.2.E.2, Non-Residential Development & or Residential Development Other Than Single Family (page 21 of 110), is hereby amended as follows:

CHAPTER F NONCONFORMITIES

Section 2 Nonconforming Lot

E. Non-Residential Development & or Residential Development Other Than Single Family

2. All other ~~property development regulations~~ PDRs, supplemental development regulations and setbacks for the use are met, or variances are obtained pursuant to the requirements of Art. 2.B.3.7.E, Type II Variance, or ~~Art. 2.D.3, Type 1A and Art. 2.C.5.D, Type 1B Administrative~~

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EXHIBIT B

ARTICLE 2, DEVELOPMENT REVIEW PROCEDURES
SUMMARY OF AMENDMENTS

Variance~~s~~, and Art. 2.C.5.E, Type 1 Waiver. [Ord. 2008-037] [Ord. 2010-005] [Ord. 2010-022]

Part 16. ULDC Art. 1.1.2, Definitions (pages 50, 90-91 of 110), is hereby amended as follows:

CHAPTER I DEFINITIONS & ACRONYMS

Section 2 Definitions

....
S. Terms defined herein or referenced Article shall have the following meanings:

....
~~62. **Special Permit Uses**—are generally compatible with the other uses permitted in a district, but that require individual review of their location, design, configuration and intensity and density of use, buildings and structures, and may require the imposition of conditions in order to ensure the appropriateness of the use at a particular location. These uses are generally temporary for a specified, fixed period of time.~~ [Relocated to Art. 1.1.2.T.20, Temporary Uses]
[ReNUMBER Accordingly]

....
T. Terms defined herein or referenced Article shall have the following meanings:

....
20. **Temporary Uses** - are generally compatible with the other uses permitted in a district, but that require individual review of their location, design, configuration and intensity and density of use, buildings and structures, and may require the imposition of conditions in order to ensure the appropriateness of the use at a particular location. These uses are generally provisional for a specified, fixed period of time. [Relocated from Art. 1.1.2.S.62, Special Permit]
[ReNUMBER Accordingly]

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ARTICLE 2, DEVELOPMENT REVIEW PROCEDURES
SUMMARY OF AMENDMENTS

Part 17. ULDC Table 3.B.2.B – Airport Use Regulations (page 23 of 212), is hereby amended as follows:

Table 3.B.2.B - Airport Use Regulations

| Use Type | Airport Related Uses | Non-Airport Related Uses | Corresponding Zoning District PDRs (1) | Note (2) | Use Applicable to Specific Airport |
|--|-------------------------|-----------------------------|---|-------------------|---|
| Temporary Uses | | | | | |
| Communication Cell Sites on Wheels (COW) Tower, Mobile | P | P | CG or IG | 31-7 1 | All |
| Recycling Drop-Off Bin | D | D | CG or IG | 404 5 | All |
| Special Event | P | S D(3) | CG or IL | 424 6 | All |
| Industrial Uses | | | | | |
| [Ord. 2006-036] [Ord. 2010-022] [Ord. 2017-007] | | | | | |
| Notes: | | | | | |
| (1) For purposes of determining the applicable property development regulations (<u>PDR</u>) for non-airport related uses, the Corresponding Zoning District's property development regulations <u>PDR</u> identified in Table 3.D.1.A-5, Property Development Regulations shall apply for-to lot dimension, density, FAR, building coverage and setbacks. | | | | | |
| (2) Reference Art.4, Use Regulations for additional Supplementary Use Standards. [Ord. 2017-007] | | | | | |
| (3) <u>Temporary Use through the ZAR Process</u> | | | | | |
| Key | | | | | |
| P Permitted by right | | | | | |
| D Permitted subject to approval by the DRO | | | | | |
| S Permitted only if approved by special permit | | | | | |
| B Permitted only if approved by the Zoning Commission (ZC) | | | | | |
| A Permitted only if approved by the Board of County Commission (BCC) | | | | | |
| 1 Palm Beach International Airport (PBIA) | | | | | |
| 2 PBC Glades Airport | | | | | |
| 3 PBC Park Airport (aka Lantana Airport) | | | | | |
| 4 North PBC General Aviation Airport | | | | | |
| PBIA, PBC Glades Airport, PBC Park Airport (aka Lantana Airport), North PBC General Aviation Airport | | | | | |

Part 18. ULDC Art. 3.B.4.D.2.a, General [Related to Administrative Approvals in the Glades Area Overlay] (page 25 of 212), is hereby amended as follows:

CHAPTER B OVERLAYS

Section 4 GAO, Glades Area Overlay

D. Approval Process

2. Administrative Approvals

a. General

Uses shown in a Use Matrix as Permitted by Right (P), ~~Special Permit (S)~~, or Development Review Officer (DRO) shall remain subject to the same approval process shown in the Use Matrix. [Ord. 2014-025]

c. Nonconformities

1) Nonconforming Use

A nonconforming use permitted to expand subject to DRO approval may be expanded ~~subject to approval of a Special Permit through the ZAR process~~. [Ord. 2006-036] [Ord. 2014-025] [Ord. 2016-016]

Part 19. ULDC Art. 3.B.6.C, Use Regulations [Related to LOSTO, Lake Okeechobee Scenic Trail Overlay] (page 30 of 212), is hereby amended as follows:

CHAPTER B OVERLAYS

Section 6 LOSTO, Lake Okeechobee Scenic Trail Overlay

C. Use Regulations

Notes:

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EXHIBIT B

ARTICLE 2, DEVELOPMENT REVIEW PROCEDURES
SUMMARY OF AMENDMENTS

4. Office, Business or Professional; [Ord. 2017-007]
Within the LOSTO, an office limited to a maximum of 1,500 square feet of GFA and for the sole purpose of arranging nature or heritage based activities, such as bicycle tours and bus tours to natural, agricultural, or historic points of interest of the area, shall be allowed subject to ZAR process approval of a Special Permit. [Ord. 2017-007]

6. Retail Sales. [Ord. 2017-007]
Additional standards for Retail Sales shall be limited to specialty shops selling merchandise such as hand-crafted items, nature books, prepackaged meals, snacks, and non-alcoholic beverages for consumption off the premises, hiking supplies such as backpacks and walking sticks, and outfitters renting equipment for recreational use including bicycles, skates, canoes, and kayaks and 3,000 square feet of total floor area shall be allowed subject to ZAR process approval of a Special Permit.

Part 20. ULDC Art. 3.B.9.D.4, Special Permits [Related to Palm Beach International Airport Overlay uses] (page 35 of 212), is hereby amended as follows:

CHAPTER B OVERLAYS

Section 9 PBIAO, Palm Beach International Airport Overlay

D. Uses
All development within the PBIAO district shall be compatible with Airport Operations, as determined by the BCC, using the standards established in the Plan and Article 16, AIRPORT REGULATIONS. [Ord. 2004-051]

4. ~~Special Permits-Administrative Approval~~
All uses that are subject to the Administrative Approval process allowed by a special permits in the underlying district shall be permitted-allowed in the PBIAO ~~district~~ after compliance with the special use regulations applicable Code requirements. [Ord. 2004-051]

Part 21. ULDC Art. 3.B.11.C., Uses Regulations [Related to SCGCFO, Sugar Cane Growers Cooperative of Florida Protection Area Overlay] (pages 39 of 212), is hereby amended as follows:

CHAPTER B OVERLAYS

Section 11 SCGCFO, Sugar Cane Growers Cooperative of Florida Protection Area Overlay

C. Use Regulations
The following uses may be permitted in the SCGCFO, subject to Article 4, Use Regulations, and the following: [Ord. 2004-040] [Ord. 2017-007]

| Uses Permitted by Right: | DRO Uses: |
|---|--------------------------------|
| | |
| Class A Conditional Uses: | Special Permit: ZAR |
| Electrical Power Plant | Produce stand, Temporary |
| Livestock raising (more than five animals per acre) | Caretakers Quarters |
| Sugar mill or refinery | |
| [Ord. 2013-001] [Ord. 2017-007] | |

Part 22. ULDC Art. 3.B.14, WCRAO, Westgate Community Redevelopment Area Overlay (pages 42, 54 of 212), is hereby amended as follows:

CHAPTER B OVERLAYS

Section 14 WCRAO, Westgate Community Redevelopment Area Overlay

B. General Development Standards
1. Nonconformities
a. Expansion of Existing Non-conforming Parking

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ARTICLE 2, DEVELOPMENT REVIEW PROCEDURES SUMMARY OF AMENDMENTS

The addition of parking to a non-conforming structure that does not meet the location requirements of this Section, ~~that is included in the expansion of a non-conforming structure~~ shall be permitted subject to a Type 2 Waiver approval. ~~BCC approval of a Class A Conditional Use~~. [Ord. 2006-004]

H. Density Bonus Programs

2. Other Density Bonus Programs

~~Requests for approval of other residential density through Art. 5.G., Density Bonus Programs. The Applicant may request to waive modify or reduce the landscape requirements pursuant to Article 7, Landscaping subject to a Type 2 Waiver process. compatibility and additional landscaping required. The request shall be if consistent with the Plan, subject to and a WCRA recommendation for approval and BCC approval of a Class A or Requested Use . [Ord. 2006-004]~~

Part 23. ULDC Art. 3.B.15.F.6.e.4.a, Residential Setbacks,(page 75 of 212), is hereby amended as follows:

CHAPTER B OVERLAYS

Section 15 INFILL REDEVELOPMENT OVERLAY (IRO)

F. Design and Development Standards

6. Building Standards

e. Additional Building Standards

4) Outdoor Uses

a) Residential Setbacks

Outdoor uses shall be setback a minimum of 200 feet from any abutting residential use or parcel with a residential future land use designation, unless approved through a Type 2 Waiver process by the BCC as a Class A Conditional Use. This shall include vehicular access and parking for vehicular related uses such as gasoline sales, car washes, or drive through facilities. [Ord. 2010-005]

Part 24. ULDC Art. 3.B.16.E.3.a., Residential Setbacks [Related to Outdoor Uses] (page 88 of 212), is hereby amended as follows:

CHAPTER B OVERLAYS

Section 16 Urban Redevelopment Area Overlay (URAO)

E. Additional PRA Use Regulations

3. Outdoor Uses

a. Residential Setbacks

Outdoor uses shall be setback a minimum of 200 feet from any abutting non-PRA residential use or parcel with a residential future land use designation, unless approved by the BCC as through a Type ~~II~~ 2 ~~URAO~~ Waiver ~~or in conjunction with a Conditional Use approval~~. This shall include vehicular access and parking for vehicular related uses such as gasoline sales, car washes, or drive through facilities, but shall not include drive through facilities for Financial Institutions or ATM lanes. [Ord. 2010-022] [Ord. 2011-016]

Part 25. ULDC Art. 3.C.1.A.2.a.2., Permitted Contiguous Development (page 114 of 212), is hereby amended as follows:

CHAPTER C STANDARD DISTRICTS

Section 1 General

A. Agricultural Districts

2. AGR, Agricultural Reserve District

a. Exempted Residential Uses

2) Permitted Contiguous Development

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ARTICLE 2, DEVELOPMENT REVIEW PROCEDURES SUMMARY OF AMENDMENTS

An exception shall be permitted in accordance with FLUE Policy 1.5-c, whereas Delray Lakes Estates, Willis Glider Port and Snow Ranch Estates (a.k.a Horseshoe Acres) may expand, subject to BCC-a Class A Conditional Use approval, to allow development of contiguous residual parcels at a density that is consistent with the existing development, where it would serve to establish uniform boundaries. Expansion shall be subject to Table 3.C., AGR Contiguous Development PDRs. [Ord. 2006-004] [Ord. 2007-001]

....

Part 26. ULDC Art. 4.A.7.C.2, Development Review Officer, (page 10 of 204), is hereby amended as follows:

CHAPTER A USER GUIDE AND GENERAL PROVISIONS

Section 7 Determining Approval Process

C. Use Matrix

There are five processes to obtain a zoning approval for a use, as follows: Permitted by Right, ~~Special Permit~~, DRO, Class B Conditional Use, or Class A Conditional Use. Each Use Matrix identifies all zoning districts, uses, and approval process. The Use Matrix consolidates use approvals in standard Zoning Districts, URAO, IRO, PDDs and TDDs. A number in the "Supplementary Use Standard" column of the Use Matrix refers to the Definition and Supplementary Use Standards applicable to the use.

....

3. ~~Special Permit~~

~~Uses identified with an "S" are allowed in the zoning district only if approved by the Zoning Director in accordance with Article 2.D.2, Special Permit. Most of the Uses subject to Special Permit are under the Temporary Use Classification.~~

[Renumber Accordingly]

Part 27. ULDC Art. 4.B, Use Classification, (pages 13, 18, 25, 51, 63, 65, 71, 83, 85, 93, 96, 104, 106-107, 110-111, 127, 133 and 163 of 204), is hereby amended as follows:

CHAPTER B USE CLASSIFICATION

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EXHIBIT B

ARTICLE 2, DEVELOPMENT REVIEW PROCEDURES

SUMMARY OF AMENDMENTS

Section 1 Residential Uses

A. Residential Use Matrix

....

TABLE 4.B.1.A – RESIDENTIAL USE MATRIX

| STANDARD DISTRICTS | | | | | | | | | | | | Supplementary Use Standards (1) | PLANNED DEVELOPMENT DISTRICTS (PDDs) | | | | | | | | TRADITIONAL DEV. DISTRICTS (TDDs) | | | | | | | | | | | |
|---------------------------|------------------------------------|-------------|--|--|------------|--|--|--|--|-----|------|---|--------------------------------------|------|--|------|------|---|---|------|-----------------------------------|---|--|--|--|--|--|--|--|--|--|--|
| AG/CON | | RESIDENTIAL | | | COMMERCIAL | | | | | IND | INST | | PUD | MUPD | | MXPD | PIPD | M | R | TND | TMD | | | | | | | | | | | |
| | | | | | | | | | | | | | PODS | FLU | | FLU | PODS | H | V | TIER | TIER | | | | | | | | | | | |
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| Use approval process key: | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | |
| P | Permitted by Right | | | | | | | | | | D | Subject to DRO Approval | | | | | | | | | | A | Subject to BCC Approval (Class A Conditional Use) | | | | | | | | | |
| S | Subject to Special Permit Approval | | | | | | | | | | B | Subject to Zoning Commission Approval (Class B Conditional Use) | | | | | | | | | | - | Prohibited use, unless stated otherwise within Supplementary Use Standards | | | | | | | | | |
| | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | |

D. General Standards for Accessory Uses

....

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Notes:

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

EXHIBIT B

ARTICLE 2, DEVELOPMENT REVIEW PROCEDURES
SUMMARY OF AMENDMENTS

1

Table 4.B.1.D – Corresponding Accessory Use to a Principal Use

| | Principal Use | | | | | | | | | | | | | |
|------------------------|---|-------------|---------------|-----------|---------------|-----------------------|------------------------------------|-------------------|-----------------|-----------------|--------------------------------------|-----------------|-------------------------------|---------------------|
| | Mobile Home Dwelling | Multifamily | Single Family | Townhouse | Zero Lot Line | Bona Fide Agriculture | Stable Commercial / Stable Private | Agricultural Uses | Commercial Uses | Industrial Uses | Institutional, Public and Civic Uses | Recreation Uses | Utilities and Excavation Uses | Transportation Uses |
| Accessory Use | | | | | | | | | | | | | | |
| Accessory Quarters | - | - | P | P | P | - | - | - | - | - | - | - | - | - |
| Caretaker Quarters (3) | - | - | - | - | - | S | S | S | S | S | S | S | S | S |
| Estate Kitchen | - | - | P | - | P | D | D | D | D | D | D | D | D | D |
| Family Day Care Home | P | P | P | P | P | - | - | - | - | - | - | - | - | - |
| Farm Residence (2) | - | - | - | - | - | P (1) | - | - | - | - | - | - | - | - |
| Farm Workers Quarters | - | - | - | - | - | P | - | - | - | - | - | - | - | - |
| Garage Sale | P | P | P | P | P | - | - | - | - | - | - | - | - | - |
| Grooms Quarters | - | - | - | - | - | - | A | - | - | - | - | - | - | - |
| Guest Cottage | - | - | P | P | P | - | - | - | - | - | - | - | - | - |
| Home Occupation | P | P | P | P | P | - | - | - | - | - | - | - | - | - |
| Kennel, Type 1 | - | - | P | - | - | - | - | - | - | - | - | - | - | - |
| Limited Pet Boarding | - | - | A (43) | - | - | - | - | - | - | - | - | - | - | - |
| Notes | | | | | | | | | | | | | | |
| - | Accessory use not allowed | | | | | | | | | | | | | |
| P | Permitted by Right | | | | | | | | | | | | | |
| A | Accessory use subject to Class A Conditional Use unless stated otherwise – See principal use and accessory use supplementary standards. | | | | | | | | | | | | | |
| S-D | Special Permit-DRO Approval through ZAR Process | | | | | | | | | | | | | |
| | | | | | | | | | | | | | | |
| (3) | Special Permit is only applicable when a Mobile Home structure is utilized for Caretaker Quarters. | | | | | | | | | | | | | |
| (4-3) | Limited Pet Boarding shall be allowed in the AGR and AR/RSA and AR/USA Zoning Districts only. | | | | | | | | | | | | | |

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- E. Accessory Residential Use Standards
-
2. Caretaker Quarters
-
- e. Mobile Home
- A mobile home may be used for a Caretaker Quarters only in the AGR, AP, AR, IL, IG, PO, IPF, and MHPD districts. A mobile home used in the AGR, AP, or AR districts, shall be subject to the minimum acreage requirement pursuant to Article 4.B.1.C.2.c, Accessory Use - Bona Fide Agriculture. ~~If a mobile home is used, the Special Permit shall be renewed annually.~~
-

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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 B
ARTICLE 2, DEVELOPMENT REVIEW PROCEDURES
SUMMARY OF AMENDMENTS

Section 2 Commercial Uses

A. Commercial Use Matrix

TABLE 4.B.2.A - COMMERCIAL USE MATRIX

| STANDARD DISTRICTS | | | | | | | | | | | | | | Supplementary Use Standards (1) | PLANNED DEVELOPMENT DISTRICTS (PDDs) | | | | | | | TRADITIONAL DEV. DISTRICTS (TDDs) | | | | | | | | | | | | | | | | | | | |
|---------------------------|--|------------------------------------|--|--|--|------------|--|--|--|--|--|-----|--|---------------------------------|--------------------------------------|---|------|--|------|--|------|-----------------------------------|------|--|---|--|---|---|------|--|------|--|--|--|--|--|--|--|--|--|--|
| AG/CON | | RESIDENTIAL | | | | COMMERCIAL | | | | | | IND | | | INST | | PUD | | MUPD | | MXPD | | PIPD | | M | | R | | TND | | TMD | | | | | | | | | | |
| | | | | | | | | | | | | | | | | | PODS | | FLU | | FLU | | PODS | | H | | V | | TIER | | TIER | | | | | | | | | | |
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| Use approval process key: | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | |
| P | | Permitted by Right | | | | | | | | | | | | D | | Subject to DRO Approval | | | | | | | | | | | | A | | Subject to BCC Approval (Class A Conditional Use) | | | | | | | | | | | |
| S | | Subject to Special Permit Approval | | | | | | | | | | | | B | | Subject to Zoning Commission Approval (Class B Conditional Use) | | | | | | | | | | | | - | | Prohibited use, unless stated otherwise within Supplementary Use Standards | | | | | | | | | | | |
| **** | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | |

C. Definitions and Supplementary Use Standards for Specific Uses

34. Retail Sales

e. Fireworks

The retail sale or storage of fireworks as a principal use in any commercial district is prohibited.

1) Exception

Temporary sale of sparklers, subject to a ~~Special Permit~~ DRO approval through the ZAR process.

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Notes:

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

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

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

EXHIBIT B
ARTICLE 2, DEVELOPMENT REVIEW PROCEDURES
SUMMARY OF AMENDMENTS

Section 3 Recreation Uses

A. Recreation Use Matrix

TABLE 4.B.3.A – RECREATION USE MATRIX

| STANDARD DISTRICTS | | | | | | | | | | Supplementary Use Standards (1) | PLANNED DEVELOPMENT DISTRICTS (PDDs) | | | | | | | TRADITIONAL DEV. DISTRICTS (TDDs) | | | | |
|--------------------------------------|-------------|--|--|------------|--|--|--|-----|------|---|--------------------------------------|------|--|------|------|---|---|-----------------------------------|-----|--|--|--|
| AG/CON | RESIDENTIAL | | | COMMERCIAL | | | | IND | INST | | PUD | MUPD | | MXPD | PIPD | M | R | TND | TMD | | | |
| | | | | | | | | | | | PODS | FLU | | FLU | PODS | H | V | TIER | | TIER | | |
| | | | | | | | | | | | | | | | | | | | | | | |
| Use approval process key: | | | | | | | | | | | | | | | | | | | | | | |
| P Permitted by Right | | | | | | | | | | D Subject to DRO Approval | | | | | | | | | | A Subject to BCC Approval (Class A Conditional Use) | | |
| S Subject to Special Permit Approval | | | | | | | | | | B Subject to Zoning Commission Approval (Class B Conditional Use) | | | | | | | | | | - Prohibited use, unless stated otherwise within Supplementary Use Standards | | |
| | | | | | | | | | | | | | | | | | | | | | | |

C. Definitions and Supplementary Use Standards for Specific Uses

2. Campground

h. LOSTO

2) Camping Cabins

A camping cabin may be allowed as a principal use, or as an accessory use to a Single Family dwelling, subject to a DRO approval ~~as a Special Permit through the ZAR Process~~ and the following:

Section 4 Institutional, Public and Civic Uses

A. Institutional, Public and Civic Use Matrix

TABLE 4.B.4.A - INSTITUTIONAL, PUBLIC AND CIVIC USE MATRIX

| STANDARD DISTRICTS | | | | | | | | | | | | Supplementar y Use Standards (1) | PLANNED DEVELOPMENT DISTRICTS (PDDs) | | | | | | | TRADITIONAL DEV. DISTRICTS (TDDs) | | | | | |
|---------------------------|------------------------------------|--|--|--|------------|--|--|--|-----|---|-----|--|--------------------------------------|--|------|------|---|---|--|--------------------------------------|------|--|--|--|--|
| AG/ CON | RESIDENTIAL | | | | COMMERCIAL | | | | IND | INST | PUD | | MUPD | | MXPD | PIPD | M | R | TND | | TMD | | | | |
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| Use approval process key: | | | | | | | | | | | | | | | | | | | | | | | | | |
| P | Permitted by Right | | | | | | | | D | Subject to DRO Approval | | | | | | | | A | Subject to BCC Approval (Class A Conditional Use) | | | | | | |
| S | Subject to Special Permit Approval | | | | | | | | B | Subject to Zoning Commission Approval (Class B Conditional Use) | | | | | | | | - | Prohibited use, unless stated otherwise within Supplementary Use Standards | | | | | | |
| | | | | | | | | | | | | | | | | | | | | | | | | | |

Notes:
Underlined indicates **new** text.
~~Stricken~~ indicates text to be **deleted**. ~~Stricken and italicized~~ means text to be totally or partially relocated.
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EXHIBIT B

ARTICLE 2, DEVELOPMENT REVIEW PROCEDURES

SUMMARY OF AMENDMENTS

1 Section 5 Industrial Uses

2 A. Industrial Use Matrix

3

TABLE 4.B.5.A - INDUSTRIAL USE MATRIX

| STANDARD DISTRICTS | | | | | | | | | | Supplementary Use Standards (1) | PLANNED DEVELOPMENT DISTRICTS (PDDs) | | | | | | TRADITIONAL DEV. DISTRICTS (TDDs) | | | | | | | |
|---------------------------|---|--|--|------------|--|--|--|--|--|---------------------------------|--------------------------------------|---|-----|------|--|------|-----------------------------------|---|--|-----|--|-----|--|--|
| AG/ CON | RESIDENTIAL | | | COMMERCIAL | | | | | | | IND | INST | PUD | MUPD | | MXPD | PIPD | M | R | TND | | TMD | | |
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| | | | | | | | | | | | | | | | | | | | | | | | | |
| Use approval process key: | | | | | | | | | | | | | | | | | | | | | | | | |
| P | Permitted by Right | | | | | | | | | | D | Subject to DRO Approval | | | | | | A | Subject to BCC Approval (Class A Conditional Use) | | | | | |
| S | Subject to Special Permit Approval | | | | | | | | | | B | Subject to Zoning Commission Approval (Class B Conditional Use) | | | | | | - | Prohibited use, unless stated otherwise within Supplementary Use Standards | | | | | |
| | | | | | | | | | | | | | | | | | | | | | | | | |

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5 C. Definitions and Supplementary Use Standards for Specific Uses

6 1. Contractor Storage Yard

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8 c. Home Occupation – AR/RSA

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A limited Contractor Storage Yard use, may be allowed as a Home Occupation subject to ~~Special Permit~~a DRO approval through the ZAR Process, when located in the Agriculture Residential (AR) Zoning District within the Rural Service Area (RSA) on lots a minimum of five acres in size, subject to the requirements of Art. 4.B.1.E.10, Home Occupation, and the following:

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Notes:

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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.

EXHIBIT B

ARTICLE 2, DEVELOPMENT REVIEW PROCEDURES
SUMMARY OF AMENDMENTS

1 Section 6 Agricultural Uses
2 A. Agricultural Use Matrix
3

TABLE 4.B.6.A – AGRICULTURAL USE MATRIX

| STANDARD DISTRICTS | | | | | | | | | | | | | | | | | | | | | Use Type | Supplementary Use Standards (1) | PLANNED DEVELOPMENT DISTRICTS (PDDs) | | | | | | | | | | | | | | TRADITIONAL DEV. DISTRICTS (TDDs) | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | |
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EXHIBIT B

ARTICLE 2, DEVELOPMENT REVIEW PROCEDURES SUMMARY OF AMENDMENTS

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

1. Agriculture, Bona Fide

.... i. Agriculture Marketplace

.... 4) Use Limitations and Sale of Products

.... c) Collocated Uses

.... (3) Retail Sales, Mobile or Temporary and Special Event

Mobile sales shall be permitted subject to approval of a ~~Special Permit~~
Temporary Use through the ZAR process.

(4) ~~Special Event~~

~~Subject to approval of a Special Permit~~

14. Nursery, Wholesale

.... b. Approval Process

Table 4.B.6.C - Residential Districts in the USA

| Residential Districts in the USA | |
|---|--|
| Special Permit ZAR (1) | Five acres or less. |
| DRO | More than five but less than 20 acres. |
| Class B Conditional Use | 20 or more acres. |
| (1) <u>If no approved Final Site or Subdivision Plan, the application shall be subject to the Full DRO process.</u> | |

Table 4.B.6.C. – AR District in RSA

| AR District in RSA | |
|---|---------------------------------------|
| Permitted | Ten acres or less. |
| Special Permit ZAR (1) | More than ten but less than 40 acres. |
| DRO | 40 or more acres. |
| (1) <u>If no approved Final Site or Subdivision Plan, the application shall be subject to the Full DRO process.</u> | |

.... c. Tier

.... 3) Compatibility

The use shall assure that there is no incompatibility with surrounding land uses. When an incompatibility exists, the property owner shall satisfactorily mitigate the incompatibility prior to receiving a DQ Conditional Use, DRO or Special Permit approval.

.... 16. Produce Stand

.... b. Permanent

.... 3) Sale of Products

a) General

Includes sales of agricultural food products such as jelly, jam, honey and juice. No ~~Special Permits ZAR process~~ shall be permitted in conjunction with the stand except for seasonal sales. Seasonal sales that require additional storage area may be permitted in accordance with Art. 4.B.11.C.8, Temporary Retail Sales. No vending machines or other similar equipment shall be permitted on site. .

.... 5) AR/RSA and AGR Tiers

.... d) Approval

Notes:

Underlined indicates new text.

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

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

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

EXHIBIT B

ARTICLE 2, DEVELOPMENT REVIEW PROCEDURES SUMMARY OF AMENDMENTS

A permanent produce stand shall be a permitted use in the AGR and AR, and by ~~Special Permit~~ a DRO approval through the ZAR Process in the CN, CC & CG Zoning Districts.

(1) AR and AGR Zoning Districts

The area devoted to the permanent produce stand exceeding 3,000 square feet shall be approved subject to a Class A Conditional Use.

....
c. Temporary Stands

....
1) Use Limitations

a) Location Criteria

....
c) Approval

Subject to ~~Special Permit~~ approval of a Temporary Use through the ZAR Process.

....
2) Uses

No on-site food preparation or processing shall be permitted. No vending machines shall be permitted on site. No additional ~~Special Temporary Uses Permits~~ shall be ~~permitted-approved~~ in conjunction with the stand except for seasonal sales.

....
18. Stable, Commercial

....
c. Overlay - LOSTO

A Commercial Stable with 20 or fewer stalls shall be ~~allowed as subject to~~ a ~~Special Permit~~ DRO approval through the ZAR Process.

....

(This space intentionally left blank)

Notes:

Underlined indicates new text.

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

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

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

EXHIBIT B
ARTICLE 2, DEVELOPMENT REVIEW PROCEDURES
SUMMARY OF AMENDMENTS

TABLE 4.B.7.A - UTILITY USE MATRIX

| STANDARD DISTRICTS | | | | | | | | | | | | | | Supplementary Use Standards (1) | PLANNED DEVELOPMENT DISTRICTS (PDDs) | | | | | | | | TRADITIONAL DEV. DISTRICTS (TDDs) | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | |
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TABLE 4.B.8.A - TRANSPORTATION USE MATRIX

| STANDARD DISTRICTS | | | | | | | | | | Supplementary Use Standards (1) | PLANNED DEVELOPMENT DISTRICTS (PDDs) | | | | | | | TRADITIONAL DEV. DISTRICTS (TDDs) | | | | |
|--------------------------------------|-------------|--|--|------------|--|--|--|--|--|---|--------------------------------------|------|-----|------|--|------|------|-----------------------------------|---|--|--|-----|
| AG/ CON | RESIDENTIAL | | | COMMERCIAL | | | | | | | IND | INST | PUD | MUPD | | MXPD | PIPD | M | R | TND | | TMD |
| | | | | | | | | | | | | | | | | | | | | | | |
| | | | | | | | | | | | | | | | | | | | | | | |
| Use approval process key: | | | | | | | | | | | | | | | | | | | | | | |
| P Permitted by Right | | | | | | | | | | D Subject to DRO Approval | | | | | | | | | | A Subject to BCC Approval (Class A Conditional Use) | | |
| S Subject to Special Permit Approval | | | | | | | | | | B Subject to Zoning Commission Approval (Class B Conditional Use) | | | | | | | | | | - Prohibited use, unless stated otherwise within Supplementary Use Standards | | |
| | | | | | | | | | | | | | | | | | | | | | | |

TABLE 4.B.9.A - COMMERCIAL COMMUNICATION TOWERS MATRIX

| STANDARD DISTRICTS | | | | | | | | | | Supplementar y Use Standards (1) | PLANNED DEVELOPMENT DISTRICTS (PDDs) | | | | | | | TRADITIONAL DEV. DISTRICTS (TDDs) | | | | |
|---|-------------|--|--|------------|--|--|--|--|-----|---|--------------------------------------|-----|------|--|------|------|---|--------------------------------------|-----|--|-----|--|
| AG/ CON | RESIDENTIAL | | | COMMERCIAL | | | | | IND | | INST | PUD | MUPD | | MXPD | PIPD | M | R | TND | | TMD | |
| | | | | | | | | | | | | | | | | | | | | | | |
| | | | | | | | | | | | | | | | | | | | | | | |
| Use approval process key: | | | | | | | | | | | | | | | | | | | | | | |
| P Permitted by Right | | | | | | | | | | D Subject to DRO Approval | | | | | | | | | | A Subject to BCC Approval (Class A Conditional Use) | | |
| S Subject to Special Permit Approval | | | | | | | | | | B Subject to Zoning Commission Approval (Class B Conditional Use) | | | | | | | | | | - Prohibited use, unless stated otherwise within Supplementary Use Standards | | |
| | | | | | | | | | | | | | | | | | | | | | | |

TABLE 4.B.10.A – EXCAVATION USE MATRIX

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

EXHIBIT B

ARTICLE 2, DEVELOPMENT REVIEW PROCEDURES

SUMMARY OF AMENDMENTS

| STANDARD DISTRICTS | | | | | | | | | | | | | | Supplementary Use Standards (1) | PLANNED DEVELOPMENT DISTRICTS (PDDs) | | | | | | | | | | TRADITIONAL DEV. DISTRICTS (TDDs) | | | | | | | | | | | | | | |
|--------------------------------------|--|-------------|--|--|--|------------|--|--|--|--|--|-----|--|---|--------------------------------------|--|------|--|------|--|--|------|--|------|-----------------------------------|---|--|--|--|------|--|------|--|--|--|--|--|--|--|
| AG/CON | | RESIDENTIAL | | | | COMMERCIAL | | | | | | IND | | | INST | | PUD | | MUPD | | | MXPD | | PIPD | | M | | R | | TND | | TMD | | | | | | | |
| | | | | | | | | | | | | | | | | | PODS | | FLU | | | FLU | | PODS | | H | | V | | TIER | | TIER | | | | | | | |
| | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | |
| Use approval process key: | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | |
| P Permitted by Right | | | | | | | | | | | | | | D Subject to DRO Approval | | | | | | | | | | | | | | A Subject to BCC Approval (Class A Conditional Use) | | | | | | | | | | | |
| S Subject to Special Permit Approval | | | | | | | | | | | | | | B Subject to Zoning Commission Approval (Class B Conditional Use) | | | | | | | | | | | | | | - Prohibited use, unless stated otherwise within Supplementary Use Standards | | | | | | | | | | | |
| | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | |

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Notes:

Underlined indicates new text.

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

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

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, DEVELOPMENT REVIEW PROCEDURES SUMMARY OF AMENDMENTS

Part 28. ULDC Art. 4.B.11, Temporary Uses (page 195, 197, 199 and 201 to 203 of 204), is hereby amended as follows:

CHAPTER B USE CLASSIFICATION

Section 11 Temporary Uses

A. Temporary Use Matrix

TABLE 4.B.11.A – TEMPORARY USE MATRIX

[illegible]

Notes:

Underlined indicates new text.

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

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

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

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

EXHIBIT B

ARTICLE 2, DEVELOPMENT REVIEW PROCEDURES SUMMARY OF AMENDMENTS

B. General Standards and Application Requirements

1. Design Standards

- a. All Temporary Uses, which includes all related activities, structures, vehicles, and equipment shall not be located in a manner that distracts motor vehicle operators, or causes any vehicles to stop or park in violation of the law or official traffic-control devices.
- b. All Temporary Uses and temporary structures shall not be located in the required setbacks, parking, driveway aisles or loading areas, vehicular maneuvering areas, fire lanes, landscape buffers, sidewalks or ADA accessible routes, unless stated otherwise herein.

5. Additional Submittal Requirements

In addition to the requirements pursuant to Art. 2.C.5.C, Development Review Procedures Temporary Use, the following documentation shall be provided by the Applicant:

C. Definitions and Supplementary Use Standards for Specific Uses

3. Mobile Retail Sales

a. Definition

General retail sales from a mobile vehicle or a portable trailer without a fixed or permanent location.

~~c. —Renewal~~

~~The Special Permit shall be renewed annually pursuant to Art. 2.D.2, Special Permit.~~

dc. Location

- 1) Sites must comply with parking space requirements outlined in Table 6.A.1.B - Minimum Off Street Parking and Loading Requirements prior to applying ~~for a Special Permit~~ for Mobile Retail Sales.

4. Real Estate Sales Model, Non-PDD

b. Duration

The ~~Special Permit DO~~ shall be valid for five years from the date of issuance and may be renewed for an additional five years.

5. Recycling Drop-Off Bin

a. Definition

A totally enclosed temporary structure or portable container within which the following pre-sorted, recyclable materials are collected: glass, aluminum, steel, and plastic containers no greater than six gallons in capacity, and paper.

b. ~~Approval Process~~

~~If a DRO Site Plan is not on file with the Zoning Division, a Special Permit shall be required, and may be renewed annually pursuant to Art. 2.D.2, Special Permit.~~

g. Operation

- 1) The bin and adjacent area shall be maintained and free from litter, debris, and residue on a daily basis. Failure to maintain the bin and adjacent area may result in the revocation of the ~~DO DRO approval or Special Permit~~.

6. Special Event

a. Definition

A temporary activity which may include rides, amusements, food, games, crafts, and performances.

b. Typical Special Events

Typical Special Events may include but are not limited to carnivals, circuses, temporary auctions, rallies, and revivals.

c. Approval Process

The use shall be subject to Special Permit ZAR if the event is projected to attract less than 1,000 patrons on a site less than two acres. Project attendance shall be specified in the application.

e. Zoning District - Residential

Special Events that are prohibited in residential zoning districts may be allowed subject to a Special Permit DRO approval if the, and the following standards are met:

- 1) Shall be collocated with a Place of Worship;
- 2) Hours of operation shall be from 9:00 a.m. to 5:00 p.m.; and,

Notes:

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

EXHIBIT B

ARTICLE 2, DEVELOPMENT REVIEW PROCEDURES SUMMARY OF AMENDMENTS

- 3) Special Events and religious services operating during the same time are required to provide parking for both activities or comply with the off-site parking provisions in Art. 6, Parking.

....

7. Temporary Green Market

a. Definition

A temporary gathering of vendors, primarily for the purpose of selling fresh unprocessed fruit, vegetables, flowers, and consumable items such as coffee, bread and prepared food.

....

~~c. Renewal~~

~~The Special Permit may be renewed annually, pursuant to Art. 2.D.2, Special Permit.~~

....

8. Temporary Retail Sales

a. Definition

General retail sales without a fixed or permanent location.

....

g. Operation

All debris shall be completely removed from the site, and the property shall be returned to its original condition, within 24 hours of the expiration of the DO Special Permit or the removal of the activities associated with Special Event.

h. Special Provisions for Sparklers

Shall comply with the following additional requirements:

1) Zoning Districts

Shall be limited to CG and IL.

2) Seasonal Limitations

Shall only be allowed June 20 through July 5 and December 10 through January 2 of each year.

3) Additional Application Requirements

The Special Permit application shall include the following information:

....

Part 29. ULDC Art. 5.B.1.B, Temporary Structures (page 38 and 41 to 42 of 107), is hereby amended as follows:

CHAPTER B ACCESSORY USES AND STRUCTURES

Section 1 Supplementary Regulations

B. ~~Temporary Structures-Emergency or Temporary Government or Utility Structures~~

~~1. Emergency or Temporary Government Structures and Uses~~

This Section is intended to facilitate allow the placement or construction of structures or facilities that are temporary. These structures or facilities are utilized to government uses, facilities, and infrastructure improvements that ensure the health, safety and welfare of the public concerns from natural or pending disasters; or construction staging activities for infrastructure improvements, R-O-W construction staging area that is utilized for the temporary overnight storage of materials used during infrastructure improvement. [Partially relocated from Art. 5.B.1.B.3.e, Construction Staging Areas for Right of Ways (R-O-W)]

Typical uses include, but are not limited to, may include: fire stations, hurricane shelters, ~~or~~ utility facilities; or construction staging areas. [Ord. 2011-001]

a.1. Review and Approval Process

Emergency or temporary structures shall be subject to the approval by the DRO through a ZAR process. The ZAR process may be waived by the Executive Director of PZB as stated below:

1)a. Emergency Uses or Structures

The Executive Director of PZB may waive the ZAR process, and authorize the issuance of a building permit for a temporary structure upon determination that a public emergency, pending natural disaster, or actual natural disaster, exists. [Ord. 2011-001]

2)b. Temporary Structures

(a) — DRO Pre-Application Conference or BCC Direction

The Zoning Director may require a pre-application conference PAC with the DRO in order to seek input from the various County Agencies on the temporary structure, or may seek direction from the BCC through an AI. The Zoning Director shall consider documentation from the aApplicant and any other input from County Agencies before issuance of a DO Special Permit. [Ord. 2011-001] [Ord. 2011-016] [Ord. 2017-007]

b)Special Permit

Notes:

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

EXHIBIT B

ARTICLE 2, DEVELOPMENT REVIEW PROCEDURES SUMMARY OF AMENDMENTS

~~A Special Permit approval of the temporary structure pursuant to Article 2.D.2. Special Permit, must be obtained prior to the issuance of a building permit. [Ord. 2011-001] [Ord. 2017-007]~~

~~(e)1) Duration~~

The ~~Special Permit DO~~ shall be valid for up to a period of six months from date of issuance, with one three month extension by the Zoning Director. The BCC may extend the timeframe through an ~~Administrative Inquiry AI~~ by the Zoning Director. [Ord. 2011-001]

2) Construction Staging Areas for Right of Ways (R-O-W)

In addition to the requirements listed above, the following shall apply to those construction staging areas located on or adjacent to residentially zoned parcels. [Ord. 2008-003] [Relocated from Art. 5.B.3.e., Construction Staging Areas for Right of Ways (R-O-W)]

a) Hours of Operation

Activity on the site shall not commence prior to 7:00 a.m. and must be completed prior to 10:00 p.m. A Type 1 Variance may be applied for to request modification from this provision. [Ord. 2008-003] [Relocated from Art. 5.B.3.e.3), Construction Staging Areas for Right of Ways (R-O-W), Hours of Operation/Use]

b) Setbacks or Separations

Stored materials shall not be located within the required minimum district setback. [Ord. 2008-003] [Relocated from Art. 5.B.3.e.4), Construction Staging Areas for Right of Ways (R-O-W, Setbacks/Separations)]

c) Screening

Temporary screening material, a minimum of five feet in height and 85 percent opacity, shall be provided around the perimeter of the staging area, adjacent to residential uses, to mitigate visual impact. [Ord. 2008-003] [Relocated from Art. 5.B.3.e.5), Construction Staging Areas for Right of Ways (R-O-W), Screening]

d) Dust Control

Appropriate measures shall be taken, pursuant to Health Department requirements, to control dust or other airborne particulate matter. [Ord. 2008-003] [Relocated from Art. 5.B.3.e.6), Construction Staging Areas for Right of Ways (R-O-W), Dust Control]

e) Exceptions

Projects with a duration of 30 days or less shall be exempt from the requirements of this section. [Ord. 2008-003] [Relocated from Art. 5.B.3.e.7), Construction Staging Areas for Right of Ways (R-O-W), Exceptions]

~~....~~
e. Construction Staging Areas for Right of Ways (R-O-W)

~~This section shall only apply to staging areas located on or adjacent to residentially zoned parcels. [Ord. 2008-003]~~ [Partially relocated to Art. 5.B.1.B.1.b.2), Construction Staging Areas for Right-Of-Ways (R-O-W)]

1) Use

~~A R-O-W construction staging area shall be utilized for the temporary overnight storage of materials used during infrastructure improvement. [Ord. 2008-003]~~

2) Special Permit

~~A Special Permit shall be obtained from the Zoning Division prior to utilizing a site for staging. A site plan may be submitted in lieu of the survey. [Ord. 2008-003]~~

3) Hours of Operation / Use

~~Activity on the site shall not commence prior to 7:00 a.m. and must be completed prior to 10:00 p.m. A Type 1B Administrative Variance may be applied for to request deviation from this provision. [Ord. 2008-003]~~ [Partially relocated to Art. 5.B.1.B.1.b.2)a), Hours of Operation]

4) Setbacks / Separations

~~Stored materials shall not be located within the required minimum district setback. [Ord. 2008-003]~~ [Partially relocated to Art. 5.B.1.B.1.b.2)b), Setbacks or Separation]

5) Screening

~~Temporary screening material, a minimum of five feet in height and 85 percent opacity, shall be provided around the perimeter of the staging area, adjacent to residential uses, to mitigate visual impact. [Ord. 2008-003]~~ [Partially relocated to Art. 5.B.1.B.1.b.2)c), Screening]

6) Dust Control

~~Appropriate measures shall be taken, pursuant to Health Department requirements, to control dust or other airborne particulate matter. [Ord. 2008-003]~~ [Partially relocated to Art. 5.B.1.B.1.b.2)d), Dust Control]

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EXHIBIT B

ARTICLE 2, DEVELOPMENT REVIEW PROCEDURES
SUMMARY OF AMENDMENTS

~~7) **Exceptions**~~
~~Projects with a duration of 30 days or less shall be exempt from the requirements of this section. [Ord. 2008-003] [Partially relocated to Art. 5.B.1.B.1.b.2)e),~~
~~Exceptions]~~

....

Part 30. ULDC Art. 5.C.1, Architectural Guidelines (page 51-52 of 107), is hereby amended as follows:

CHAPTER C DESIGN STANDARDS

Section 1 Architectural Guidelines

I. Large Scale Commercial Development

1. Single Tenant Limit

Variances from these requirements shall be prohibited. [Ord. 2005 – 002] [Ord. 2011-001]

b. CH FLU

1) Exception

An additional 10,000 square feet shall be permitted, for a total of 210,000 gross square feet, subject to BCC Class A Conditional Use approval and the following requirements:

[Ord. 2005 – 002]

....

Part 31. ULDC Art. 6.A.1.D., Off-Street Parking (pages 15,19 and 33 of 40), is hereby amended as follows:

CHAPTER A PARKING

Section 1 General

D. Off-Street Parking

3. Use of Required Off-Street Parking

a. Temporary Parking

1) The Zoning Director may consider a Special Permit ZAR process for temporary off-site parking. [Ord. 2017-007]

....

5) In the event an off-site parking area is not under the same ownership as the site of the Special Permit Temporary Use site, a written agreement between the applicant and all owners of record of the parking area shall be required prior to permit approval. A copy of the agreement shall be subject to review and approval of the Zoning Division, and at a minimum shall contain the following: [Ord. 2017-007]

....

13. Valet Parking

d. Approval

Valet parking for commercial uses over 20,000 square feet shall be subject to approval of a Special Permit ZAR process.

....

19. Parking of Equipment, Vehicles, Boats or Vessels and Trailers in Residential Districts

b. Exemptions

5) Outdoor Storage

....

g) one vehicle which does not meet the requirements above may be approved through ZAR process by Special Permit upon demonstration that:

....

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EXHIBIT B

ARTICLE 2, DEVELOPMENT REVIEW PROCEDURES
SUMMARY OF AMENDMENTS

Part 32. ULDC Art. 8.G.1.D, Marquee Signs (page 25 and 32 of 42), is hereby amended as follows:

CHAPTER G STANDARDS FOR SPECIFIC SIGN TYPES

Section 1 Building Mounted Signs

D. Marquee Signs

Marquee signs are allowed for theaters, stadiums, auditoriums, and similar uses subject to ~~BCC~~
Class A Conditional Use approval. Marquee signs are not subject to wall sign area limits, but the
maximum sign area shall not exceed one square foot for each foot of building wall. Marquee signs
may be electronic message signs, subject to Article 8.G.3.B, Electronic Message Signs, and have
changeable copy. A marquee sign may project a maximum of six feet above the cornice of a
building provided that it is architecturally integrated with the building. [Ord. 2012-027] [Ord. 2014-
025]

....

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EXHIBIT C

ART. 3.B.14, WESTGATE COMMUNITY REDEVELOPMENT AREA
OVERLAY (WCRAO)
SUMMARY OF AMENDMENTS

Part 1. ULDC Article 3.B.14, WCRAO, Westgate Community Redevelopment Area Overlay–
(pages 44-46 of 218), is hereby amended as follows:

CHAPTER B OVERLAYS

Section 14 WCRAO, Westgate Community Redevelopment Area Overlay

C. Boundaries

2. Sub-area Boundaries and Descriptions

d. NC, Neighborhood Commercial

Intended to be the key focal point of the redevelopment area, with provisions ~~allowing for~~
~~or requiring to encourage and incentivize~~ mixed use development ~~with more intense~~
~~commercial uses.~~ [Ord. 2006-004]

E. Use Regulations

1. Mixed Use

In the WCRAO, mixed use means the combination of residential and one or more non-
residential uses that are functionally integrated. Mixed use may be required or permitted in
commercial districts that have a commercial with underlying residential FLU designation, as
indicated in Table 3.B.14.E, WCRAO Mixed Use. [Ord. 2006-004]

Table 3.B.14.E - WCRAO Mixed Use

| Sub-areas | NR | NRM | NG | NC | UG | UH | UI |
|---|------------|--|--|--|-----------|-----------|------------|
| Mixed Use (6) | Prohibited | <u>Required</u> Permitted (1) (73) | <u>Required</u> Permitted (1) (73) | <u>Required</u> Permitted (3) (2) (5) | Permitted | Permitted | Prohibited |
| Minimum Residential Use (42) | N/A | 50% | 50% | 25% N/A | N/A | N/A | N/A |
| Maximum Residential Use | N/A | 100% (73) | 100% (73) | 75% (3) N/A | N/A | N/A | N/A |
| Minimum Non-residential Use | N/A | 0% | 0% | 25% (3) N/A | N/A | N/A | N/A |
| Maximum Non-residential Use (42) | N/A | 50% | 50% | 75% N/A | N/A | N/A | N/A |

[Ord. 2006-004] [Ord. 2011-001] [Ord. 2015-031]

Notes:

1. Non-residential uses on parcels with a commercial with underlying residential FLU designation, approved as part of Plan Amendment Round 2005-01, shall only be permitted in accordance with of Art. 3.B.14.E.1.a, Mixed Use in NRM, NG and NC Sub-areas. [Ord. 2006-004] [Ord. 2015-031]

2. ~~Required only on Westgate between Loxahatchee Drive and Wabasso Drive in accordance with Art. 3.B.14.E.1.a, Mixed Use in the NRM, NG and NC Sub-areas. [Ord. 2006-004] [Ord. 2015-031]~~

3. ~~Maximum residential use may be increased to 100% and minimum non-residential uses may be reduced to 0%, east of Loxahatchee Drive, and West of Wabasso Drive. [Ord. 2006-004]~~

4-2. Minimum and maximum percentages for residential and non-residential uses are calculated by dividing the total GFA for either use (residential OR non-residential) type by the total GFA (residential AND non-residential). [Ord. 2006-004]

5. ~~Minimum residential and maximum non-residential percentages may be waived once all permitted residential density has been utilized, if no Density Bonus Pool units are available. [Ord. 2006-004]~~

6. ~~Mixed Use requirement shall not apply to improvements to or rehabilitation of existing structures or the expansion of a nonconforming use, pursuant to Art. 1.F.4.D, Expansion. [Ord. 2011-001]~~

73. Stand-alone residential developments are permitted within the NC, NRM and NG Sub-areas. [Ord. 2015-031]

a. Mixed Use in NRM, NG, and NC Sub-areas

In the NRM, ~~and~~ NG ~~and NC~~ Sub-areas, non-residential uses shall only be permitted if all
permitted residential density is utilized, but in no case shall it be less than one unit. Density
shall be calculated as standard density, or maximum density for PDDs, TDDs, and projects
meeting the requirements of FLUE Policy 2.2.1-e of the Plan, which ever is greater. [Ord.
2006-004] [Ord. 2015-031]

2. Sub-area Use Regulations

a. Use Regulations

In addition to the requirements of Table 3.E.1.B, Table 3.F.I.F, and Table 4.A.3.A, the
following uses shall be prohibited or permitted in the WCRAO Sub-areas: [Ord. 2006-004]

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EXHIBIT C

ART. 3.B.14, WESTGATE COMMUNITY REDEVELOPMENT AREA
OVERLAY (WCRAO)
SUMMARY OF AMENDMENTS

Table 3.B.14.E - WCRAO Sub-area Use Regulations

| Sub-areas | NR | NRM | NG | NC | UG | UH | UI | NOTE (2) |
|---|----|-----|----|----|-------|-------|------------------|------------|
| Residential Uses | | | | | | | | |
| | | | | | | | | |
| Commercial Uses | | | | | | | | |
| | | | | | | | | |
| Office Warehouse | X | X | X | X | A (1) | A (1) | A (1) | 4.B.5.C.17 |
| | | | | | | | | |
| [Ord. 2006-004] [Ord. 2007-013] [Ord. 2009-040] [Ord. 2010-022] [Ord. 2011-016] [Ord. 2012-007] [2017-002] [Ord. 2017-007] | | | | | | | | |
| Notes: | | | | | | | | |
| 1. Limited to lots with a CH or IND FLU Designation and corresponding zoning district. [Ord. 2006-004] | | | | | | | | |
| 2. A number in the NOTE column refers to Art 4.B, Supplementary Use Standards, which are applicable to the use. [Ord. 2006-004] | | | | | | | | |
| 3. Adult entertainment shall also be prohibited as an accessory use to other principal uses within the sub-areas. [Ord. 2007-013] | | | | | | | | |
| 4. Limited to lots with a CH or CL FLU Designation and corresponding zoning district. [Ord. 2007-013] | | | | | | | | |
| 5. Multi-family and Townhouse units may be Permitted by Right in non-residential districts where Mixed Use is required or permitted in accordance with Table 3.B.14.E. WCRAO Mixed Use. [Ord. 2017-002] | | | | | | | | |
| 6. Employment Agencies as contained in Art. 4 under Office, Business or Professional. [Ord. 2017-007] | | | | | | | | |
| Key: | | | | | | | | |
| X Prohibited in Sub-area. | | | | | | | | |
| - Subject to Use Regulations of zoning district. | | | | | | | | |
| P Permitted by Right. [Ord. 2007-013] [2009-040] | | | | | | | | |
| A Class A Conditional Use [Ord. 2017-007] | | | | | | | | |

- b. Table for Allowable Uses by Floor
- Where permitted by the existing zoning district, uses shall be further regulated by floor, as indicated in Table 3.B.14.E, WCRAO Sub-area Uses Permitted by Floor, and Figure 3.B.14.F, WCRAO Sub-area Building Configurations and Lot Placements. [Ord. 2006-004]

Table 3.B.14.E - WCRAO Sub-area Uses Permitted by Floor (1)

| Sub-areas | NR | NRM | NG | NC | UG | UH | UI |
|-----------------------|---|-----|-----|--------------------------------|-------------|-----|---------|
| 1 st Floor | R,Cv, Rc | All | All | <u>R</u> , C, O, CV, Rc (2) | All | All | C, I, O |
| **** | | | | | | | |
| [Ord. 2006-004] | | | | | | | |
| Key: | | | | | | | |
| All | Residential, Civic, Recreation, Office, Commercial, and Industrial | | | R | Residential | | |
| C | Commercial, other than office | | | CV | Civic | | |
| I | Industrial | | | Rc | Recreation | | |
| NA | Not Applicable | | | O | Office | | |
| Notes: | | | | | | | |
| 1. | Use allowed by floor only where permitted by existing zoning district, and the mixed use provisions of Table 3.B.14.E, WCRAO Mixed Use. [Ord. 2006-004] | | | | | | |
| 2- | All uses are permitted East of Loxahatchee Drive and West of Wabasso Drive. [Ord. 2006-004] | | | | | | |

4. Base Building Line
- The 40 foot wide visual buffer requirement of Article 3.D.1.D.1, Base Building Line, shall not apply to those lots abutting Westgate Avenue between Congress Avenue and Military Trail. The base building line for said lots shall be the existing R-O-W line of Westgate Avenue. [Ord. 2006-004]

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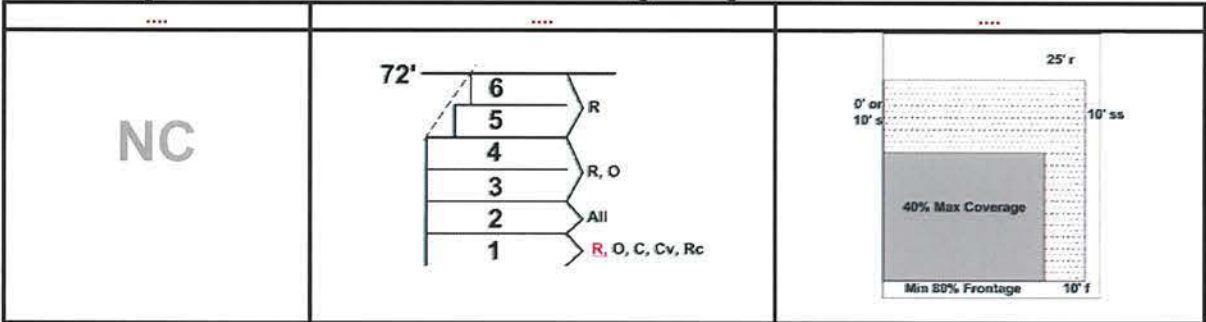
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EXHIBIT C

ART. 3.B.14, WESTGATE COMMUNITY REDEVELOPMENT AREA
OVERLAY (WCRAO)
SUMMARY OF AMENDMENTS



1

Figure 3.B.14.F - WCRAO Sub-area Building Configurations and Lot Placements



KEY for allowable usage by floor:*
R= Residential O= Office
C= Commercial I= Industrial
Cv= Civic Rc= Recreational
All= R, O, C, I, Cv, Rc

Key for setbacks:
f= front setback ss= side setback
s= side setback r= Rear Setback
ZD= Regulations of Applicable Zoning District

 **Building Coverage**
 **Buildable Area**

* Use allowed by floor only where permitted by existing zoning district, and the mixed use provisions of Table 3.B.15.E-1, WCRAO Mixed Use.

[Ord. 2006-004]

2
3

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EXHIBIT D

ARTICLE 3.E.1.E.1.C – HOUSING CLASSIFICATION AND TYPE
SUMMARY OF AMENDMENTS

Part 1. ULDC Art. 3.E.1.E.1.c, Housing Classification and Type (pages 137-138 of 216), is hereby amended as follows:

CHAPTER E PLANNED DEVELOPMENT DISTRICTS (PDDS)

Section 1 General

E. Modifications

1. Modifications by the DRO to a Master Plan, Site Plan, Subdivision Plan or Regulating Plan

c. Housing Classification and Type

~~Housing classification may only be changed from attached to detached.~~ Housing type may only be changed as follows:

Table 3.E.1.E - Housing Classification and Type (1)

| From | To |
|---|--|
| MF | Townhouse, Z zero L lot L ine, or S single F family |
| Townhouse | MF with maximum height of 35-feet in height, Zero Llot Lline, or Ssingle Ffamily or MF maximum of 35' in height |
| ZLL | Single F family |
| Notes: | |
| Provided there is no height increase from the originally approved housing type | |

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EXHIBIT E

ARTICLE 3 – OVERLAY AND ZONING DISTRICTS [RELATED TO REQUESTED USES REFERENCE] SUMMARY OF AMENDMENTS

Part 1. ULDC Art. 3.B.4, GAO, Glade Area Overlay (pages 25 -27, 44, 62, 111-112, 132-133, 180, 202 of 216), is hereby amended as follows:

CHAPTER B OVERLAYS

Section 4 GAO, Glades Area Overlay

D. Approval Process

2. Administrative Approvals

b. Conditional ~~and Requested~~ Uses

Uses allowed as Conditional ~~or Requested~~ Uses in a non-residential Zoning district may be approved by the DRO after compliance with Art. 2.B.2.B, Standards for Conditional Uses, ~~Requested Uses~~ and Development Order Amendments. [Ord. 2016-016]

3. Public Hearing Approvals

a. Prohibited Uses in Non-residential Districts

Uses not otherwise permitted in a non-residential Zoning district may be approved as a Class A Conditional ~~or Requested~~ Use provided the BCC makes a finding that the proposed use meets the following: [Ord. 2014-025] [Ord. 2016-016]

E. Property Development Regulations (PDRs) Exceptions

2. Maximum Density and Intensity - Conditional/~~Requested~~ Use Approval

The BCC may consider an increase in the maximum density and intensity allowed by the Plan within the GAO subject to approval of a Conditional ~~or Requested~~ Use. [Ord. 2014-025]

F. Planned Industrial Park Development (PIPD)

1. Development Standard Exceptions

c. Maximum Commercial Acreage - ~~Requested~~ Conditional Use Approval

The BCC may consider an increase in the maximum Commercial acreage allowed pursuant to Table 3.E.5.D, PIPD Land Use Mix, subject to approval of a ~~Requested~~ Conditional Use; and, upon finding that the increase will serve the projected workforce and residential population of the PIPD, and encourage internal automobile trip capture. [Ord. 2014-025]

Section 14 WCRAO, Westgate Community Redevelopment Area Overlay

D. Development Review Procedures

1. WCRA Recommendation

Applicants must obtain a recommendation from the WCRA, prior to submittal of any application for the development of single-family or duplex residential structures on a non-conforming lot, or application outlined under Art. 2, Development Review Procedures, for the following: Official Zoning Map Amendments, Conditional Uses, ~~Requested Uses~~, Development Order Amendments, Plan Amendments, Density Bonuses, Variances and projects requiring DRO approval. An application for a WCRA recommendation must be made in accordance with the following: [Ord. 2006-004] [Ord. 2007-013]

H. Density Bonus Programs

Table 3.B.14.H - WCRAO Density Bonus Pool Approval

| Approval Process Required (1) | Range of Bonus Units per Acre | Min. % of Density Bonus Units Required to be Affordable (3) |
|---|-------------------------------|---|
| [Ord. 2006-004] [Ord. 2007-013] | | |
| Notes: | | |
| 1. The transfer of density to a PDD or TDD requires approval as a requested-use <u>Class A Conditional Use</u> . [Ord. 2006-004] | | |

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EXHIBIT E

ARTICLE 3 – OVERLAY AND ZONING DISTRICTS [RELATED TO REQUESTED USES REFERENCE] SUMMARY OF AMENDMENTS

2. Other Density Bonus Programs

Requests for approval of other residential density through Art. 5.G., Density Bonus Programs may request to waive the compatibility and additional landscaping required, if consistent with the Plan, subject to a WCRA recommendation for approval and BCC approval of a Class A Conditional Use ~~or Requested Use~~. [Ord. 2006-004]

....

Section 15 INFILL REDEVELOPMENT OVERLAY (IRO)

....

D. Application Requirements

....

2. Plan Requirements

....

a. Preliminary Master Plan

....

2) Additional Requirements

....

e) Location of any ~~requested~~ Conditional ~~u~~Uses; [Ord. 2010-005]

....

Section 17 Agricultural Enclave Overlay (AGEO)

....

D. Development Review Procedures

Any application for a Development Order for a rezoning, ~~e~~Conditional ~~or requested u~~Use approval, or Development Order Amendment, within an AGEO shall be consistent with an AGE FLUA amendment Conceptual Plan: [Ord. 2014-031]

....

2. Final Site or Subdivision Plan

A FSP or FSBP for a TND, PUD, TMD, MUPD or Requested Conditional Use, shall include graphic and tabular details as required above for Master Plans and Regulating Plans. [Ord. 2014-031]

E. Use Regulations and Standards

....

2. Economic Development Center (EDC)

An MUPD Pod developed as a TTD Economic Development Center may include a College or University subject to approval as a Requested Conditional Use. Additional commercial uses that support employees and students may be permitted in accordance with a FLUA Conceptual Plan. [Ord. 2014-031]

....

CHAPTER E PLANNED DEVELOPMENT DISTRICTS (PDDS)

Section 1 General

A. General

....

2. Applicability

....

a. Previous Approvals

....

2) Additional Requested Uses

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

....

B. FAR, Density, and Use Standards

....

3. Uses Allowed

Uses allowed in a PDD shall be pursuant to Article 4, Use Regulations. Previously approved planned developments shall be governed by the FLU designation in the Plan or pod designation on the most recent approved master plan for purpose of determining the uses allowed and

Notes:

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EXHIBIT E

ARTICLE 3 – OVERLAY AND ZONING DISTRICTS
[RELATED TO REQUESTED USES REFERENCE]
SUMMARY OF AMENDMENTS

- 1 applicability of this Code. Previously approved additional ~~requested Conditional~~ uUses shall
- 2 be considered conforming uses, and any expansion, relocation or increase in intensity shall be
- 3 subject to BCC approval. [Ord. 2005-041] [Ord. 2017-007]
- 4
- 5 Section 2 Planned Unit Development (PUD)
- 6
- 7 E. Pods
- 8
- 9 2. Commercial Pod
- 10
- 11 b. Design
- 12 1) Any single use exceeding 10,000 square feet of GFA shall obtain approval as a
- 13 ~~Requested Conditional~~ Use.
- 14
- 15 CHAPTER F TRADITIONAL DEVELOPMENT DISTRICTS (TDDS)
- 16 Section 1 General Provisions for TDDs
- 17
- 18 C. Review and Approval Process
- 19 1. Traditional Town Development (TTD) Required Plan Options
- 20 The BCC may approve a Preliminary Master Plan for a TTD, including TMD, MUPD, TND and
- 21 PUD Pods, and ~~Requested Conditional~~ Uses, without concurrent submittal of Preliminary Site
- 22 Plans or Subdivision Plans. The BCC shall approve a Preliminary Site Plan for a TMD, MUPD
- 23 and any Requested Uses prior to Final Site Plan approval. Preliminary Site Plan or Subdivision
- 24 Plan approval shall not be required for a TND or PUD Pod, unless the applicant is requested
- 25 Waivers or other standard requiring BCC approval. [Ord. 2014-031]
- 26

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EXHIBIT F

ARTICLE 4 – USE REGULATIONS SUMMARY OF AMENDMENTS

Part 1. ULDC Art. 4.B.2.C.36, Self Service Storage, (page 53-55 of 203), is hereby amended as follows:

CHAPTER B USE CLASSIFICATION

Section 2 Commercial Uses

C. Definitions and Supplementary Use Standards for Specific Uses

36. Self-Service Storage

e. Architecture

1) ~~Storage Unit Door Orientation~~

a) ~~First Floor Door Orientation~~

~~Storage unit doors shall not face a residential use or vacant parcel with a residential FLU designation, or public street.~~

b) ~~Door Orientation on the Second Story or Above~~

~~Limited Access storage unit doors and access points located on the second story or above shall be oriented toward the interior of the site where fenestration is used to allow visibility into interior corridors.~~

12) ~~Storage Access or Storage Unit Door Screening~~

~~Access points and storage unit doors shall be screened from all public streets, residential uses or vacant parcels with a residential FLU designation, through the use of buildings, walls, opaque vehicular gates which primarily remain closed, or other similar barriers.~~

23) ~~Fenestration~~

~~The use of fenestration that allows visibility of storage unit doors or is purposely designed in conjunction with interior signage, logos, lighting, or paint schemes intended to expand permitted exterior signage shall be prohibited.~~

Part 2. ULDC Art. 4.B.5.C.5, Wholesale Gas and Fuel, (page 87 of 203), is hereby amended as follows:

CHAPTER B USE CLASSIFICATION

Section 5 Industrial Uses

C. Definitions and Supplementary Use Standards for Specific Uses

5. Gas and Fuel, Wholesale

a. Definition

An establishment engaged in the storage of flammable or explosive gases or and fuels for wholesale distribution, ~~to businesses.~~

b. Typical Uses

Wholesale Gas and Fuel may include but is not limited to the bulk storage, distribution and wholesaling of motor vehicle fuels, propane, natural gas, welding gases, or other similar materials.

c. Approval Process – Exception

Wholesale Gas and Fuel may be Permitted by Right subject to compliance with all of the following:

1. Limited to a maximum of 2,500 gallons or less or 2,000 gallons water capacity.

2. Storage areas shall be located a minimum of 200 feet from any parcel supporting residential uses or vacant parcels with a residential future land use designation.

3. Bulk storage of flammable gases shall be prohibited unless approved by PBC Fire Rescue.

4. The applicant shall submit a storage management plan for all flammable liquids or gases and any non-flammable gases to include documentation demonstrating compliance with all applicable US Department of Labor, Occupational Safety and Health Hazard (OSHA) standards, the National Fire Protection Association (NFPA) Compressed Gas and Cryogenic Fluids Code, Compressed Gas Association (CGA) Safe Handling of Compressed Gases, and any PBC Fire Rescue standards.

b. Overlay – Airport Zoning Overlay (AZO)

Wholesale of gas and fuel shall be allowed in the AZO Overlay as an airport-related use only when associated with sales of aviation fuel.

d. Location

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EXHIBIT F

ARTICLE 4 – USE REGULATIONS

SUMMARY OF AMENDMENTS

1 This use shall not be located within any Prohibited Land Use Area/Five Mile Runway Buffer
2 Zone.
3 ~~ed.~~ **Separation Distance**
4 A separation distance shall be established between this use and any adjacent uses. The
5 separation distance shall be that prescribed by PBC Fire Rescue Department based upon
6 recognized standards and guidelines,
7

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EXHIBIT G

ARTICLE 5.B.1.A.8, DUMPSTERS
SUMMARY OF AMENDMENTS

Part 1. ULDC Art. 5.B.1.A.8, Dumpsters (page 21 of 107), is hereby amended as follows:

CHAPTER B ACCESSORY USES AND STRUCTURES

Section 1 Supplementary Regulations

A. Accessory Uses and Structures

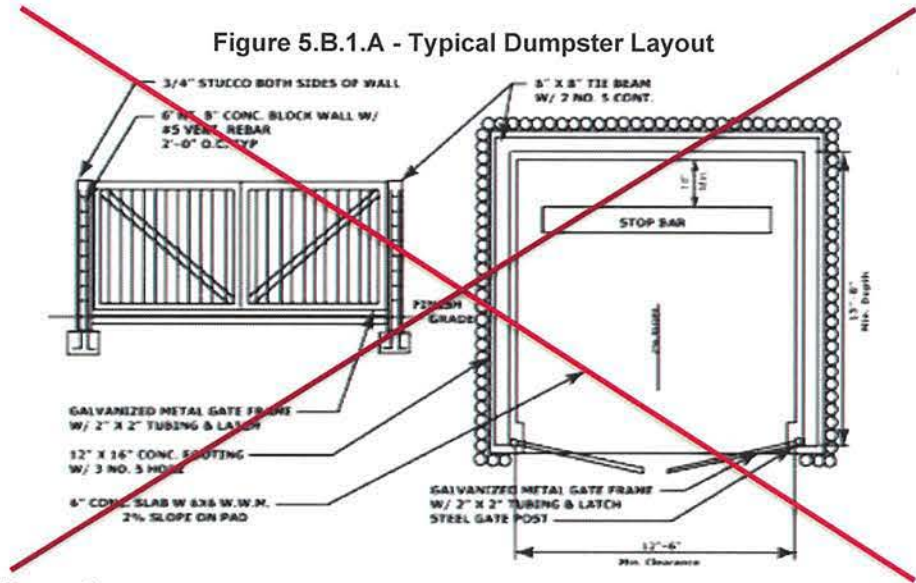
1. General

The following provisions in this Section shall apply to all development in Standard, PDD or TDD Zoning Districts, unless otherwise stated. [2007-001] [2017-007]

b. Location

All accessory uses and structures except for approved off-site parking, shall be located on the same lot as the principal use. No accessory structure shall be located in the front or side street yard except for dumpsters, or unless stated otherwise herein. [Ord. 2017-007] [Ord. 2017-025]

Figure 5.B.1.A - Typical Dumpster Layout



8. Dumpsters

Each use shall provide a method for the removal of refuse when individual collection, from a licensed solid waste hauler is not provided. All outdoor receptacles for the storage and disposal of refuse, vegetation, and recyclable material, such as dumpsters, trash compactors, and recycling containers, shall meet the following standards:

a. Storage Area

A minimum of one refuse container and one recycling container shall be provided ~~per multi-family project with 16 units or more and for~~ each nonresidential project ~~and per multi-family project with 16 units or more~~. All refuse containers shall be stored in a storage area. Storage areas shall have a minimum dimension of ten feet by ten feet.

b. Location

Containers shall be located to minimize turning and back up movements by pick-up and removal vehicles. Dumpster shall not encroach into easements or landscape buffers.

c. Setback

- 1) Dumpsters located in a Commercial pod of a PUD shall comply with Art. 3.E.2.E.2.b. Design.
- 2) Containers In all other zoning districts, dumpsters shall be setback a minimum of 25 feet from all property lines from adjacent residential districts and uses.

d. Screening

Containers shall be screened from view by a solid opaque enclosure. The open end of the enclosure shall have an opaque gate which provides a minimum of ten feet of clearance when open for service. All exposed exterior sides of the enclosure, other than the open end, shall be landscaped with one 36-inch high shrub planted 24 inches on center. If improvements are proposed for previously approved containers, screening shall be provided to the greatest extent possible.

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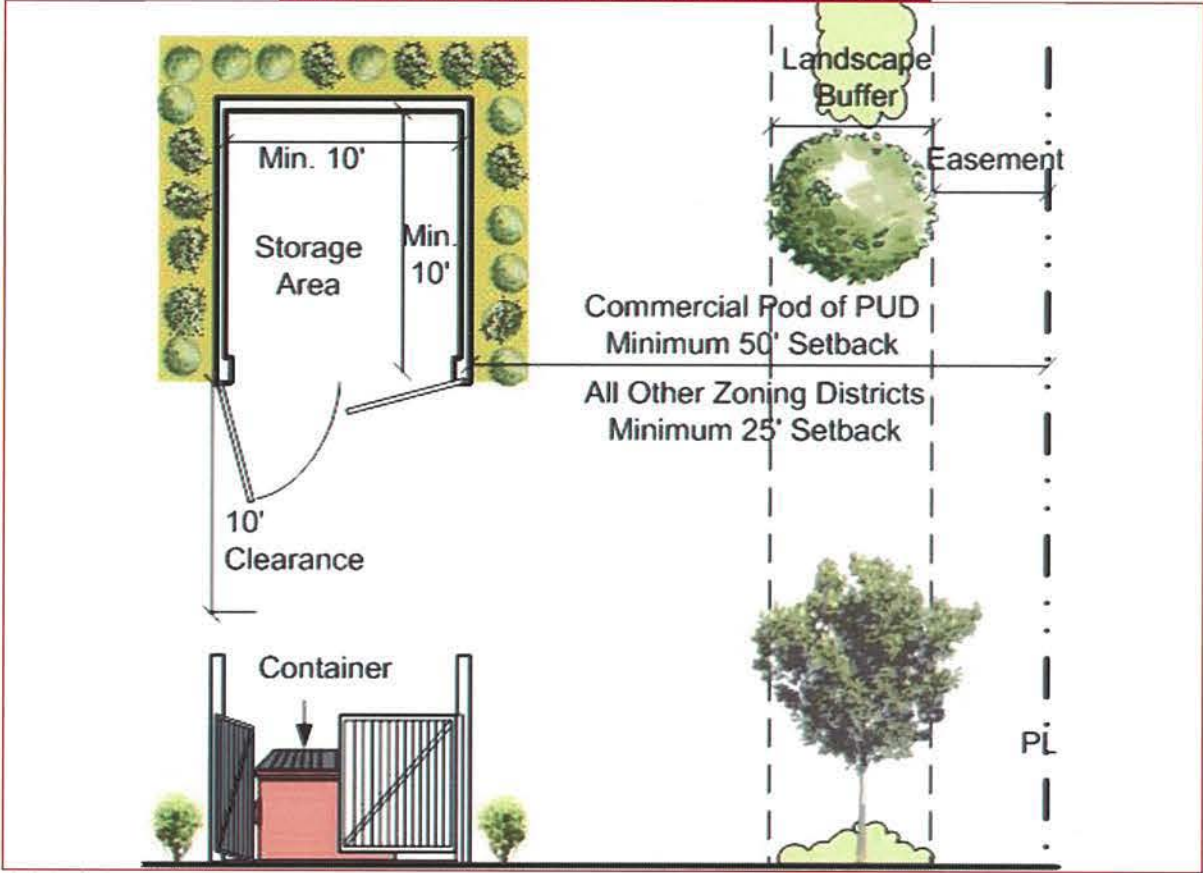
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EXHIBIT G

ARTICLE 5.B.1.A.8, DUMPSTERS
SUMMARY OF AMENDMENTS

- e. **Retrofitting of Existing Developments**
The retrofitting of existing developments to comply with the standards of this Section is permitted at a ratio of deletion of one parking space for each outdoor receptacle, not to exceed ten percent of the total required parking spaces.

Figure 5.B.1.A – Typical Example of Dumpster Layout



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EXHIBIT H

ARTICLE 5.B.1.A – ACCESSORY USES AND STRUCTURES [RELATED TO GOVERNMENT OWNED TOWERS] SUMMARY OF AMENDMENTS

Part 1. ULDC Art. 4.B.9.H.2, Government Towers (page 156 of 204), is hereby amended as follows:

CHAPTER B USE CLASSIFICATION

Section 9 Commercial Communication Towers

H. Exemptions and Waivers

1. States of Emergency

The PZ&B Executive Director may waive the review timeframes in the event of a declared state of emergency.

2. Government Towers

~~These facilities shall comply with the regulations contained in Art. 5.B.1.A.14, Government Owned Towers, unless stated otherwise. If the regulations in the Commercial Communication Towers prohibit a government-owned tower from being located at a specific site and the tower is required to protect the public health, safety, or welfare, the applicable criteria may be waived or modified by the BCC. In such cases the BCC shall make a finding of fact justifying the modification.~~ [Partially relocated to Art. 5.B.1.A.14, Government Owned Towers]

Part 2. ULDC Art. 5.B.1.A, Accessory Uses and Structures (page 29 of 107), is hereby amended as follows:

CHAPTER B ACCESSORY USES AND STRUCTURES

Section 1 Supplementary Regulations

A. Accessory Uses and Structures

14. Government Owned Towers

The following regulations shall be applicable to government owned towers providing governmental services, including but not limited to emergency services.

- a. New or modification of towers 100' or less in height, may be permitted by right in any zoning district, provided the setbacks, separation and distance between towers is at least 100 percent of the tower height, unless stated otherwise. All government towers in excess of 100' in height shall be subject to the standards in Tables 5.B.1.A.
- b. Government owned towers that do or will support commercial antennas shall be subject to the approval and supplementary use standards pursuant to Art. 4.B.9 Commercial Communication Towers.

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EXHIBIT H

ARTICLE 5.B.1.A – ACCESSORY USES AND STRUCTURES
[RELATED TO GOVERNMENT OWNED TOWERS]
SUMMARY OF AMENDMENTS

1

Table 5.B.1.A – New, Modified or Relocated Government Towers Related to an Emergency(1)

| Improvement | Tower Height | Approval Process (2) | Regulations |
|--|---|--|---|
| New Tower | Towers 100' or less in height that do not comply with Art. 5.B.1.A.14.a. above. | BCC Hearing (3) | (5) |
| | Towers greater than 100' | Subject to approval in the Use Matrix of Art. 4.B.9. Commercial Communication Towers (4) | • Setbacks, separation and distance between towers are at least 100 percent of the tower height. (5) |
| Modification | Towers greater than 100' | Permitted by Right | • Tower height, base station and location are the same as in the original approval; or • Subject to the limitations in Art. 4.B.9.E. Eligible Facilities Request for Modification; or • Stealth or Monopole towers shall comply with the limitations in Art. 4.B.9.D.1.e.1). Stealth; or • Modifications of the tower requires relocation of the tower on the same parcel and the setbacks, separation and distance between towers are at least 100 percent of the tower height. |
| | | BCC Hearing (3) | Modification of towers, not subject to Eligible Facilities Request for Modification, resulting in setbacks, separation and distance between towers less than 100 percent of the tower height. (5) |
| Notes: | | | |
| (1) As defined in Art. 1.I.2.E. Emergency | | | |
| (2) Applications subject to public hearing shall comply with and be limited to only the notification requirements in Art. 2.B.5.B. Newspaper Publication and Art. 2.B.5.D. Signs. | | | |
| (3) For government entities other than Palm Beach County, coordination shall be undertaken with the County's Facilities Development and Operation Department (FDO) for placement on the next available BCC meeting or hearing following receipt of a sufficient written request and fulfillment of required public notification. | | | |
| (4) A government agency looking to locate a tower in a prohibited zoning district per Table 4.B.9.A, Commercial Communication Towers, may request BCC approval of the tower as an emergency conditional approval provided that: • There are no properties owned by that government agency that are available within the defined service area in the zoning districts where towers are allowed; • The tower is the minimum necessary to protect the public health, safety, or welfare of PBC residents; and, • The applicant makes a presentation to the BCC at a scheduled meeting or hearing on the merits of the request. | | | |
| (5) Setbacks, separation or distance between towers may be reduced or exempted by the BCC based on findings of fact, including but not limited to: • Demonstrate that the tower is the minimum necessary to maintain the level of service to protect the public health, safety, or welfare of PBC residents. [Partially relocated from Art. 4.B.9.H.2, Government Towers] • Setbacks, separation and distance between towers are the minimum necessary to protect adjacent uses and structures. • All setbacks less than 100 percent of the tower height shall be substantiated by a registered engineer in the State of Florida certifying breakpoint calculations. The breakpoint calculations shall confirm that should tower failure occur, the failed portion of the tower shall fall within the property where the tower is located on. | | | |

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EXHIBIT H

ARTICLE 5.B.1.A – ACCESSORY USES AND STRUCTURES
[RELATED TO GOVERNMENT OWNED TOWERS]
SUMMARY OF AMENDMENTS

Table 5.B.1.A – New, Modified or Relocated Government Towers Not Subject to an Emergency

| Improvement | Height or Base Station Area | Approval Process | Regulations |
|--------------|---|--|--|
| New Tower | 101' or more of any tower type | Subject to the provisions in Art. 4.B.9, Commercial Communication Towers(1) | |
| Modification | Tower height, base station area and location are the same as in the original approval | Permitted by Right | Consistent with the original approval |
| | | | Replacement of towers, subject to Art. 4.B.9.G.2, Replacement |
| | Modification to tower location | Permitted by Right | Setbacks, separation and distance between towers are at least 100 percent of the tower height. |
| | Modifications to the tower height, base station area and/or location other than above | Subject to the limitations in Art. 4.B.9.E, Eligible Facilities Request for Modification | |
| | | Stealth or Monopole Tower comply with the limitations in Art. 4.B.9.D.1.e.1), Stealth | |
| | | All other towers subject to Art. 4.B.9.G.3, Tower Height Increases BCC Hearing | All other dimensions not noted above shall comply with Art. 4.B.9.H.5, Type 2 Waiver from Required Dimensional Criteria. |
| (1) | A government agency proposing to locate a tower in a prohibited zoning district per Table 4.B.9.A, Commercial Communication Towers, may request approval of the tower as a Class A Conditional Use. | | |

[Renumber Accordingly]

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EXHIBIT I

ARTICLE 5.C.1.H – GUIDELINES [RELATED TO ARCHITECTURAL GUIDELINES]
SUMMARY OF AMENDMENTS

Part 1. ULDC Art. 5.C.1.H, Guidelines (page 48 of 107), is hereby amended as follows:

CHAPTER C DESIGN STANDARDS

Section 1 Architectural Guidelines

H. Guidelines

1. Nonresidential Design Elements

b. Roofline

The roofline along each elevation shall incorporate a minimum of one design feature each from Table 5.C.1.H, Primary Roof Design Element, and Table 5.C.1.H, Secondary Roof Treatment, below. The same features are not required on each elevation:

g. Rural Design Elements

The following standards shall also apply to nonresidential projects, buildings, and signs in the Rural and Exurban Tiers.

1) Roof

The roofline along each ~~applicable~~ elevation shall incorporate a minimum of one design feature each from Table 5.C.1.H, Roof Design Element, and Table 5.C.1.H, Decorative Roof Treatment below. The same features are not required on each elevation.

Table 5.C.1.H – Rural Roof Design Element

| | |
|----|---|
| 1. | Articulated parapet roofline for each 200 linear feet with an attached hip pitched roof (e.g. hip-on-deck, hip, gable, gambrel, or a combination of them) along a minimum of 70% of the length of the facade, two or more plane breaks or slopes, and, a minimum 12 inch overhanging eave; or, |
| 2. | Full pitched roof (e.g. hip, gable, mansard , gambrel, etc.) with two or more plane breaks or slopes; or |
| 3. | Combination of items 1 and 2 above. |

Table 5.C.1.H – Rural Decorative Roof Treatment

| | |
|----|--|
| 1. | Decorative roof details such as dormers, cupolas, rafter tails, balconies, terraces, or exposed beams; |
| 2. | Cornices with decorative moldings; or |
| 3. | Pediments, porticos, or architectural features at entryways, or decorative towers. |

4) Porches and Entryways

All buildings shall have prominent entryways with well-defined porches and railings. Porches shall be provided along the entire front facades, and 50 percent of the side or rear facades if contiguous to a public street or residential zoning district. The design of a porch may be interrupted by required exits, paved pedestrian entrances, loading areas, and shall include the following:

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EXHIBIT J

ARTICLE 7, LANDSCAPING

Part 1. ULDC Art. 7.A.1, General – Landscaping and Buffering (page 6-11 of 49), is hereby amended as follows:

CHAPTER A GENERAL

Section 1 Landscaping and Buffering Purpose and Intent

A. Purpose and Intent

The purpose and intent of this Article is to establish minimum standards for the design, layout, installation and continued maintenance of landscaping. The specific objectives of this Article are as follows: This Article provides general direction and establishes minimum standards related to the following:

- A. Design principles to ensure compliance with the Managed Growth Tier System (MGTS);
- B. Review process and decision making standards for the evaluation of Landscape Plans;
- C. Requirements for buffers, interior, and other service areas of a property;
- D. Standards for plant materials and other landscape barriers or structures;
- E. Preservation of existing native vegetation, elimination of prohibited and reduction of controlled plant species;
- F. Installation and continued maintenance; and
- G. Enforcement of the Code requirements.

1. Appearance

~~To improve the aesthetic appearance of development through creative landscaping that helps to enhance the natural and built environment.~~ [Relocated to Art. 7.A.3.A, Appearance and Composition]

2. Environment

~~To improve the environment by maintaining permeable land area essential to surface water management and aquifer recharge; reducing and reversing air, noise, heat, and chemical pollution through the biological filtering capacities of trees and other vegetation; promoting energy conservation through the creation of shade; reducing heat gain in or on buildings or paved areas; reducing the temperature of the microclimate through the process of evapotranspiration; and encouraging the limited use of fresh water resources through the use of native and drought-tolerant plants.~~ [Partially relocated to Art. 7.A.3.B, Environmental Quality]

3. Water Conservation

~~To promote water conservation by encouraging xeriscaping in appropriate areas, such as medians; requiring the use of native and drought-tolerant landscape material; encouraging the use of water-conserving irrigation practices; requiring adherence to landscape installation standards and maintenance procedures that promote water conservation; and encouraging the ecologically sound placement of landscape material and incorporation of natural areas and vegetation into landscape plans.~~ [Partially relocated to Art. 7.A.3.C, Water Conservation]

4. Preservation

~~To encourage the preservation and planting of native trees and vegetation as part of landscape design.~~ [Partially relocated to Art. 7.A.3.D, Preservation and Removal of Prohibited Plant Species]

5. Compatibility

~~To promote efficiency in the development of limited land resources by improving the compatibility of otherwise incompatible land uses in close proximity, particularly residential development that is adjacent to commercial and industrial development, through the use of landscaped buffers.~~ [Partially relocated from Art. 7.A.3.E, Compatibility]

6. Land Values

~~To maintain and increase the value of land by requiring minimum landscaping which, when installed and maintained properly, becomes a capital asset.~~

7. Human Values

~~To provide physical and psychological benefits to persons and to reduce noise and glare by softening the harsher visual aspects of urban development.~~

8. Removal of Prohibited Plant Species

~~To require the initial eradication of and control the ongoing removal of prohibited plant species that have become nuisances because of their tendency to disrupt or destroy native ecosystems.~~ [Partially relocated to Art. 7.A.3.D.1, Incorporation of Existing Vegetation]

Section 2 MGTS Compliance

~~Landscape design shall comply with the relevant MGTS characteristics in both plant material selection and overall landscape composition.~~ [Relocated from Art. 7.C, MGTS Tier Compliance]

A. U/S Tier

~~Landscape in the U/S Tier should have a higher level of detail and more structure, such as pedestrian accents, formal or meandering arrangements in perimeter landscape buffers, street tree plantings, and inter-connections between pedestrian and vehicular areas. The WCRAO, IRO and URAO, among others, serve to promote urbanized forms of development that accommodate walk-~~

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EXHIBIT J

ARTICLE 7, LANDSCAPING

ability and other attributes of the urban environment. Greater flexibility and alternative landscape solutions are available to promote development within the boundaries of these areas. [Ord. 2010-005] [2010-022] [Ord. 2014-025] [Partially relocated from Art. 7.C.1, U/S Tier]

B. AGR and Glades Tiers

Landscaping in the AGR and Glades Tiers should consist of large open spaces, with equestrian and agricultural elements, and an increased percentage of native plant species. [Partially relocated from Art. 7.C.2, AGR and Glades Tiers]

C. Exurban and Rural Tiers

Landscaping in the Exurban and Rural Tiers should incorporate more informal design patterns that include: reduced impervious areas; preservation of native vegetation; and, more naturalistic landscaped areas. Non-residential uses shall accommodate increased amounts of landscape materials in the parking areas and building foundation plantings. [Ord. 2009-040] [Partially relocated from Art. 7.C.3, Exurban and Rural Tiers]

Section 3B. Landscape Design Principles

This Section establishes standards for landscape design. It is the intent of this Article to encourage creativity in landscape design while providing general direction and criteria for the evaluation of a specific type of plan: ~~p~~Planting, ~~l~~andscape or ALP in order to issue a landscape permit. The following design principles are general standards to be applied by the Applicant, and used by the DRO and other County staff Agencies and DRO in evaluating whether the proposed Landscape Plans are in compliance to with ~~landscape plans conform to~~ the requirements of this Article: [Ord. 2009-040]

1. Natural Landscapes

~~Landscape designs should incorporate and enhance existing natural landscapes and existing specimen trees and native vegetation (including canopy, understory, and ground cover). Particular care should be given to preserve intact natural landscapes. Where previous landscaping has dramatically altered natural landscapes, new designs should seek to re-establish natural landscape patterns and plantings.~~ [Partially relocated to Art. 7.A.3.D.1, Incorporation of Existing Vegetation]

2A. Appearance and Composition

~~To improve the aesthetic appearance of development through creative landscaping that helps to enhance the natural and built environment.~~ [Relocated from Art. 7.A.1.A.1, Appearance]

The quality of a landscape design is dependent upon not only on the quantity, and selection and arrangement of plant materials ~~but also on how that material is arranged~~. Landscape materials should be arranged designed in a manner as to provide the following qualities and characteristics:

a1. Texture

Landscape designs should provide a textured appearance through the use of a variety of plant materials with varying leaf sizes, textures and height ~~rather than a single species, by contrasting large leaf textures with medium and small leaf textures, and with a variety of plant heights. Spacing of key landscaping components, such as trees and shrubs, should be consistent with the overall design approach of the landscape plan.~~ Formal landscape designs benefit from a uniform spacing of plants, whereas varied spacing and clustering of trees is more compatible with a naturalistic design.

b2. Color

Landscape designs ~~shall~~ should include a variety of plants that to provide contrasting colors, ~~to other plants in the design~~. Designs ~~are encouraged to should~~ include ~~flowering plants and especially~~ a mix of plants that ~~display colorful~~ flowers throughout the year.

c3. Form

Landscape designs should consider the complete three-dimensional form of the landscaping, not simply the form of individual elements. The interrelationship of all landscape elements, whether they are plant materials, shade structures, pavement and amenities should be considered so that the final design presents a coherent whole. Trees, shrubs, and hedges, especially those used for screening and buffering, should display a fullness at maturity that is typical of the species.

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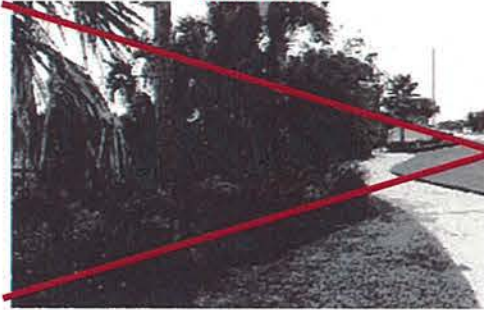
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EXHIBIT J

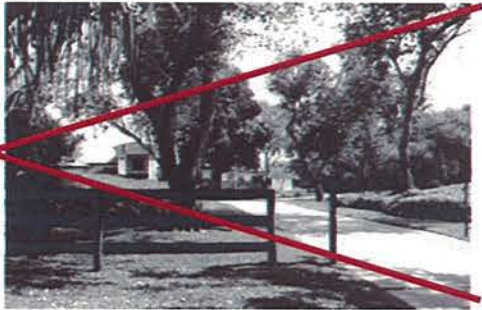
ARTICLE 7, LANDSCAPING

Photo 7.A.1.B—Composed Buffer
Material



Well Composed Landscape Buffer: planting is tiered and consists of plant materials that display the elements of texture, color, and form.

Photo 7.A.1.B—Rural Tier Landscape



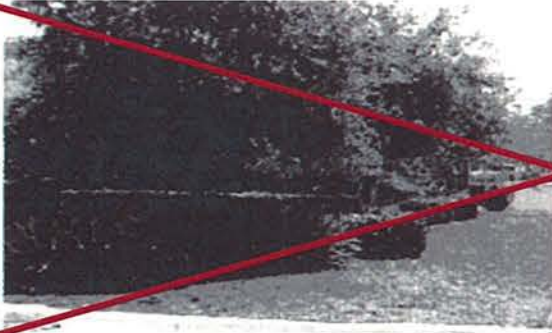
Well Composed Rural Tier Landscaping: good use of tree spacing, hierarchy of plant materials and use of plants of texture, color and form.

3. **Buffering and Screening**

The placement of natural landscape materials (trees, shrubs, and hedges) is the preferred method for buffering differing land uses, for providing a transition between adjacent properties, and for screening the view of any parking or storage area, refuse collection, utility enclosures, or other service area visible from a public street, alley, or pedestrian area. Plants may be used with fences or berms to achieve the desired screening or buffering effect. Plant material should be mature enough at the time of planting to provide an effective buffer or screen, and should be planted in an appropriate location to allow for desired growth within a reasonable period of time. [Partially relocated to Art. 7.A.3.E.1, Buffering and Screening]

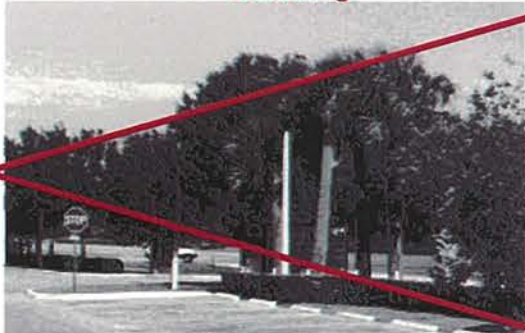
When used to screen an activity area such as a parking lot, landscaping shall not obstruct the visibility of motorists or pedestrians or interfere with public safety.

Photo 7.A.1.B—Opaque Landscape Buffer



Effective Use of Landscaping as a Buffer: Opaque vertical screen lessens visual impact of commercial and industrial uses.

Photo 7.A.1.B—Landscape Buffer Visual
Screening



Effective Use of Landscaping as a Buffer: Use of trees and shrubs lessens visual impact of parking lots while maintaining visibility for safety.

4. **Responsive to Local Context and Character**

Landscape designs should build on the site's and area's unique physical characteristics, conserving and complementing existing natural features. Naturalistic design elements such as irregular plant spacing, undulating berm contours, and mixed proportions of plant species should be used to ensure that new landscaping blends in and contributes to the quality of the surrounding area. Selection and spacing of plant material should be reflective of the surrounding area's character.

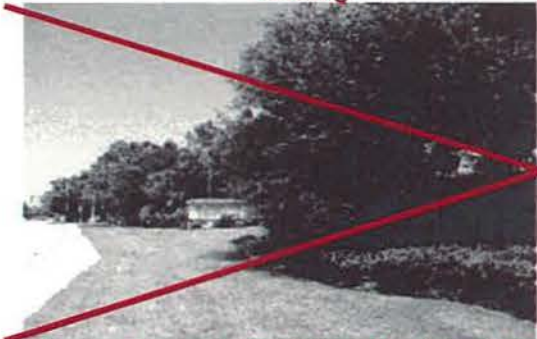
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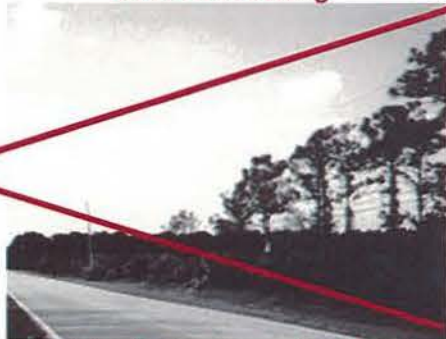
EXHIBIT J
ARTICLE 7, LANDSCAPING

Photo 7.A.1.B – Naturalistic Design in U/S Setting



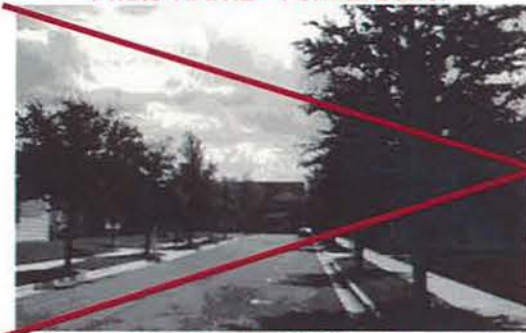
~~Naturalistic Design in U/S Setting: Meandering buffer and clustering of trees creates a naturalistic effect appropriate to the area.~~

Photo 7.A.1.B – Naturalistic Design in a Rural Setting



~~Naturalistic Design in a Rural Setting: Landscaping is less formal, using shrubs and trees appropriate to the area.~~

Photo 7.A.1.B – Formal Buffer



~~Uniform spacing and well-maintained grass create a formal aesthetic appropriate for the U/S Tier.~~

Photo 7.A.1.B – Naturalistic Buffer



~~Non-uniform spacing, a variety of plant materials, and a less formal grass area appropriate for the Exurban, Rural, AGR, and Glades Tiers.~~

5. Sensitivity to Tiers

Landscape designs should consider the intent of the MGTS and designs should be compatible with the relevant tier. While all landscaping should incorporate naturalistic design features, landscaping in the U/S Tier is expected to display a more structured aesthetic with clear design intent, with landscape elements used to accent buildings, shade pedestrian areas, and define the edges of properties and land uses. Informal landscaping with increased buffer widths and a higher percentage of native vegetation is required in the Exurban, Rural, AGR, and Glades Tiers, as well as a greater protection of existing vegetation, especially the mature tree canopy on undeveloped portions of the site. Hedges are not appropriate for the Exurban, Rural, AGR, and Glades Tiers, unless they consist of native plants incorporated into a naturalistic landscape design.

6. Use of Native and Drought Resistant Plants

~~Landscape designs should feature native and/or related plant species, especially in areas adjacent to existing native vegetation, to take advantage of the unique natural character and diversity of the region and the adaptability of native plants to local environmental conditions. Where feasible, the re-establishment of native habitats should be incorporated into the landscape design.~~ [Partially relocated to Art. 7.A.3.C.1, Use of Native and Drought Resistant Plants]

~~In the same manner, landscape designs should utilize drought tolerant plant materials to the maximum extent feasible. The use of drought tolerant plants should enrich the existing landscape character, conserve water and energy, and provide as pleasant and varied a visual appearance as plants that require more water.~~ [Partially relocated to New Art. 7.A.3.C.1, Use of Native and Drought Resistant Plants]

7. Continuity and Connection

Landscaping should be designed within the context of the surrounding area, provided that the landscaping is also consistent with these design principles. Where the design intent and the surrounding landscape is naturalistic, plant materials should blend well with adjacent properties, particularly where property edges meet, to create a seamless and natural landscape. Where the design intent and the surrounding landscape is formal, consistent or similar plant material and spacing should be utilized. Exceptions should be made when seeking to create a transition between uses, districts, and tiers.

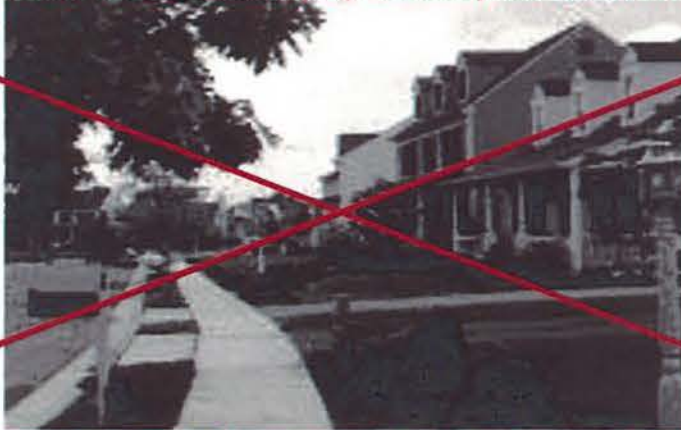
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Photo 7.A.1.B – Landscaping Continuity and Connection



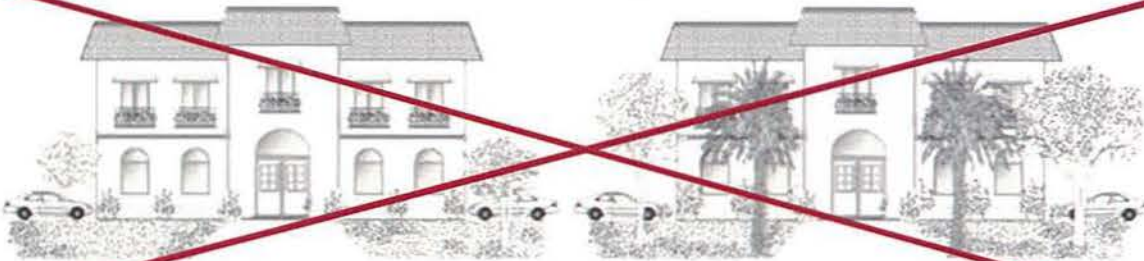
Similar landscaping elements used on each lot give a sense of continuity and connection to this suburban residential street

8. Enhancing Architecture

Landscape designs should be compatible with and enhance the architectural character and features of the buildings on site, and help relate the building to the surrounding landscape. Major landscape elements should be designed to complement architectural elevations and rooflines through color, texture, density, and form on both vertical and horizontal planes. Landscaping should be in scale with on-site and adjacent buildings. Plant material shall be installed at an appropriate size and allowed to accomplish these intended goals. [Partially relocated to Art. 7.A.3.F, Quality Pedestrian Environment and Enhancing Architecture]

When foundation planting is required, plantings and window boxes should incorporate artistic elements and be compatible with a building's architectural character. [Relocated to Art. 7.A.3.F, Quality Pedestrian Environment and Enhancing Architecture]

Figure 7.A.1.B – Enhancing Architecture



Landscaping is small at maturity and out of scale with the building not enhancing the architectural design.

Mature landscaping is in scale with the building enhancing the architectural design.

B. Environmental Quality

To improve the environment by maintaining permeable land area essential to surface water management; reducing and reversing air, noise, heat, and chemical pollution through the biological filtering capacities of vegetation; promoting energy conservation through the creation of shade; and reducing heat gain in or on buildings or paved areas. [Partially relocated from Art. 7.A.1.A.2, Environment]

91. Energy Conservation and Sustainable Design

Attention should be given to locating landscape elements in a manner that provides energy conservation benefits. *Large trees, for example, can provide daytime shading for buildings, reducing energy needed for interior air conditioning.* Landscape designs should also consider natural drainage features and the use of pervious surfaces and areas to minimize runoff.

C. Water Conservation

To promote water conservation by encouraging: the installation of native and drought tolerant plant materials in appropriate areas; the use of water conserving irrigation practices; requiring and the adherence to landscape installation standards and maintenance procedures that promote water conservation. [Relocated from Art. 7.A.1.3, Water Conservation]

1. Use of Native and Drought Resistant Plants

Landscape designs should feature native plant species, especially in areas adjacent to existing native vegetation. Where feasible, the re-establishment of native habitats should be incorporated into the landscape design. The use of drought tolerant plants should enrich the

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existing landscape character, conserve water and energy, and provide as pleasant and varied a visual appearance as plants that require more water. [Partially relocated from Art. 7.A.1.B.6, Use of Native and Drought Resistant Plants]

D. Preservation of Existing Native Vegetation and Removal of Prohibited Plant Species

To encourage the preservation and planting of native vegetation as part of landscape design and eradicate prohibited species. [Relocated from Art. 7.A.1.A.4, Preservation]

1. Incorporation of Existing Vegetation

Landscape designs should incorporate and enhance existing specimen trees and native vegetation. Particular care should be given to preserve intact natural landscapes. Where previous landscaping has dramatically altered natural landscapes, new designs should seek to re-establish natural landscape patterns and plantings. [Relocated from Art. 7.A.1.B.1, Natural Landscapes] Landscape designs should also include the eradication of prohibited plant species that have become nuisances because of their tendency to disrupt or destroy native ecosystems. [Partially relocated from Art. 7.A.1.A.8, Removal of Prohibited Plant Species]

E. Compatibility

To promote efficiency in the development of limited land resources by improving the compatibility of adjacent incompatible land uses, particularly residential development that is adjacent to non-residential development, through the use of landscape buffers. [Partially relocated from Art. 7.A.1.A.5, Compatibility]

1. Buffering and Screening

Whenever possible landscape materials should be utilized to provide a spatial transition between different land uses; buffering between adjacent properties; and screening for parking, or storage areas, or other service areas. Plants may be used with fences, walls or berms to achieve the desired screening or buffering effect. Plant material should be mature enough at the time of planting to provide an effective buffer or screen, and should be planted in an appropriate location to allow for desired growth within a reasonable period of time. [Partially relocated from Art. 7. A.1.B.3, Buffering and Screening]

F. Quality Pedestrian Environment

In the U/S Tier, as well as pedestrian-oriented development types such as TDD's, landscape designs should give special attention to ensuring a safe and attractive visually pleasant pedestrian environment. In high activity areas, such as commercial and workplace areas, benches, kiosks, artwork, and other streetscape elements should be incorporated into landscape designs. Pedestrian access to sidewalks or buildings should be considered in all landscape designs. Landscaping shall not obstruct pedestrian sightlines, especially at crosswalks.

G. Enhancing Architecture

Landscape designs should be compatible with and enhance the architectural character and features of the buildings on site, and help relate the building to the surrounding landscape. Plant material shall be installed at an appropriate size and allowed to accomplish these intended goals. When foundation planting is required, plantings and planters should incorporate artistic elements and be compatible with a building's architectural character. [Partially relocated from Art. 7.A.1.B.8, Enhancing Architecture]

Photo 7.A.4.B - Visual Interest for Pedestrian and Automobile Vehicular Traffic



Meandering sidewalks flanked by well composed curvilinear landscaping can add visual interest for pedestrian and automobile vehicular traffic.

Photo 7.A.4.B - Streetscape Elements



Effective use of landscaping to frame the sidewalk and buffer the pedestrians from the street. Streetscape elements such as benches and potted plants enhance the pedestrian experience.

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Part 2. ULDC Art. 7.A.1.C, Applicability (page 10 - 11 of 49), is hereby amended as follows:

CHAPTER B APPLICABILITY AND APPROVAL PROCESS

C. Section 1 Applicability

The provisions of this Article shall be considered minimum standards and shall apply to all new development ~~except development exempted in Art. 7.A.1.E, Exemptions, and deviations allowed by Art. 7.A.1.F, Deviations unless stated otherwise herein. For previously approved development orders, refer to Art. 1.F, NONCONFORMITIES.~~

DA. Relation to Article 14, Vegetation Preservation and Protection

Landscape ~~plans required by this Article~~ requirements shall ~~conform to also be consistent with~~ the standards of Article 14, Environmental Standards. Nothing in this Article shall be applied to contradict the requirements of ~~Article 14, ENVIRONMENTAL STANDARDS. Within 500 feet of a preserve area required by Article 14, ENVIRONMENTAL STANDARDS, new landscaping shall not include invasive non-native species as outlined in Article~~ Art. 14.C, Vegetation Preservation and Protection, ~~Appendix F.~~

EB. Exemptions

The following developments are exempt from the standards and requirements of this Article:

1. Enlargement or repair of a single-family dwelling unit, two-unit townhouse, or two-unit multi-family structure on a single lot.
2. Parking areas located within an enclosed parking structure.
3. Bona fide agriculture uses, unless stated otherwise in Art.4.B.6, Agricultural Uses. Except as specified in Article 4.B, SUPPLEMENTARY USE STANDARDS, Where the property has a use that is classified as Agriculture, bona fide, with agricultural activities and or accessory agricultural uses, the property owner shall provide require a six-foot high perimeter buffer hedge along the frontage of the property where it is abuts a public road street R-O-W.
- ~~4. Development that does not entail a substantial change in land use as defined in ART. 1.I, DEFINITIONS AND ACRONYMS.~~
- ~~54.~~ Uses such as airports, major utilities, and stockades which have planting requirements regulated by Federal or State law. Off-site planting of required landscaping may be approved in areas where there is a direct public benefit, such as in schools, parks, libraries, streets, and medians.
- ~~65.~~ Projects in the Glades Area Economic Development Overlay (GA-O) that have provided in-lieu funds to the Glades Thoroughfare Beautification Fund.

FC. Deviations

Deviations ~~to from~~ the minimum standards of this Article may be permitted for:

1. PBC parks, as specified in Art. 5.D.2.G., County Public Park Landscape Standards; and, [Ord. 2006-004] [Ord. 2007-013]
2. Development supporting government facilities within the PO Zoning District, subject to approval by the BCC. [Ord. 2006-004] [Ord. 2007-013]

D. Overlay Exceptions

Modifications of the requirements of this Article may be permitted pursuant to Art. 3.B.14.J, WCRAO Landscape Deviations, Art. 3.B.15.F.11, Landscape Standards in IRO; and Art. 3.B.16.F.10, Landscape Standards in the URAO. .

Section 2 Definitions

See Art. 1.I, Definitions and Acronyms

CHAPTER B APPROVAL PROCESS AND APPLICABILITY

Section 13 Approval Process for Landscape Plans

Approval process for Landscape Plans shall be subject to the requirements pursuant to Art. 2, Development Review Procedures. [Ord. 2207-001] [Ord. 2016-042]

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

A. Submittal Requirements

If the application is submitted at BCC, ZC or DRO, the application shall consist of the appropriate forms as established by the Zoning Division, otherwise the application shall be included as part of the Building Permit application. The Plans shall be prepared in accordance with Art. 2, Application Processes and Procedures, the Zoning Technical Manual, and shall comply with applicable Code requirements and Conditions of Approval.

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B. Review of Landscape Plans

Landscape Plan applications shall be submitted to the DRO, and if applicable, the DRO will review in coordination with ERM and other County Agencies. [Partially relocated from Art. 7.H.2.A, Landscape Permit]

C. Issuance of Landscape Permits

When all requirements are satisfied, the DRO shall issue a Landscape Permit referencing the approved Landscape Plan(s) associated with the permit in addition to any necessary inspections, Conditions of Approval and maintenance obligations. The permit shall be maintained on site until the Final Landscape Inspection is signed off by the DRO. A copy of the Landscape Permit shall be maintained in the associated official Building Permit record, as well as the Zoning Division file. [Ord. 2009-040] [Partially relocated from Art. 7.H.2.A, Landscape Permit]

D. Landscape Inspections

Unless otherwise stated in this Article, all developments subject to this Article may be inspected by PZB prior to and after installation of required landscaping. Required landscaping shall be approved by PZB prior to the issuance of a CO, or Certificate of Completion, whichever occurs first. Various types of Landscape Inspection shall be conducted at different stages of the development, as follows: [Partially relocated from Art. 7.H.2.B, Field Inspections]

1. Types of Landscape Inspection

- a. Preliminary Inspection – required to verify existing grades, vegetation and necessary site preparation has been completed prior to any plant material being installed on the site to comply with the Landscape Permit; [Ord. 2009-040] [Relocated from Art. 7.H.2.B.1.a, related to Types of Landscape Inspection]
- b. Final Inspection – required as part of the typical building permit process to ensure landscape material, irrigation and conditions of approval on a development order are in compliance prior to final sign off that the landscape is completed and installed in accordance to the Landscape Permit. [Ord. 2009-040] [Relocated from Art. 7.H.2.B.1.b, related to Types of Landscape Inspection]
- c. Annual Inspection – scheduled on the one-year anniversary date from the date of the Final Inspection noted on the Landscape Permit. Inspection shall be performed to ensure all landscape and irrigation continually complies with the Landscape Permit. If material or irrigation is missing, dead or damaged the property owner shall be provided with a Notice to Correct, pursuant to Article 10, Enforcement. [Ord. 2009-040] [Relocated from Art. 7.H.2.B.1.c, related to Types of Landscape Inspection]
- d. Monitoring Inspection – performed to respond to complaint of missing or damaged plant material or changes to the landscape not approved in accordance with the Landscape Permit. [Ord. 2009-040] [Relocated from Art. 7.H.2.B.1.d, related to Types of Landscape Inspection]

E. Certification of Compliance

In addition to Final Inspection and certification by PZB, the Applicant shall submit a Certificate of Compliance to the PZB as a condition of issuance of a CO or Certificate of Completion. This certificate shall be prepared and signed by a Landscape Architect licensed by the State of Florida and demonstrate that all of the provisions of this Article have been met. The certification statement, included in Art. 7, Landscaping, as Appendix B, Certification of Compliance, shall be made part of the documentation in the official Building Permit file. [Ord. 2009-040] [Partially relocated from Art. 7.H.2.C, Certification of Compliance]

1. Field Verification of Certification

PZB may elect to conduct a field inspection to verify the Certificate of Compliance. [Relocated from Art. 7.H.2.C.1, Field Verification of Certification]

2. Acceptance of Certification

If no field verification is conducted by PZB within 30 days, the Certificate of Compliance shall be deemed to have been accepted provided it is complete with all the required information. Upon acceptance, the Certificate of Compliance shall be filed and maintained with the official records of the development. [Relocated from Art. 7.H.2.C.2, Acceptance of Certification]

F. Optional Special Certification

In lieu of the Landscape Inspections and certification by PZB, the Applicant may submit a request for a Special Certificate of Compliance to the Zoning Director, and on a form established by the Zoning Division.

1. Special Certification Procedures by the Applicant:

- a. The Applicant shall employ a Landscape Architect licensed in the State of Florida, or a qualified professional as authorized by F.S. 481, Part II, as amended. The Landscape Architect or qualified professional shall perform the following:
 - 1) Be familiar with the Final Landscape Plans approved by the DRO;
 - 2) Conduct inspections of the site;
 - 3) Certify that landscaping was properly installed and meets all requirements of the Code or Conditions of Approval. The Certificate shall be signed and sealed by the Landscape Architect or qualified professional;

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- 4) Understands that any misrepresentations or misstatements in the Special Certificate of Compliance shall constitute a violation of this Article and of State law; and
- 5) Understands that any misrepresentations or misstatements in the Special Certificate of Compliance may also become the grounds for professional disciplinary action pursuant to State law.
- b. The Applicant shall submit the completed Special Certification Form with the approved Landscape Plans to the PZB prior to issuance of a Building Permit, Paving Permit, a CO or a Certificate of Completion, whichever is applicable.
2. Verification of Special Certification by PZB
PZB may, at its option, conduct a Landscape Inspection to verify representation made in the Special Certificate of Compliance.
3. Acceptance of Special Certification
If no verification is conducted by PZB, the Special Certificate of Compliance shall be deemed to have been accepted. Upon acceptance by PZB, the Certificate of Compliance shall be filed and maintained with the official records of the development.

Section 2 — Application Requirements

~~All Plans shall be prepared and submitted in accordance with Art. 2.A.1.G, Application Procedures, Art. 2.A.1.G.3, Plan Requirements, and the Technical Manual. [Ord. 2007-001] [Ord. 2016-042]~~

A. Section 4 Type ~~1~~ Waiver for Landscaping

An Applicant may seek minor modifications to the requirements of this Article that are identified in Table 7.B.~~42.A~~, Type ~~1~~ Waivers for Landscaping. Any requirements that are not listed herein may be eligible to be modified through other applicable processes pursuant to Art. 2, ~~Development Review Procedures~~ Application Processes and Procedures. The Applicant shall demonstrate in the Justification Statement and provide supporting documents that ~~the~~ Art. 2.D.6.C, Standards for Type 1 Waiver, and the applicable ~~e~~Criteria in the following Table have been met. [Ord. 2007-001] [Ord. 2016-042]

A. Applicability

Type 1 Waiver for Landscaping shall not be combined with other Variance requests for the same requirements.

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Table 7.B.42.A –Type ~~11~~ Waivers for Landscaping

| Article/Table Reference and Title | Maximum Waiver | Criteria |
|---|---|--|
| Art. 7.D.2.A.1, Canopy Tree Minimum Height | Allow 75 percent of the total required trees to be reduced in height by 25 percent | <ul style="list-style-type: none"> All proposed trees must be native species. |
| Art. 7.D.3.B.3 PDD and Non-residential Perimeter Buffer Hedge Height [Relocated to Hedge Height below] | Allow for hedge to exceed 12 feet in height, up to 20 feet, for industrial developments. [Relocated to Hedge Height below] | <ul style="list-style-type: none"> The proposed hedge is planted for the purpose of screening the outdoor industrial activities. Relocated to Hedge Height below] |
| Art. 7.D.9.A, Berm, Tier Restrictions [Relocated to Berm below] | Allow landscape berms within the Exurban, Rural, Agricultural Preserve, or Glades Tiers. [Relocated to Berm below] | <ul style="list-style-type: none"> Berms are utilized to improve screening of loading, parking or vehicular use areas, and to address compatibility issues. [Relocated to Berm below] |
| Art. 7.D.11, Foundation Planting | Required plant material may be located within 30 feet of the foundation along the front and side facades of the drive-through establishments, including Freestanding ATMs and Unmanned Structure. | <ul style="list-style-type: none"> Provide a minimum width of 55 feet for each area of foundation planting; The overall total required square footage of the planting area meets or exceeds the requirement; and; Location of relocated planting will be within proximity to the building it serves to still meet the intent of enhancing the building. |
| R-O-W Buffer | | |
| Art. 7.F.3.B, Table 7.D.4.D, Location of Planting Wall or Fence in Landscape Buffer, Canopy Tree Planting for R-O-W Buffer. | Allow a reduction of 25 No minimum of percentage of required Canopy trees to be located on the exterior side of the wall or fence for ROW or Incompatibility R-O-W Buffers. | <ul style="list-style-type: none"> The minimum perimeter buffer planting requirements is provided; and one or all of the below criteria: There are existing walls, fences, hedges or site conditions adjacent to the site that will create limitations to access for maintenance; or; There are existing overhead, or underground utilities, or buildings that are located in close proximity to the common property line that prohibits planting on the exterior; Since a wall or fence is not a requirement for a R-O-W Buffer, the Applicant shall demonstrate in the request that the proposed wall or fence is an integral design component for security or aesthetic purpose. The required trees shall be located on both sides of the wall or fence. |
| Art. 7.F.7.B, Shrub Hierarchy | A maximum of 50% of large shrubs may be substituted with medium shrubs. | <ul style="list-style-type: none"> The proposed quantity of medium and small shrubs exceeds the minimum Code requirement by a minimum of 10 percent. |
| Art. 7.F.7.C, Planting Pattern for a Perimeter R-O-W Buffer | A maximum of 25% reduction of the continuous opaque vertical landscape screen. | <ul style="list-style-type: none"> The reduced quantity of groundcover and shrub planting could be relocated elsewhere on the site; and; Necessary to accommodate an entrance feature, an amenity and/or a walkway. |
| Art. 7.F.8, Compatibility Buffer | Allow to waive the requirement to provide a solid opaque visual screen. | <ul style="list-style-type: none"> There is an existing mature vegetative buffer screen on adjacent property; or If it is determined by the DRO that screening is not necessary, such as if adjacent to open space, a lake or compatible use; or If an alternative design approach results in adequate screening being provided. — |
| Art. 7.F.9.C.1, Existing Walls and Fences | Where there is an existing wall or fence on an adjacent property, the applicant may apply for a Type I Waiver to waive the wall or fence requirement. | <ul style="list-style-type: none"> Condition of existing wall, fence or other barrier; Effectiveness of visual screen; and Type of construction. |
| Incompatibility Buffer | | |
| Art. 7.F.9.E, Recreational Pod Art. 7.C.2.C.1, Elimination of Incompatibility Buffer | Allow to waive eliminate the requirement of an Incompatibility Buffer for residential pods, areas in a PDD or tracts within a residential subdivision, or PUD | <ul style="list-style-type: none"> The pod or tract is located Adjacent to open space that is 100 feet or greater in width; or The site layout of the pod or tract will integrate recreational amenities with multi-family units and CLFs. |
| Table 7.D.4.D, Location of Wall or Fence in Landscape Buffer, Canopy Tree Planting for Incompatibility Buffer | Allow a reduction of 25 percent of required Canopy trees to be located on the exterior side of the wall or fence for Incompatibility Buffers. | <ul style="list-style-type: none"> The applicant shall demonstrate in the request that the proposed wall or fence is an integral design component for security or aesthetic purpose. The required trees shall be located on both sides of the wall or fence. |

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Table 7.B.42.A –Type I1 Waivers for Landscaping

| Article/Table Reference and Title | Maximum Waiver | Criteria |
|---|--|---|
| Berm | | |
| Art. 7.D.6.A, Berm, Tier Restrictions [Relocated from this table above] | Allow landscape berms within the Exurban, Rural, Agricultural Reserve, or Glades Tiers. [Relocated from this table above] | • Berms are utilized to improve screening of loading, parking or vehicular use areas, and to address compatibility issues. [Relocated from this table above] |
| Foundation Planting | | |
| Table 7.C.3.B, Foundation Planting and Dimensional Requirements – Facades to be Planted | Allow a 50 percent relocation of required foundation planting. | • The foundation planting shall be relocated to another façade of the same building or structure; or to an expanded sidewalk that is located within 30 feet of the same building or structure; • The relocated foundation planting shall have the minimum planting width; and • The overall total square feet for the foundation planting meets or exceeds the required foundation planting. |
| Landscape Islands and Parking Structures | | |
| Art. 7.G.2.A, Terminal Island Width-Table 7.C.4, Landscape Island and Divider Median - Planting and Dimensional Requirements, Landscape Island Width | Allow the reduction of terminal island green space width of landscape island to 5 feet excluding curbs. | • For infill sites with less than 25 parking spaces. |
| Art. 7.G.2.A, Terminal Island Planting | Allow for relocation of shrubs from terminal islands in industrial developments to other areas of the site. | • For industrial developments where the parking areas are not open to the public, and the nature of the use does not benefit for interior plantings in the parking areas. |
| Art. 7.G.2.G, Table 7.C.4, Landscape Island and Divider Median - Planting and Dimensional Requirements, Divider Median Shrub Planting | Allow for relocation of shrubs from divider medians to other areas of the site. | • For industrial developments that do not have significant public visitation and the nature of the use does not benefit for interior plantings in parking areas. |
| Art. 7.G.2.B.1, 7.C.4.A.1, Interior Landscape Island Maximum Spacing | Allow to waive/increase the maximum number of spaces or distance to provide larger interior islands. | • To allow for existing trees/vegetation to be preserved or existing trees/vegetation to be relocated within parking areas. |
| Art. 7.G.2.G, Alternative Parking Lot Landscaping | Alternative parking lot landscape designs may be approved. | • Provided that the total landscaped area and plant material quantities equal or exceed the code requirements. |
| Art. 7.C.4.F, Parking Structures | Allow perimeter planter requirement be altered if the planters are in conflict with the architectural design of the parking structure | • The Applicant is required to submit architectural elevations of the parking structure for Staff review and evaluation. • The required planting for the planters shall be relocated to other areas of the same property where the parking structure is located. |
| [Ord. 2005-002] [Ord. 2012-027] [Ord. 2014-025] [Ord. 2015-031] [2016-016] [Ord. 2016-042] [Ord. 2017-007] | | |

- B. Mandatory Pre-Application Meeting Appointment (PAA) for a Type I1 Waiver**
The Applicants shall be required to schedule and attend a preliminary Pre-application meeting PAA with the Zoning Division staff to review and discuss preservation of existing vegetation, possible design alternatives, and any Waivers that may be requested as part of the application. [Ord. 2007-001] [Ord. 2016-042]
- C. Landscape Plan**
The Applicant shall submit Landscape Plan(s) to the DRO to demonstrate graphically the proposed Type 1 Waiver requests. The DRO may allow the alternative designs or waiver requests be incorporated on a Site or Subdivision Plan or any other types of Zoning Plan in lieu of the Landscape Plan. Upon the approval of the Type 1 Waiver(s), the Applicant shall finalize the Landscape Plans as Final Landscape Plans for Building Permit Review, if applicable.

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Part 3. ULDC Art. 7.C, MGTS TIER COMPLIANCE (page 13-15, 32-46 of 49), is hereby amended as follows:

CHAPTER C — MGTS TIER COMPLIANCE

~~Landscape design shall comply with the relevant MGTS characteristics in both plant material selection and overall landscape composition.~~ [Relocated to Art. 7.A.2, MGTS Compliance]

Section 1 — U/S Tier

~~Landscape in the U/S Tier should have a higher level of detail and more structure, such as pedestrian accents, formal or meandering arrangements in perimeter landscape buffers, street tree plantings, and inter-connections between pedestrian and vehicular areas. The Revitalization and Redevelopment Overlay, Priority Redevelopment Areas, and Westgate/Belvedere Homes Community Redevelopment Area, among others, serve to promote infill redevelopment or more urbanized forms of development and allow for commensurate forms of urban landscaping that accommodate CPTED principles, walk-ability and other attributes of the urban environment. Greater flexibility and alternative landscape solutions are available to promote development within the boundaries of these areas. However, it also recognizes the unique opportunities and restrictions that may be encountered for parcels developing consistent with Article 3.B.15, INFILL REDEVELOPMENT OVERLAY (IRO), and recommends allowing greater flexibility and alternative landscape solutions to be made available to these types of projects. [Ord. 2010-005] [2010-022] [Ord. 2014-025]~~ [Partially relocated to Art. 7.A.2.A, U/S Tier]

Section 2 — AGR and Glades Tiers

~~The AGR Tiers should promote reduced impervious areas, maintain large green/open spaces, incorporate equestrian and agricultural elements into the design, include an increased percentage of native plant species, and the use of natural stone and/or wood materials in the landscape design.~~ [Partially relocated to Art. 7.A.2.B, AGR and Glades Tiers]

Section 3 — Exurban and Rural Tiers

~~The Exurban and Rural Tiers primarily consist of larger residential lots and require the use of more informal design patterns that incorporate reduced impervious areas, preservation of native vegetation, lakes and other similar open space areas, and, more naturalistic landscaped areas. Non-residential uses shall also provide for the increased use of landscape materials in perimeter buffers, parking areas and building foundation plantings; dispersed parking with additional screening from adjacent roadways and residential uses; and, compliance with rural architectural design guidelines where applicable. [Ord. 2009-040]~~ [Partially relocated to Art. 7.A.2.C, Exurban and Rural Tiers]

Table 7.C.3 — Minimum Tier Requirements

| Code Requirements | U/S Tier | AGR and Glades Tiers | Exurban and Rural Tiers |
|--|---|--|---|
| Landscape Buffers² | | | |
| Preferred Design | Formal or meandering arrangement of elements, traversing sidewalks | Meandering, more naturalistic with shrub cluster and varying heights | Increased depth, buffers often adjacent to interior open space, unimproved pathway surfaces |
| Berms | Optional | Optional | No ³ |
| Fences/Walls | Optional ² | Optional ² | Optional ²⁻³ |
| Layers of Shrubs and Ground Cover ⁴ | 3 | 4 | 3 |
| Interior Landscaping^{2,8} | | | |
| Minimum Tree Quantities — Zero Lot Line, Single Family Residential, and Townhouse Lots | 1 per 1,250 sq. ft. (max. 15) [Relocated to Table 7.C.3.A, Interior Landscaping Requirements — Min. Tree Quantities U/S Tier] | 1 per 1,000 sq. ft. (max. 30) [Relocated to Table 7.C.3.A, Interior Landscaping Requirements — Min. Tree Quantities AGR and Glades Tiers] | 1 per 800 sq. ft. (max. 30) [Relocated to Table 7.C.3.A, Interior Landscaping Requirements — Min. Tree Quantities Exurban and Rural Tiers] |
| Minimum Shrub Quantities — Multi-family Residential Lots ⁵ | 1 per 1,250 sq. ft. | 1 per 1,000 sq. ft. | 1 per 800 sq. ft. |
| Minimum Tree Quantities — Non-Residential Lot | 1 per 2,000 sq. ft. | 1 per 1,600 sq. ft. | 1 per 1,200 sq. ft. |
| Minimum Shrub Quantities — Zero Lot Line, Single Family Residential, and Townhouse Lots ⁶ | 3 per 1,250 sq. ft. (max. 45) [Relocated to Table 7.C.3.A, Interior Landscaping Requirements — Min. Shrub Quantities U/S Tier] | 3 per 1,000 sq. ft. (max. 90) [Relocated to Table 7.C.3.A, Interior Landscaping Requirements — Min. Shrub Quantities AGR and Glades Tier] | 3 per 800 sq. ft. (max. 90) [Relocated to Table 7.C.3.A, Interior Landscaping Requirements — Min. Shrub Quantities Exurban and rural Tier] |

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| | | | |
|---|--|--|---|
| Minimum Shrub Quantities – Multi-Family Residential Lots | 3 per 1,250 sq. ft. | 3 per 1,000 sq. ft. | 3 per 800 sq. ft. |
| Minimum Shrub Quantities – Non-Residential Lot ⁵ | 3 per 2,000 sq. ft. | 3 per 1,500 sq. ft. | 3 per 1,200 sq. ft. |
| Plant Standards⁷ | | | |
| Minimum Tree Height (Perimeter) | 12 ft. | 12 ft. | 12 ft. |
| Minimum Tree Height (Interior) | 12 ft. | 12 ft. (average) | 12 ft. (average) |
| Palms Substitute (3 palms for 1 tree) | Yes | Yes – Native clusters only | Yes – Native clusters only |
| Foundation Planting^{6,7} | | | |
| Planting Width | 5 ft. along front façades 8 ft. along side façades [Partially relocated to Table 7.C.3.B, Foundation Planting and Dimensional Requirements – Min. Shrub Quantities U/S Tier] | 10 ft. all sides [Partially relocated to Table 7.C.3.B, Foundation Planting and Dimensional Requirements – Min. Shrub Quantities AGR and Glades Tiers] | 12 ft. all sides |
| Façades to be Planted | Front & Sides [Relocated to Table 7.C.3.B, Foundation Planting and Dimensional Requirements – Min. Shrub Quantities U/S Tier] | Front, Sides & Rear [Partially relocated to Table 7.C.3.B, Foundation Planting and Dimensional Requirements – Min. Shrub Quantities AGR and Glades Tiers] | Front, Sides & Rear [Partially relocated to Table 7.C.3.B, Foundation Planting and Dimensional Requirements – Min. Shrub Quantities Exurban and Rural Tiers] |
| Percentage of Façade | 40 percent [Relocated to Table 7.C.3.B, Foundation Planting and Dimensional Requirements – Min. Shrub Quantities U/S Tier] | 50 percent [Relocated to Table 7.C.3.B, Foundation Planting and Dimensional Requirements – Min. Shrub Quantities AGR and Glades Tiers] | 60 percent [Relocated to Table 7.C.3.B, Foundation Planting and Dimensional Requirements – Min. Shrub Quantities Exurban and Rural Tiers] |
| [Ord. 2005-002] [Ord. 2006-004] [Ord. 2009-040] [Ord. 2010-022] [Ord. 2011-001] [Ord. 2014-025] [Ord. 2014-031] | | | |
| Notes: | | | |
| 1. May be allowed with an approved ALP. 2. Landscape requirements (including walls and fences) for Incompatibility Buffers, refer to Table 7.F.9.A, Incompatibility Buffer Standards. [Ord. 2009-040] 3. Walls and fences shall be built from natural materials, including but not limited to: wood, stone, etc. [Ord. 2009-040] 4. This requirement is only for Perimeter R-O-W Buffers. Applicants shall also reference Table 7.F.7.B, Shrub Planting Requirements for installation size, quantity, spacing and maturity height for perimeter and interior shrub planting. [Ord. 2009-040] 5. Interior quantities for trees and shrubs planting shall be calculated based on gross lot area, excluding preservation areas and lakes. [Ord. 2009-040] [Ord. 2014-025] [Ord. 2016-042] [Partially relocated to Art. 7.C.3.A, Calculation of Interior Landscaping] 6. TDDs, LCC, IRO and PRA Development Orders are exempt from foundation planting requirements for primary and secondary, or other similar types of building frontages, buildings along an alleyway or accessway to a parking area, or where buildings front on a plaza or square. [Ord. 2005-002] [Ord. 2006-004] [Ord. 2010-022] [Relocated to Art. 7.C.3.B.2.c, related to Foundation Planting Exemptions] 7. Deviations shall be permitted for publicly owned and operated public parks in accordance with Art. 5.D.2.G, Public Park Landscape Standards [Ord. 2006-004] [Ord. 2011-001] 8. Tree and shrub planting requirement calculations for Zero Lot Line and Single Family Residential Lots shall be based upon gross lot area minus the building coverage for the principal residential structure. The building coverage percentage shall be based upon the zoning district and the applicable property development regulations. [Ord. 2014-025] [Partially relocated to Table 7.C.3.A-Interior Landscaping Requirements, note #1] | | | |

CHAPTER C LANDSCAPE BUFFER AND INTERIOR LANDSCAPING REQUIREMENTS [Partially relocated from Art. 7.F, Perimeter Buffer Landscape Requirements]

Section 1 General

Landscaping requirements shall include the perimeter and interior buffers; interior landscaping along the building façades; in parking lots; vehicular use areas; and any other pervious surface areas. This Chapter also addresses other requirements that may impact the establishment of a buffer or interior planting, which includes easement encroachment; retention areas, corner clips and safe sight distances. In addition, specific requirements are established for Large Scale Commercial Development.

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.

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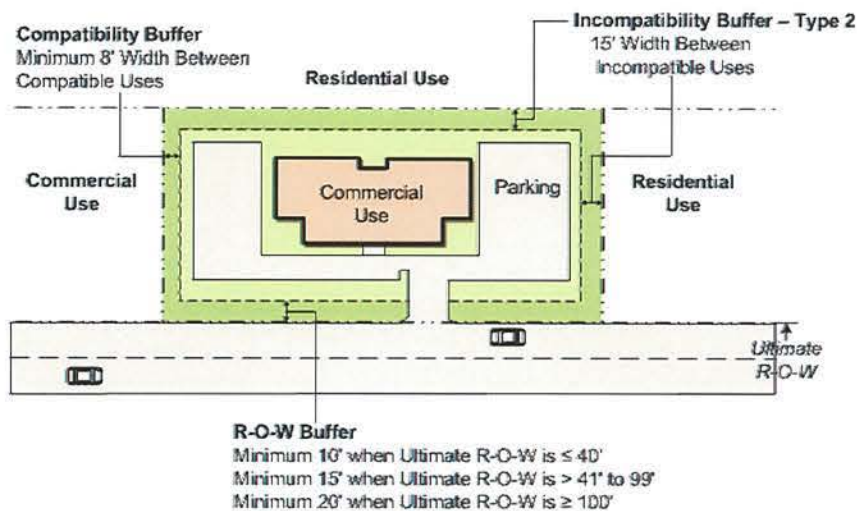
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Figure 7.C.2 - Buffer Type Detail



A. R-O-W Buffer

A R-O-W Buffer shall consist of Canopy trees; palms or pines; rows of shrubs, and groundcover. Palms or pines may be used as a substitute for Canopy trees. Clustering of plant materials and opening of tree planting are allowed to provide visibility for a wall sign or an architectural feature of the building; or to accommodate a walkway or an amenity.

1. Applicability

R-O-W Buffers shall be provided along all public street R-O-W. This shall apply to those lots that are separated by a canal, lake, open space or a combination thereof. [Ord. 2016-042] [Relocated from Art. 7.F.1.A, R-O-W]

2. Exemptions

R-O-W Buffers are not required for the following: [Partially relocated from Art. 7.F.1.A.1, Exemptions]

- Where the R-O-W is an alley;
- A lot with a Single Family, ZLL or townhouse unit; and
- Private streets internal to a PDD, TDD, a subdivision or a lot. If trees are installed within the street R-O-W, installation of the trees shall be subject to the approval by the Engineering Department.

3. Width

The width of the R-O-W Buffer shall be determined by the width of the ultimate R-O-W pursuant to the Thoroughfare R-O-W Identification Map in the Plan, or as determined by the County Engineer. R-O-W widths for non-thoroughfare plan streets shall be determined by reference to Article 11.C.1.C.1, Access and Circulation Systems. [Partially relocated from Art. 7.F.7.A, Width]

Table 7.C.2.A - Width of R-O-W Buffer

| Width of Ultimate R-O-W | Minimum Width of Buffer |
|-------------------------|-------------------------|
| ≤ 40 feet | 10 feet |
| >41 feet to 99 feet | 15 feet |
| ≥ 100 feet | 20 feet |

a. Width Reduction

The required buffer width may be reduced by 50 percent where a project is separated from a R-O-W by a canal, lake, retention, open space area, or combination thereof, with a minimum width of 80 feet, and subject to the following requirements: [Partially relocated from Art. 7.F.6, Buffer Width Reduction]

- The quantity of required Canopy trees, palms or pines shall not be reduced; and
- No easement overlap in the buffer.

b. Shrub Reduction

Required shrubs may be reduced by 50 percent if the reduction is sought concurrently with the width reduction of the same buffer, and subject to the following requirements:

- The percentage of shrub reduction shall be in proportion to the percentage of the width reduction of the buffer; and
- If the buffer is located adjacent to parking areas, the reduced shrubs shall still maintain an effective screening of the vehicle headlights from the street R-O-W.

4. Location

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R-O-W Buffers shall be located at the Base Building Line, if applicable.

5. **Landscape Requirements**

Planting for R-O-W Buffer shall be pursuant to Table 7.C.2.A.4, R-O-W Buffer, as follows:

Table 7.C.2.A - R-O-W Buffer Landscape Requirements (4)

| Minimum Buffer Width Based on Width of Ultimate R-O-W | Quantity of Canopy Trees (1) (2) (3) | Quantity of Palms or Pines (1) (2) | Quantity of Shrubs (1) (2) (5) (6) | Landscape Barrier and Min. Height (7) |
|---|--------------------------------------|--------------------------------------|---|---------------------------------------|
| 20 feet | One Canopy tree per 25 linear feet. | One palm or pine per 30 linear feet. | One row of each: Groundcover – one per one linear foot; Small shrubs – One per two linear feet; and Medium and large shrubs – One per four linear feet. | No |
| 15 feet | One Canopy tree per 25 linear feet. | One palm or pine per 30 linear feet. | One row of each: Groundcover and small shrubs – One per two linear feet; and Large shrubs – one per four linear feet. | No |
| 10 feet | One Canopy tree per 25 linear feet. | = | One row of each: Small shrubs – One per two linear feet; and Medium shrubs – one per five linear feet. | No |
| Notes: | | | | |
| (1) Linear feet is based on the property line where the landscape buffer is located | | | | |
| (2) Width of pedestrian walkway and access points shall be deducted from the length of the property line when calculating the quantity of the plant materials. | | | | |
| (3) Palms or pines may substitute a Canopy tree pursuant to Art. 7.D.2.B.1 or Art. 7.D.2.C.1, Canopy Tree Substitute. | | | | |
| (4) Any areas of the buffer not planted with trees and shrubs shall be landscaped with ground treatment pursuant to Art. 7.D.7, Ground Treatment. [Ord. 2009-040] [Relocated from Art. 7.F.7.C, Planting Pattern for a Perimeter R-O-W Buffer] | | | | |
| (5) Groundcover shall not be allowed to substitute for shrubs. | | | | |
| (6) 100 percent of the buffer length shall be composed of a continuous opaque vertical landscape screen at least two feet in height if the R-O-W Buffer is located adjacent to parking areas of the same lot. [Ord. 2009-040] [Partially relocated from Art.7.F.7.C, Planting Pattern for a Perimeter R-O-W Buffer] | | | | |
| (7) If walls or fences are provided in the R-O-W Buffer, the requirements shall be pursuant to Art. 7.D.4, Landscape Buffers. | | | | |

6. **Clustering**

Canopy trees, palms of same species or pines may be clustered in R-O-W Buffers for non-residential development; and subject to the following standards: [Partially relocated from Art. 7.F.7.D, clustering]

- a. Shall comply with or exceed the total amount of required plant material;
- b. For the remainder of the required trees, palms or pines that are not used for clustering, they shall be spaced evenly within the R-O-W Buffer to comply with the maximum openings, as follow:
- c. A maximum of four openings shall be allowed based on the lot frontage:
- 1) 300 linear feet to 600 linear feet – two openings;
- 2) 601 to 1,000 linear feet – three openings;
- 3) ≥ 1,001 linear feet – four openings.
- d. Openings shall not be wider than 40 linear feet measuring from: the center of each cluster or the center of the trunk of the outermost trees where the opening will be created; and,
- e. The minimum distance between two openings shall be 100 linear feet.

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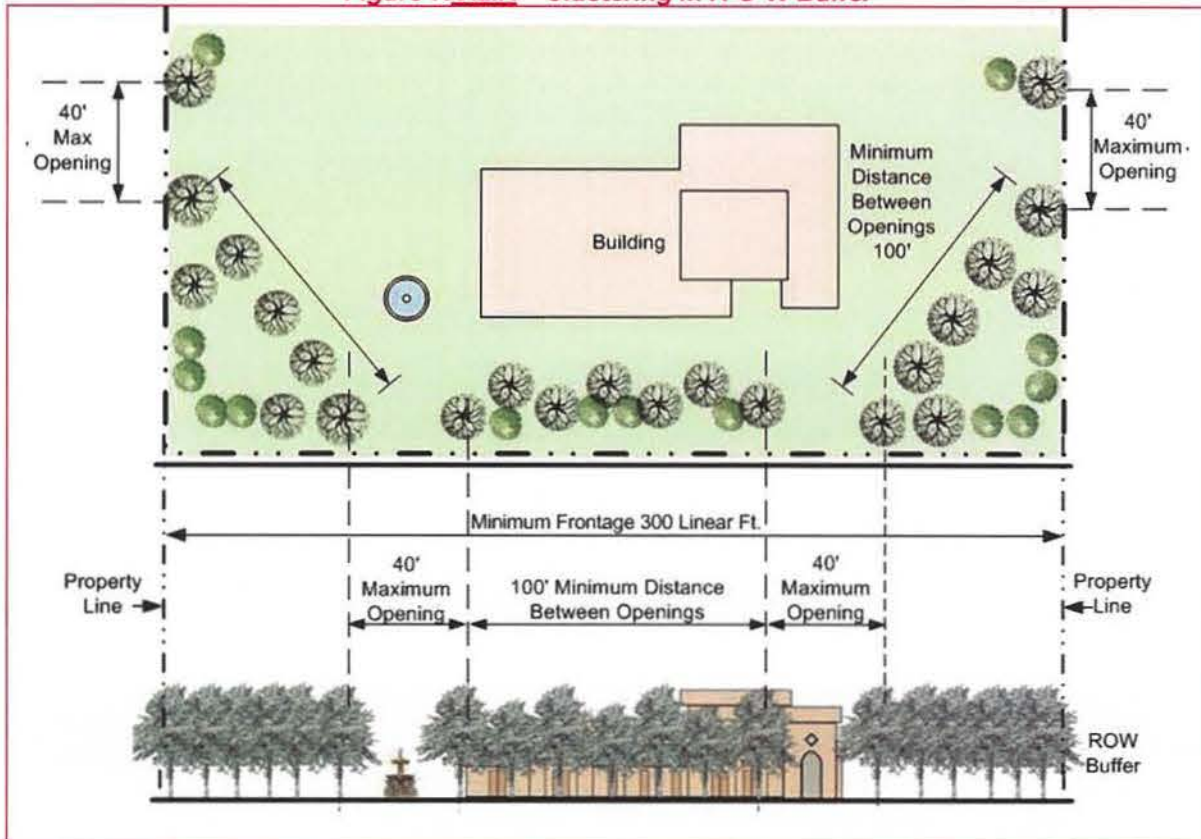
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Figure 7.C.2.A – Clustering in R-O-W Buffer



B. Compatibility Buffer

A Compatibility Buffer shall consist of Canopy trees and rows of shrubs. Palms or pines may be used as a substitute for Canopy trees.

1. Applicability

Compatibility Buffers shall be provided between all compatible uses or where a development or a lot is adjacent to lots with a compatible FLU designation, unless stated otherwise herein. [Partially relocated from Art. 7.F.1.B, Compatibility]

2. Exemption

Compatibility Buffers shall not be required for the following:

- Single Family residential subdivisions or pods adjacent to Single Family residential subdivisions or pods; [Relocated from Art. 7.F.1.B, Compatibility]
- Internal buffers within TDDs, unless specifically stated otherwise; or [Relocated from Art. 7.F.1.B, Compatibility]
- Where residential uses are not adjacent to other incompatible design elements such as roadways, useable open space areas; or where residential setbacks are less than adjacent residential development. [Relocated from Art. 7.F.1.B, Compatibility]

3. Width

The minimum width of a Compatibility Buffer is eight feet. All Compatibility Buffers that were approved with a five foot width shall be considered as legal and conforming, and shall be vested if they are clearly shown on an approved Zoning Plan or a Development Permit. [Partially relocated from Art. 7.F.8, Compatibility Buffer]

4. Landscape Requirements

Planting for a Compatibility Buffer shall be pursuant to Table 7.C.2.B, Compatibility Buffer, as follows:

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Table 7.C.2.B, Compatibility Buffer Landscape Requirements (4)

| Minimum Width | Quantity of Canopy Trees (1) (2) (3) | Quantity of Shrubs (1) (2) | Landscape Barrier and Min. Height (5) |
|--|--|---|---------------------------------------|
| 8 feet | One Canopy Tree per 25 lineal feet [Relocated from Art. 7.F.2.A.1.b, Compatibility Buffer] | One row of Medium shrubs at one per four lineal feet. | No |
| Notes: (1) Linear feet is based on the property line where the landscape buffer is located. (2) Width of pedestrian walkway and access points shall be deducted from the length of the property line when calculating the quantity of plant materials. (3) Palms or pines may substitute a Canopy tree pursuant to Art. 7.D.2.B.1 or Art. 7.D.2.C.1, Canopy Tree Substitute. (4) Any areas of the buffer not planted with trees and shrubs shall be landscaped with ground treatment pursuant to Art. 7.D.7, Landscape Barriers. (5) If walls or fences are provided in the R-O-W Buffer, the requirements shall be pursuant to Art. 7.D.4, Landscape Buffers. | | | |

C. Incompatibility Buffer

An Incompatibility Buffer shall consist of Canopy trees, palms or pines, and rows of shrubs. Palms or pines may be used as a substitute for trees. In addition, an Incompatibility Buffer shall consist of a continuous, opaque Landscape Barrier. [Ord. 2009-040] [Ord. 2016-016] [Partially relocated from Art. 7. F.9.B.1, Landscape Requirements related to Incompatibility Buffer Standards]

1. Applicability

Incompatibility Buffers shall be provided between all incompatible uses or incompatible pods in a PDD.

a. Type 1 Waiver for Landscaping

An Incompatibility Buffer may not be required for residential pods of a PDD; or tracts within a residential subdivision subject to a Type 1 Waiver for Landscaping.

2. Types and Width of Incompatibility Buffers

There are three types of Incompatibility Buffers, Types 1, 2 and 3, and shall be applied in accordance with Table 7.C.2.C, Incompatibility Buffer Types. The type of Incompatibility Buffer required shall be the most restrictive buffer type based on the use difference between adjacent uses. Where required between pods in a PDD, only one Incompatibility Buffer shall be required. [Ord. 2016-016] [Partially relocated from Art. 7.F.9.A, Determining Incompatibility Buffer Type]

Table 7.C.2.C - Incompatibility Buffer Types

| Difference Between Adjacent Uses (1) | | | |
|---|----------|---------------------------------|----------------------|
| Use Classification | Abutting | Use Classification | Required Buffer Type |
| Residential, Detached | ↔ | Residential, Attached (3) | Type 1 |
| Residential, Detached | ↔ | Type 3 CLF | Type 2 |
| Residential | ↔ | Commercial | Type 2 |
| Residential | ↔ | Recreational | Type 2 |
| Residential | ↔ | Institutional, Public and Civic | Type 2 |
| Residential | ↔ | Agricultural | Type 3 |
| Residential | ↔ | Industrial | Type 3 |
| Residential | ↔ | Utility (2) | Type 3 |
| [Ord. 2008-003] [Ord. 2016-016] | | | |
| Notes: 1. Determination of use classification shall be consistent with Art. 4, Use Regulations. Where proposed development abuts vacant parcels, use classification shall be based upon Future Land Use (FLU) designation. 2. Buffer for Minor Utilities or Electric Distribution Substation shall be determined by the DRO. [Ord. 2017-007] 3. Shall also apply to a Type 2 CLF. | | | |

[Relocated from Art. 7.F.9.A, Required Incompatibility Buffer Types]

a. Width Reduction

The required buffer width may be reduced by 50 percent when a lot or a development is separated from another parcel of land that has an incompatible use or FLU designation by a canal, lake, retention, open space area with a minimum width of 100 feet or combination thereof, or if the same type of buffer exists on the adjacent property, and subject to the following requirements:

- 1) The quantity of required Canopy trees, palms or pines shall not be reduced; and
- 2) No easement overlap in the buffer.

b. Shrub Reduction

Required shrubs may be reduced by 50 percent if the reduction is sought concurrently with the width reduction of the same buffer, and subject to the following requirements:

- 1) The percentage of shrub reduction shall be in proportion to the percentage of the width reduction of the buffer; and
- 2) The required six foot high Landscape Barrier shall be provided.

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3. Landscape Requirements

Landscaping for an Incompatibility Buffer shall be pursuant to Table 7.C.2.C, Incompatibility Buffer Landscape Requirements, as follows:

Table 7.C.2.C - Incompatibility Buffer Landscape Requirements (6)

| Buffer Type | Minimum Width | Quantity of Canopy Trees (1) (2) (3) | Quantity of Palms or Pines (1) (2) | Quantity of Shrubs (1) (2) | Landscape Barrier and Min. Height |
|------------------------|---------------|--------------------------------------|-------------------------------------|--|---|
| Type 1 Incompatibility | 10 feet | One Canopy tree per 20 linear feet | - | One row of each: Small Shrubs – One per two linear feet. | Six feet high opaque fence or hedge (7) |
| Type 2 Incompatibility | 15 feet | One Canopy Tree per 20 linear feet | One Palm or Pine per 30 linear feet | One row of each: Small shrubs – One per two linear feet; and Medium shrubs – One per four linear feet. | Six feet high fence or hedge (7) |
| Type 3 Incompatibility | 20 feet | One Canopy Tree per 20 linear feet | One Palm or Pine per 30 linear feet | One row of each: Small shrubs – One per two linear feet; and Medium shrubs – One per four linear feet. | Six feet high opaque wall (4) (5) |

Notes:

- (1) Linear feet is based on the property line where the landscape buffer is located.
- (2) Width of pedestrian walkway and access points shall be deducted from the length of the property line when calculating the quantity of the plant materials (trees, shrubs and groundcover).
- (3) Palms or pines may substitute a Canopy tree pursuant to Art. 7.D.2.B.1 or Art. 7.D.2.C.1, Canopy Tree Substitute.
- (4) Substitute of the required wall may be requested through a Type 2 Waiver.
- (5) The wall requirement shall not be required for a Type 3 Incompatibility Buffer in an AGR PUD in accordance with Art. 7.C.2.4, AGR PUD, Landscape Buffer [Ord 2008-003] [Partially relocated from Table 7.F.9.B - Incompatibility Buffer Standards note #2]
- (6) Any areas of the buffer not planted with trees and shrubs shall be landscaped with ground treatment pursuant to Art. 7.D.7, Landscape Barriers.
- (7) If walls or fences are provided in a Type 1 or Type 2 Incompatibility Buffer, the requirements shall be pursuant to Art. 7.D.4, Landscape Barriers.

4. AGR PUD Landscape Buffer

A Type 3 Incompatibility Buffer shall be required between the Development Area and all adjacent properties zoned AGR, AP, SA, or AR; including Preservation Areas. The buffer shall be a minimum of 50 feet in width and a wall shall not be required. [Ord. 2006-004] [Ord. 2008-003] [Partially relocated from Art. 3.E.2.F.4.d, AGR PUD – Landscape Buffer]

a. Buffer Width Reduction

The minimum 50 foot buffer width required along the perimeter of an AGR-PUD Development Area may be reduced for the following: [Ord. 2013-001] [Relocated from Art. 3.E.2.F.4.d.1), Buffer Width Reduction]

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

A 50 percent reduction (minimum of 25 feet in width) shall be permitted if: [Ord. 2013-001] [Relocated from Art. 3.E.2.F.4.d.1).a), Abutting R-O-W, Open Space or Another Buffer]

- a) the buffer is within a nonresidential pod and adjacent to a R-O-W greater than 50 feet in width; [Relocated from Art. 3.E.2.F.4.d.1).a).(1), related to Abutting R-O-W, Open Space or Another Buffer]
- b) the buffer is adjacent to another platted PUD buffer a minimum of 20 feet in width; or [Relocated from Art. 3.E.2.F.4.d.1).a).(2), related to Abutting R-O-W, Open Space or Another Buffer]
- c) the buffer is adjacent to open space (e.g. lake, canal, etc.) greater than 50 feet in width; [Relocated from Art. 3.E.2.F.4.d.1).a).(c), related to Abutting R-O-W, Open Space or Another Buffer]

2) Abutting a Rural Parkway

A reduction to a minimum of 15 feet in width shall be permitted if the buffer is abutting a Rural Parkway a minimum of 100 feet in width. [Ord. 2013-001] [Relocated from Art. 3.E.2.F.4.d.1).b), Abutting a Rural Parkway]

Section 3 Interior Landscaping

Interior landscaping shall include, but not limited to: foundation planting, landscape islands and medians, screening for loading areas, vehicular use areas and any pervious areas that could be utilized for additional planting. Interior landscaping shall consist of mainly Canopy trees and shrubs. Palms or Pines and

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groundcover may also be utilized to enhance the interior landscaping. If palms or pines are used in lieu of Canopy trees, they shall be planted in accordance with Art. 7.D.2.B.1 and C.1, Canopy Tree Substitute for Palms and Pines.

A. Calculation of Interior Landscaping

Planting in the perimeter buffers shall not be counted to satisfy the interior landscaping requirements. Interior quantities for trees and shrubs shall be calculated based on pervious areas, excluding preservation areas, lakes, retention areas, and perimeter landscape buffers. [Ord. 2009-040] [Ord. 2014-025] [Ord. 2016-042] [Partially relocated from Table 7.C.3 – Minimum Tier Requirements, Note 5.]

Table 7.C.3.A – Interior Landscaping Requirements

| | U/S Tier | AGR and Glades Tiers | Exurban and Rural Tiers |
|--|---|---|--|
| Min. Tree Quantities | | | |
| Residential lot – SF, ZLL, TH and MF | 1 per 1,250 sq. ft. (max. 15 trees) (1) (2) [Relocated from Table 7.C.3 – Minimum Tier Requirements – Landscape Buffers U/S Tier] | 1 per 1,000 sq. ft. (max. 30 trees) (1) (2) [Relocated from Table 7.C.3 – Minimum Tier Requirements – Landscape Buffers AGR and Glades Tiers] | 1 per 800 sq. ft. (max. 30 trees) (1) (2) [Relocated from Table 7.C.3 – Minimum Tier Requirements – Landscape Buffers Exurban and Rural Tiers] |
| Non-residential Vehicular Use Area (3) | 1 per 2,000 sq. ft. | 1 per 1,500 sq. ft. | 1 per 1,200 sq. ft. |
| Min. Shrub Quantities | | | |
| Residential lot – SF, ZLL, TH and MF | 3 per 1,250 sq. ft. (max. 45 trees) (1) (2) [Relocated from Table 7.C.3 – Minimum Tier Requirements – Landscape Buffers U/S Tier] | 3 per 1,000 sq. ft. (max. 90 trees) (1) (2) [Relocated from Table 7.C.3 – Minimum Tier Requirements – Landscape Buffers AGR and Glades Tiers] | 3 per 800 sq. ft. (max. 90 trees) (2) [Relocated from Table 7.C.3 – Minimum Tier Requirements – Landscape Buffers Exurban and Rural Tiers] |
| Non-residential Vehicular Use Area (3) | 3 per 2,000 sq. ft. | 3 per 1,500 sq. ft. | 3 per 1,200 sq. ft. |
| [Ord. 2005-002] [Ord. 2006-004] [Ord. 2009-040] [Ord. 2010-022] [Ord. 2011-001] [Ord. 2014-025] [Ord. 2014-031] | | | |
| Notes: | | | |
| (1) Tree and shrub planting requirement calculations for Residential Lots shall be based on the pervious surface areas of the lot. [Ord. 2014-025] [Partially relocated from Table 7.C.3 – Minimum Tier Requirements, note #8] | | | |
| (2) No maximum for lots with Multi-family units. | | | |
| (3) Interior quantity of trees and shrubs shall be based on ten percent of the gross paved areas of the vehicular use area, excluding preservation, lakes, and retention areas. | | | |

B. Foundation Planting

1. Applicability

- a. Foundation planting shall be provided along facades as required by Table 7.C.3.B, Foundation Planting and Dimensional Requirements for non-residential structures unless specifically exempted by this Article. Planting shall also be required at the base of freestanding ground-mounted signs. [Partially relocated from Art. 7.D.11, Foundation Plantings]

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Table 7.C.3.B, Foundation Planting and Dimensional Requirements

| Minimum Requirements | U/S Tier (2) | AGR and Glades Tiers | Exurban and Rural Tiers |
|--|---|--|---|
| <u>Planting Width for all sides</u> [Relocated from Table 7.C.3 – Minimum Tier Requirement] | <u>8 feet</u> [Partially relocated from Table 7.C.3 – Minimum Tier Requirement – Foundation Planting, U/S tier] | <u>10 feet</u> [Partially relocated from Table 7.C.3 – Minimum Tier Requirement – Foundation Planting, SAGR and Glades Tiers] | <u>12 feet</u> |
| <u>Facades to be Planted (3)</u> [Relocated from Table 7.C.3 – Minimum Tier Requirement] | <u>Front and Sides</u> [Partially relocated from Table 7.C.3 – Minimum Tier Requirement – Foundation Planting, U/S tier] | <u>Front, Sides and Rear</u> [Partially relocated from Table 7.C.3 – Minimum Tier Requirement – Foundation Planting, AGR and Glades Tiers] | <u>Front, Sides and Rear</u> [Partially relocated from Table 7.C.3 – Minimum Tier Requirement – Foundation Planting, Exurban and Rural Tiers] |
| <u>Length – Percentage of Façade (1)</u> [Relocated from Table 7.C.3 – Minimum Tier Requirement] | <u>40 percent</u> [Relocated from Table 7.C.3 – Minimum Tier Requirement – Foundation Planting, U/S tier] | <u>50 percent for Front and Sides</u> <u>30 percent for Rear</u> [Relocated from Table 7.C.3 – Minimum Tier Requirement – Foundation Planting, AGR and Glades Tiers] | <u>60 percent for Front and Sides</u> <u>40 percent for Rear</u> [Relocated from Table 7.C.3 – Minimum Tier Requirement – Foundation Planting, Exurban and Rural Tiers] |
| <u>Tree, palm or pine (5)</u> [Relocated from Art. 7.D.11, Foundation Plantings] | <u>1 per 20 linear ft. of the length of the foundation planting area.</u> [Relocated from Art. 7.D.11, Foundation Plantings] | <u>1 per 20 linear ft. of the length of the foundation planting area</u> [Relocated from Art. 7.D.11, Foundation Plantings] | <u>1 per 20 linear ft. of the length of the foundation planting area</u> [Relocated from Art. 7.D.11, Foundation Plantings] |
| <u>Shrub or groundcover</u> [Relocated from Art. 7.D.11, Foundation Plantings] | <u>1 per 10 sq. ft. of foundation planting area</u> [Relocated from Art. 7.D.11, Foundation Plantings] | <u>1 per 10 sq. ft. of foundation planting area</u> [Relocated from Art. 7.D.11, Foundation Plantings] | <u>1 per 10 sq. ft. of foundation planting area</u> [Relocated from Art. 7.D.11, Foundation Plantings] |
| Freestanding ATM and Unmanned Retail Structure | | | |
| <u>Minimum Planting Width</u> | <u>3 feet</u> | <u>3 feet</u> | <u>3 feet</u> |
| <u>Façades to be planted (4)</u> | <u>Non point of Service Facades</u> | <u>Non point of Service Facades</u> | <u>Non point of Service Facades</u> |
| <u>Length – Percentage of total Length of Non point of Service Facades</u> | <u>70 percent</u> | <u>85 percent</u> | <u>100 percent</u> |
| <u>Small shrub or Groundcover</u> | <u>1 per 2 linear feet of the foundation planting area</u> | <u>1 per 2 linear feet of the foundation planting area</u> | <u>1 per 2 linear feet of the foundation planting area</u> |
| [Ord. 2005-002] [Ord. 2006-004] [Ord. 2009-040] [Ord. 2010-022] [Ord. 2011-001] [Ord. 2013-021] [Ord. 2014-025] [Ord. 2014-031] [Ord. 2016-042] | | | |
| Notes: | | | |
| (1) The minimum length shall be calculated by the total length of the applicable side of the structure, excluding garage doors and loading bays. [Relocated from Art.7.D.11.C, Minimum Length] | | | |
| (2) U/S Tier Standards may be applied to a PUD or a TDD with a village center, civic site, or suburban center, general or edge subarea. [Ord. 2010-022] | | | |
| (3) Foundation Planting may be relocated to any façade of the same building or structure subject to Table 7.B.4, Type 1 Waiver for Landscaping. | | | |
| (4) For Freestanding ATMs or Unmanned Retail Structure, the façade where the point of service is located shall be exempt from the Foundation Planting requirement. | | | |
| (5) For Large Scale Commercial Development, 50 percent of the height of the trees shall be a minimum of two-thirds of the height of the façade of which the foundation planting is located. | | | |

- b. The Applicant shall identify on the Zoning Plan(s) the primary pedestrian entrance of each building.
- For building(s) with a single tenant and multiple entrances, the façade where the primary pedestrian entrance is located will be considered as the front façade.
 - For a building with multiple tenants that has individual primary pedestrian entrance that serve each tenant, the front façade will be the façades where the primary pedestrian entrances are located. The rear façade shall be considered that side of the building where the loading area is located.

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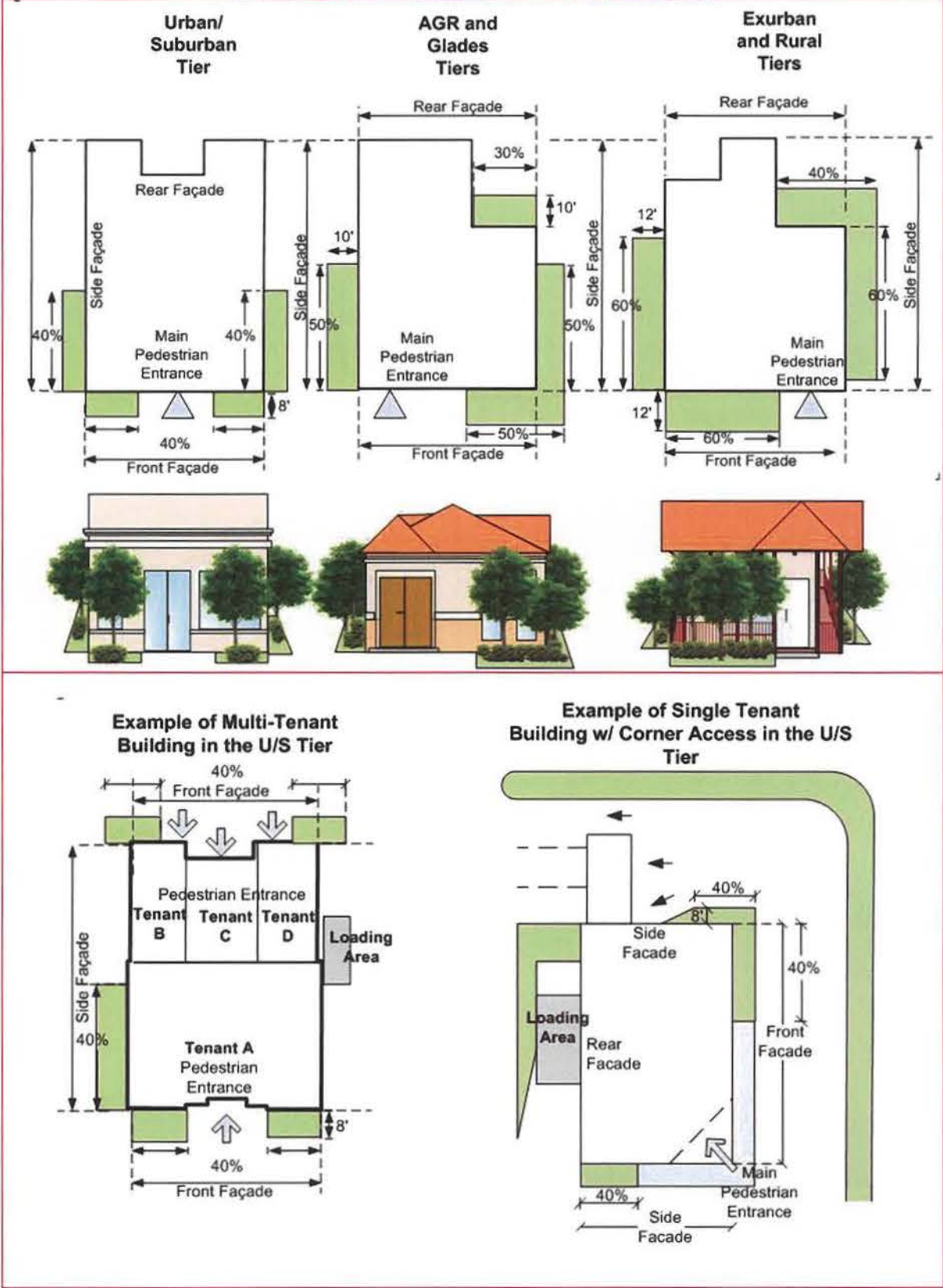
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Figure 7.C.3 – Foundation Planting Requirements



2. Exemptions

- a. Agricultural or industrial buildings that are not visible from a public street or residential zoning district. [Relocated from Art. 7.D.11.A.a, Related to Foundation Planting Exemptions]
- b. Buildings which are exempt from local building permits or government review pursuant to State or Federal Statutes. [Relocated from Art. 7.D.11.A.b, Related to Foundation Planting Exemptions]
- c. Structures within a TDD, where a build-to-line is established along the sidewalk, except where required in TDD, LCC, IRO and PRA DOs are exempt from foundation planting requirements

Notes:

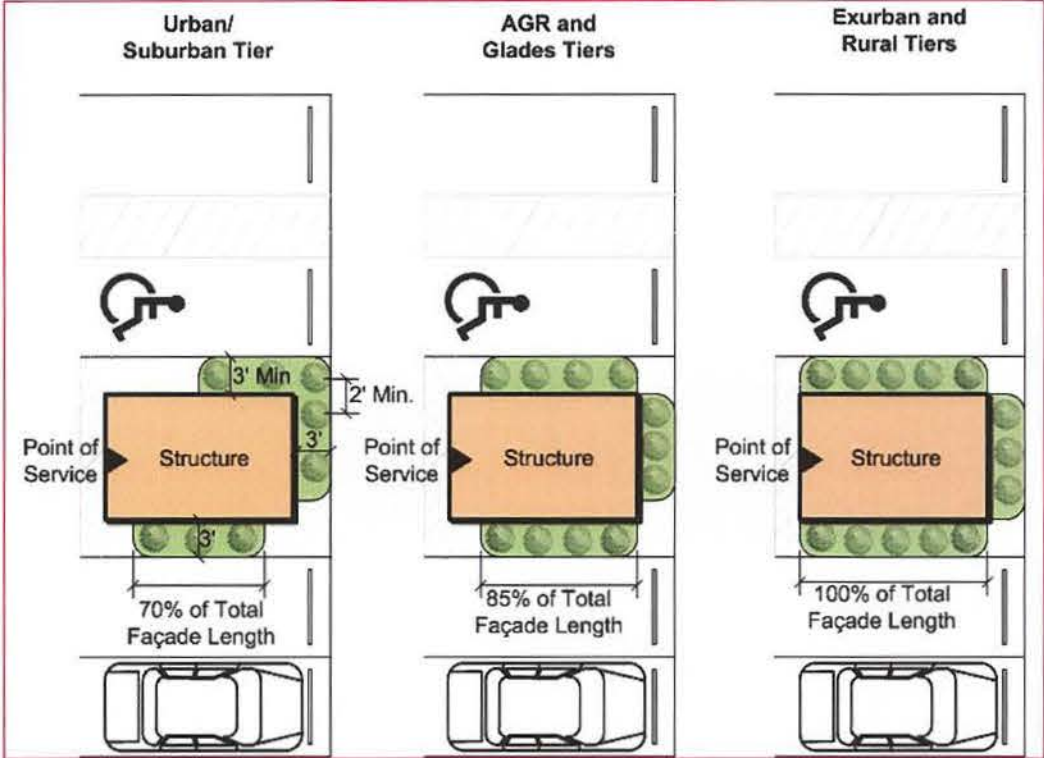
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- for primary and secondary, or other similar types of building frontages, buildings along an alleyway or access way to a parking area, or where buildings front on a plaza or square. [Ord. 2005-002] [Ord. 2006-004] [Ord. 2010-022] [Relocated from Art. 7.D.11.A.3, Related to Foundation Planting Exemptions and Table 7.C.3 – Minimum Tier Requirements, note #6]
- d. Properties where the required planting area would overlap a required buffer. [Relocated from Art. 7.D.11.A.4, Related to Foundation Planting Exemptions]
- e. Accessory buildings and structures subject to Zoning approval. [Relocated from Art. 7.D.11.A.5, Related to Foundation Planting Exemptions]
3. Establishments with drive-throughs, Freestanding ATMs and Unmanned Retail Structures
Location of required foundation plantings may be modified if the planting and dimensional requirements are met in the relocated area. [Ord. 2013-021] [Relocated from Art. 7.D.11.F, Freestanding ATM's and Unmanned Retail Structures]

Figure 7.C.3.B – Establishments with Drive-Throughs, Freestanding ATMs and Unmanned Retail Structure



- a. Walk Up
Foundation planting areas may be relocated up to a maximum of ten feet away from the applicable façade to accommodate pedestrian walkways, access to the ATM or Unmanned Retail Structure, or as needed to comply with F.S. 655, 960, security lighting, or Crime Prevention Through Environmental Design (CPTED) guidelines. [Ord. 2013-21] [Ord. 2017-007] [Relocated from Art. 7.D.11.F.1, Walk Up]
- b. Drive Through
Foundation planting areas may be relocated within 30 feet from the original required facades of the drive-through. [Ord. 2013-21] [Ord. 2017-007] [Relocated from Art. 7.D.11.F.2, Drive Through]
- c. Planting Around Signs
A three foot wide planting area shall be required around the base of all ground-mounted signs. One shrub for each ten square feet of planting area shall be installed within the planting area and maintained at a minimum height of 18 inches. Monument signs six feet in height or less may be surrounded by ground cover on all sides instead of shrubs. Landscaping and trees that interfere with the visibility of signage may be relocated to the rear of the sign planting area, subject to approval by the Zoning Division. [Relocated from Art. 7.D.11.D, Planting around Signs]

Section 4. Landscape Requirements for Off-Street Parking

Off-street parking and interior vehicular use areas shall be provided with landscape islands, divider medians or where applicable landscape diamonds, and subject to the following landscaping requirements. Planting within perimeter landscape buffers required by Article 7.C.2, Types of Landscape Buffer, shall not be used to satisfy these requirements. [Relocated from Art. 7.G, Off-Street Parking Requirements]

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A. Landscape Islands

Landscape islands shall be provided along the terminal of parking spaces, interior of the parking area; and along major internal driveways. Parking spaces shall not be terminated or abutting a drive aisle; driveway, loading space without a landscape island. In addition, Landscape islands shall be provided in accordance to the maximum spacing requirements for each Tier, and Table 7.C.4, Landscape Island and Divider Median - Planting and Dimensional Requirements.

1. Maximum Spacing

a. U/S Tier

One Landscape island per ten spaces (maximum 100 feet apart). [Relocated from Art. 7.G.2.B.1.a, U/S Tier]

b. AGR and Glades Tier

One Landscape island per eight spaces (maximum 80 feet apart). [Relocated from Art. 7.G.2.B.1.b, AGR and Glades tiers]

c. Rural and Exurban Tiers

One Landscape island per six spaces (maximum 60 feet apart). [Relocated from Art. 7.G.2.B.1.a, Exurban and Rural Tiers]

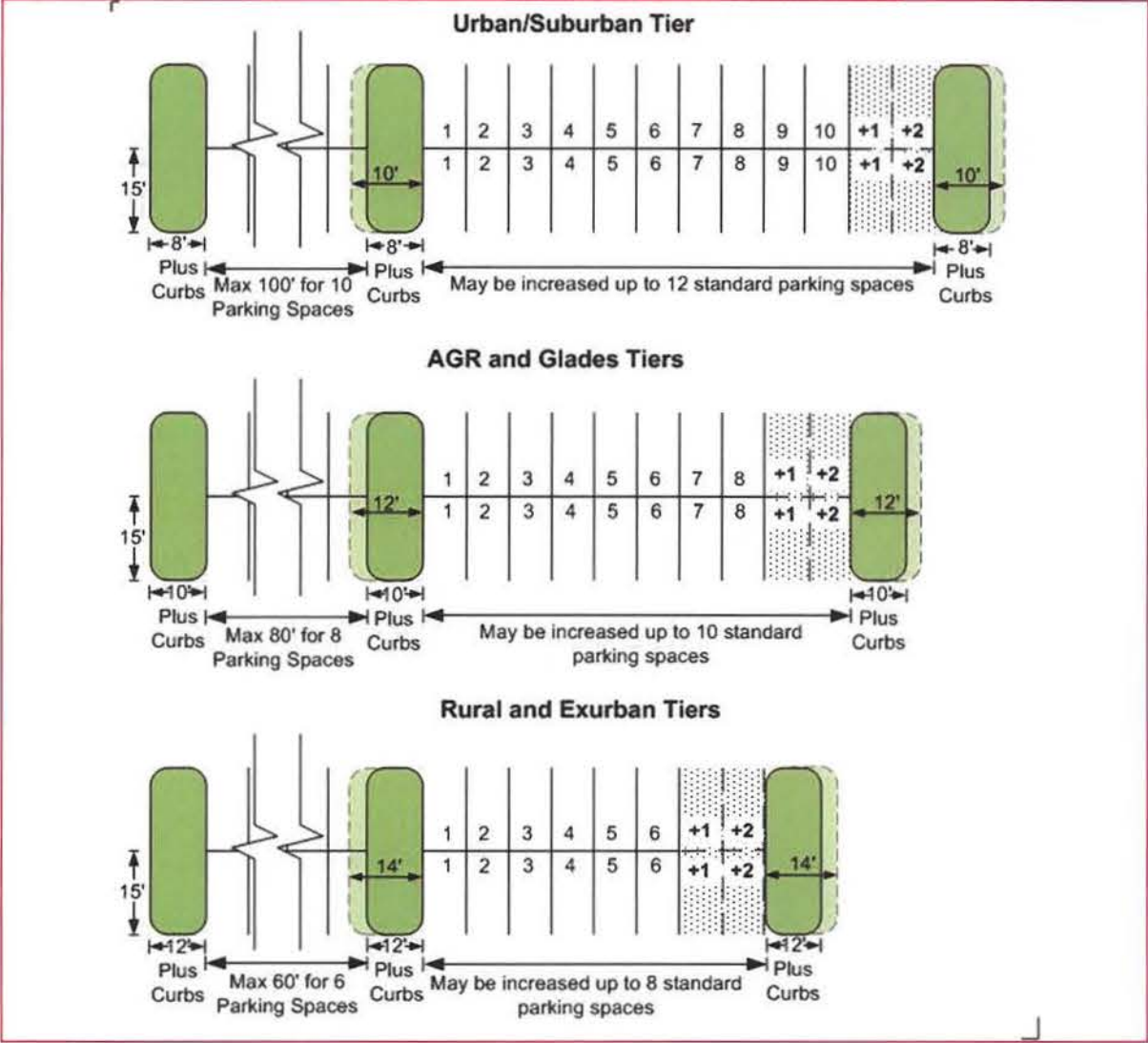
2. Increased Interval of Landscape Islands

The distance between landscape islands may be increased to a maximum of 12 standard parking spaces for U/S Tiers, 10 spaces for the AGR and Glades Tiers, and 8 spaces for the Exurban and Rural Tiers. The width of abutting landscape islands, where the increased interval occurs, shall be increased by one foot for each additional space.

a. Required Canopy Tree

The required Canopy tree for each expanded island shall have a minimum height of 12 feet. No palm or pine substitute for Canopy tree is allowed.

Figure 7.C.4.A – Increase Intervals of Landscape Islands



3. Type 1 Waiver for Maximum Spacing

Landscape islands may be increased in spacing to accommodate preservation of existing vegetation subject to a Type 1 Waiver for Landscaping.

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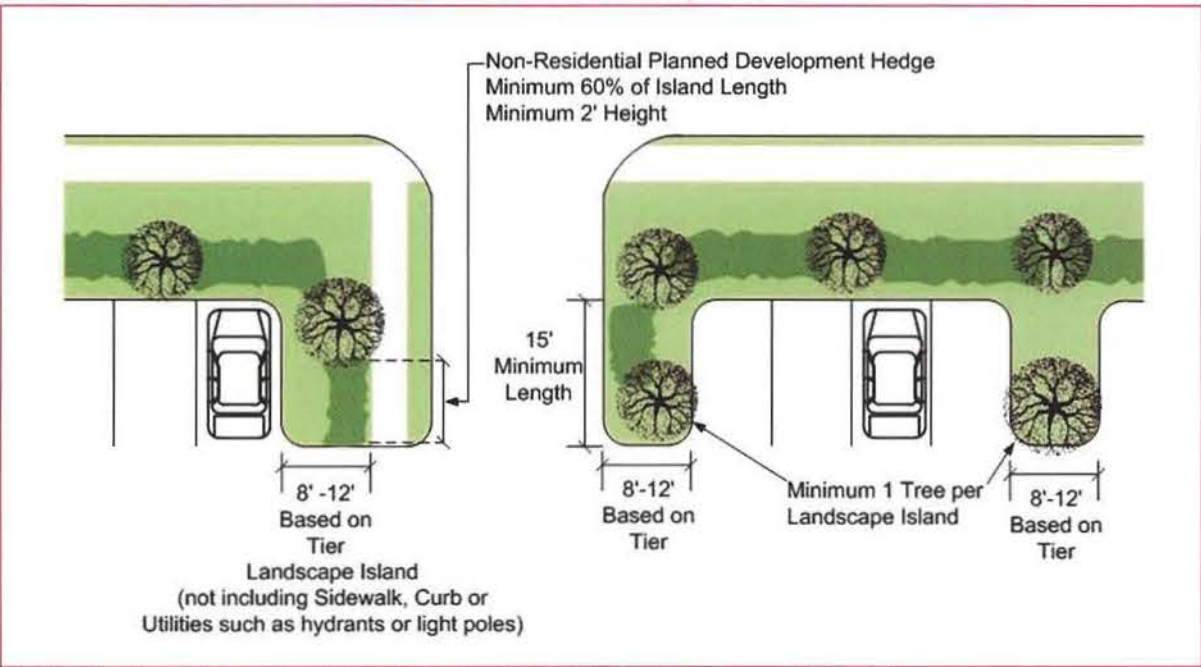
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Table 7.C.4, Landscape Island and Divider Median - Planting and Dimensional Requirements (4)

| | U/S Tier | AGR and Glades Tiers | Exurban and Rural Tiers |
|--|--|----------------------|-------------------------|
| Landscape Island (4) and Divider Median Minimum Dimensions | | | |
| <u>Landscape Island Min. Width (1) (3)</u> | <u>8 feet</u> | <u>10 feet</u> | <u>12 feet</u> |
| <u>Landscape Island Min. Length (3)</u> | <u>15 ft.</u> | | |
| <u>Divider Median Min. Width (1)</u> | <u>10 ft.</u> | | |
| <u>Landscape Diamond (Width x Length)</u> | <u>5 ft x 5 ft</u> | | |
| Minimum Tree Planting Requirements (2) | | | |
| <u>Tree Planting - Landscape Island</u> | <u>1 tree per island</u> | | |
| <u>Tree Planting - Divider Median</u> | <u>1 tree per 30 linear ft.</u> | | |
| <u>Landscape Diamond</u> | <u>1 palm per diamond</u> | | |
| Minimum Shrub and Groundcover Planting Requirements | | | |
| <u>Groundcover Planting - Landscape Island (3)</u> | <u>Grass or appropriate Groundcover to be planted in island</u> | | |
| <u>Shrub Planting - Divider Median (5)</u> | <u>Medium Shrubs planted at 30 inches on center, and appropriate Groundcover</u> | | |
| <u>Landscape Diamond</u> | <u>Appropriate Groundcover or Tree Grate</u> | | |
| Notes: | | | |
| <u>1. Minimum width of islands shall exclude curbs, sidewalks and utility easements. The width must be increased by the minimum amount necessary to meet the needs of the utility providers or to accommodate a sidewalk.</u> | | | |
| <u>2. A minimum of 75 percent of all trees required in the interior of vehicular use areas shall be canopy trees. Palms may count as one required tree, not to exceed 25 percent of the total required trees. [Relocated from Art. 7.G.1, Trees]</u> | | | |
| <u>3. Apply to Non-residential Planned Development only – Landscape islands facing major internal driveways shall provide a two-foot high continuous hedge for a minimum of 60 percent of the island length. Hedge shall be maintained with a maximum height of 30 inches.</u> | | | |
| <u>4. Landscape islands shall not overlap Landscape Buffers.</u> | | | |
| <u>5. Required shrubs may be relocated subject to a Type 1 Waiver for Landscaping.</u> | | | |

Figure 7.C.4.A - Landscape Islands



[Relocated from Figure 7.G.2.A - Terminal and Interior Landscape Islands]

B. Divider Medians

Divider medians shall be provided in parking lots with at least two or more vehicular parking aisles in the U/S, AGR, and Glades Tiers; or in vehicular use areas to channel traffic circulation, as follows:

1. Locate between every third aisle or sixth row of parking spaces; and between all parking and vehicular use areas. Divider medians shall be provided in accordance to Table 7.C.4, Landscape Island and Divider Median - Planting and Dimensional Requirements.
2. Adjacent to driveways where external access points are located for PDDs or TDDs.

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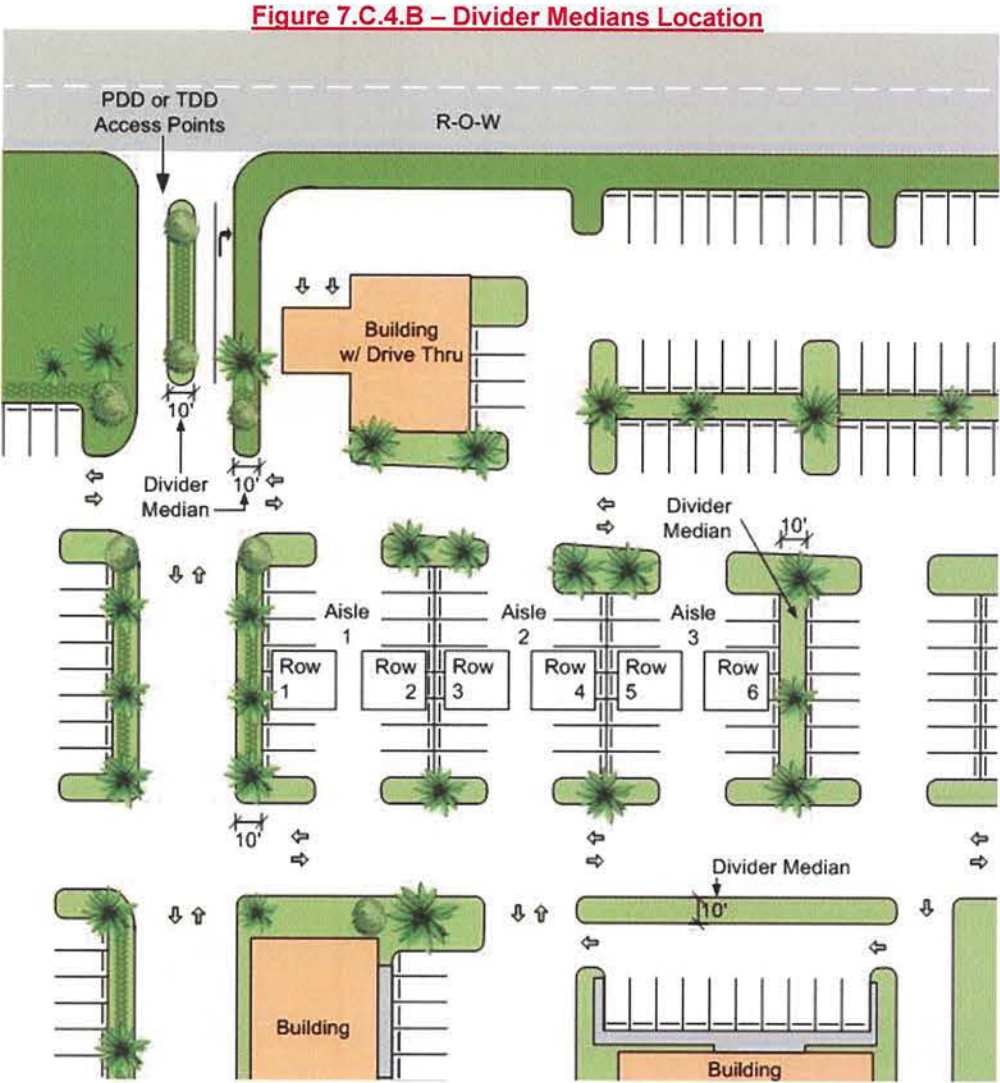
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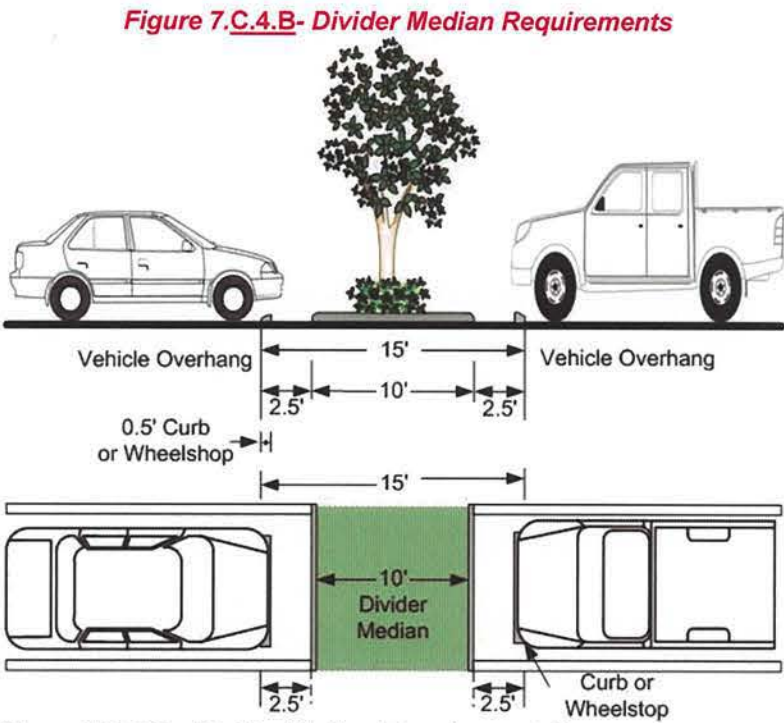
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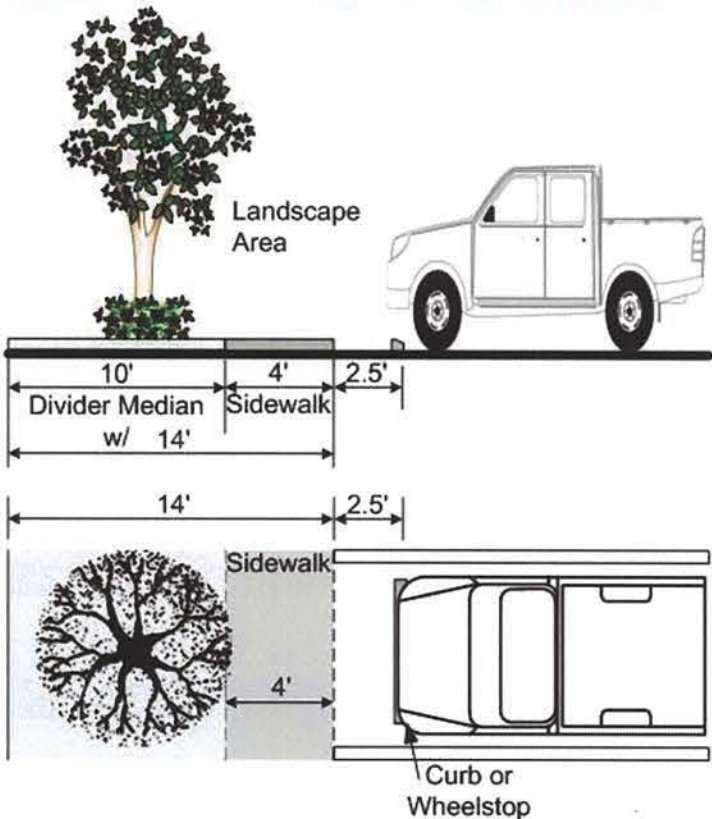
[Relocated from Figure 7.G.2.C - Divider Median Requirements]

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Figure 7.C.4.B - Divider Median Requirements (with Sidewalk)



[Relocated from Figure 7.G.2.C – Divider Medina Requirement (with Sidewalk)]

C. Landscape Diamonds

Landscape diamonds may be distributed throughout the interior of an off-street parking area as an alternative to divider medians for lots that are located in the WCRAO, IRO, or URAO. Landscape diamonds shall be located only at the common intersection of four parking spaces and spaced a maximum of four parking spaces apart. [Partially relocated from Art. 7.G.2.D, Landscape Diamonds] A raised curb is required around the entire landscape diamond when wheel stops are not used. [Relocated from Figure 7.G.2.D, Landscape Diamond Detail, note]

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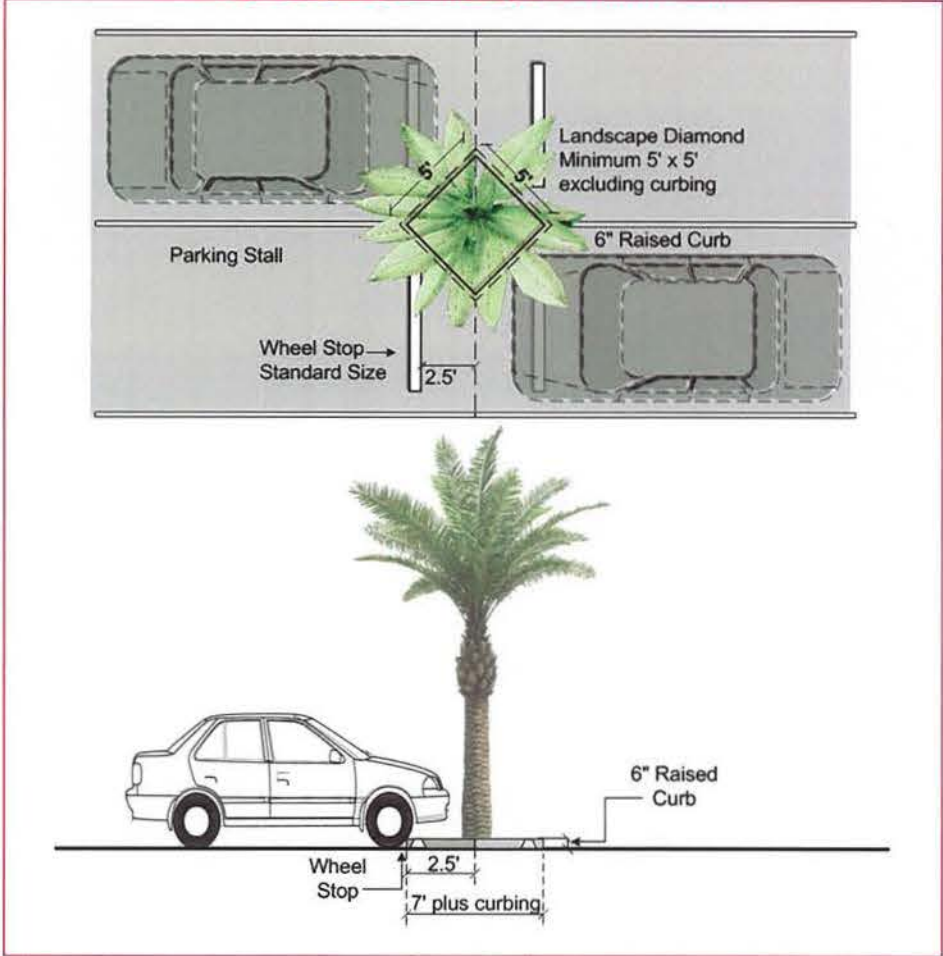
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Figure 7.C.4.C - Landscape Diamond Detail



[Partially relocated from Figure 7.G.2.D – Landscape Diamond Detail]
~~A raised curb is required around the entire landscape diamond when wheel stops are not used.~~ [Relocated to Art. 7.C.4.C, Landscape Diamonds, above]

D. Vehicular Use Area

Interior landscaping for the vehicular use area shall be landscaped to provide adequate screening of vehicular uses. A minimum of ten percent of the gross paved areas of the vehicular use area shall be designated for interior landscaping.

1. If the vehicular use area is adjacent to a perimeter landscape buffer, the required plant materials may be designed as an integral part of the buffer, provided the minimum quantity for the interior landscaping and the perimeter buffer is not reduced.
2. Interior landscaping may be in form of a divider median and implemented pursuant to Table 7.C.3.A, Interior Planting Requirements.

a. Specialized Vehicular Areas Not Open to the Public

The required interior landscaping shall be allowed to be transferred to other interior landscaping areas or within the Landscape buffers.

E. Landscape Protection Measures

The landscape area adjacent to any off-street parking space or vehicular use area shall be protected from vehicular encroachment by the use of wheel stops or continuous concrete curbing. [Partially relocated from Art. 7.G.2.E, Landscape Protection Measures]

1. Curbing

All landscape areas subject to vehicular encroachment shall be separated from vehicular use areas by six inch, non-mountable, FDOT-type "D" or FDOT-type "F", concrete curbing. Curbing shall be machine-laid, formed-in-place or integrally installed with the pavement. Landscaped areas adjacent to vehicular use areas shall be surrounded with a continuous raised curb. [Ord. 2010-022] [Relocated from Art. 7.G.2.E.1, Curbing]

a. Exemptions

- 1) Divider medians that abut parking spaces with wheel stops; or, [Ord. 2010-022] [Relocated from Art. 7.G.2.E.1.a.1), related to curbing exemptions]
- 2) Properties located in the AGR, AP or AR Zoning Districts that support bona fide agricultural uses. [Ord. 2010-022] [Relocated from Art. 7.G.2.E.1a.2), related to curbing exemptions]

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2. Alternative to Curbing

Alternative to curbing may be allowed for properties that are located in the following Zoning Districts and Use subject to the requirements listed in Art. 7.C.4.E.1:

a. AGR, AP, and PO; [Partially relocated from Art. 7.G.2.E.1.a.2), related to curbing exemptions]

b. AR Zoning District in the AGR, Glades, Exurban and Rural Tiers; and [Partially relocated from Art. 7.G.2.E.1.a.2), related to curbing exemptions]

c. Cemeteries in all Tiers.

3. Alternative Landscape Protection

Alternative landscape protection may include, but not limited to: bollards, fences, hedges or planters. Details of these landscape protection measures shall be shown on the Regulating Plan approved by the DRO.

a. For properties located in the PO Zoning District, alternative landscape protection may be allowed when it can be demonstrated to the Zoning Director that the curbing will interfere measures may with the traffic circulation of the proposed use. [Ord. 2010-022] [Relocated from Art. 7.G.2.E.1.b.1), related to Alternative]

4. Wheel Stops

Wheel stops shall have a minimum height of six inches above the finished grade of the parking area, properly anchored, and continuously maintained in good condition. The space between the wheel stop and the front end of the parking space may be paved for anchoring and maintenance purposes. Wheel stop anchor rods shall be set through the wheel stop and the pavement. The bottom of the wheel stop must rest fully on the pavement to prevent rocking. Public parks in the PO Zoning District that are exempt from curbing requirements shall also be exempt from wheel stop requirements. [Ord. 2006-004] [Relocated from Art. 7.G.2.E.2, Wheel Stops]

F. Parking Structures

Perimeter planters shall be provided along the exterior of parking structures located within 500 feet of a public R-O-W or residential zoning district. Planters shall provide a total of one-half square foot of planting area for each linear foot of facade per parking level. Planting areas may be arranged in linear fashion or clustered at intervals or on levels, and shall be provided with permanent irrigation to permit watering of plant materials. The perimeter planter requirement may be altered if in conflict with the architectural character of the structure, subject to a Type 1 Waiver for Landscaping. [Relocated from Art. 7.G.2.F, Parking Structures]

Section 5. Easements in Landscape Buffers

Easements may overlap a required landscape buffer by a maximum of five feet, provided there remains a minimum of five clear feet for planting. If a wall with a continuous footer is used, a minimum of ten clear feet for planting is required. The landscape buffer may be traversed by easements or access ways as necessary to comply with the standards of this Article, and Article 11, Subdivision, Platting, and Required Improvements, and other PBC codes. Easements shall be identified prior to the preparation of site or subdivision plans and any proposed overlap shall be approved by the DRO or Zoning Division. [Relocated from Art. 7.D.12, Landscape in Easements]

A. Overhead Utilities

Trees planted within any easement with overhead utilities shall comply with the placement and maintenance requirements in the latest edition of FP&L's publication "Plant the Right Tree in the Right Place," available from the Zoning Division, and take into consideration the mature height and spread of the species beneath or adjacent to overhead utilities. Where overhead utilities exist, trees shall be maintained so that the mature tree canopy is a minimum of ten feet from overhead lines. Plants required in the easement area may be planted elsewhere on site, in the vicinity of the required location. In order to maintain tree and plant spacing when a landscape buffer is traversed by a utility easement, a larger overlap may be allowed with the written approval of the relevant utility service company. Where a utility easement crosses a R-O-W Buffer, plant material spacing may be adjusted, provided there is no reduction in the amount of required plant material. [Relocated from Art. 7.D.12.B, Overhead Utilities]

B. Detention or Retention Areas, Swales, and Drainage Easements

Detention or retention areas, drainage easements, and sloped, directional swales greater than one foot below finished grade, may overlap required landscape buffers provided a minimum of five feet remains for planting. [Ord. 2006-004] [Ord. 2016-042] [Relocated from Art. 7.D.12.C, Detention/Retention Areas, Swales, and Drainage Easements]

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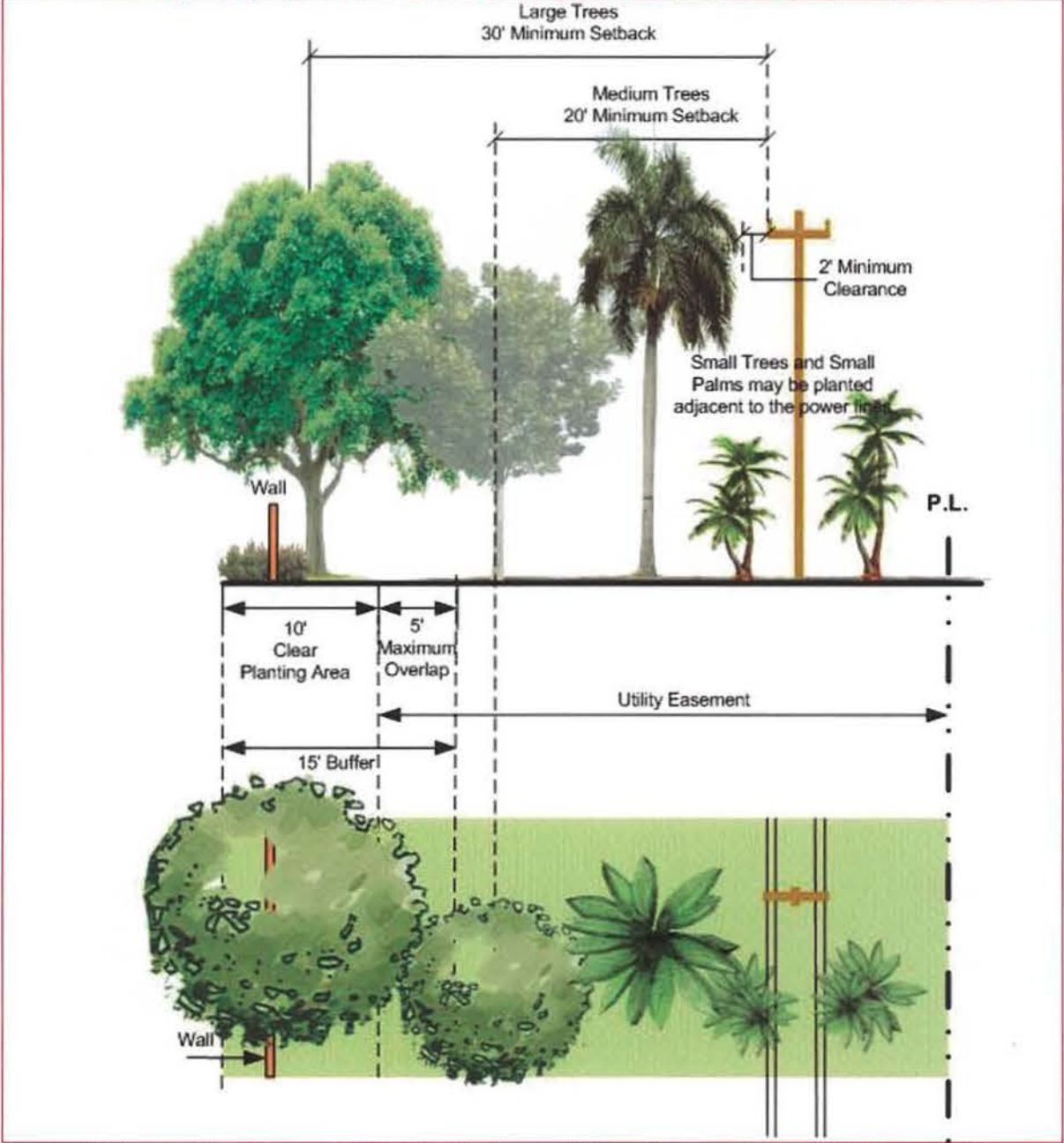
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Figure 7.C.5 - Maximum Allowed Encroachment of Landscape Buffers



[Relocated from Figure 7.D.12.C – Maximum Allowed Encroachment into Easements]

1. Planting may be allowed in the dry detention area if approved by the Land Development Division. **[Ord. 2016-042]** [Relocated from Art. 7.D.12.C.1, Detention/Retention Areas, Swales, and Drainage Easements]

C. Lake Maintenance Easements (LME)

Planting of new trees or relocation of native, non-prohibitive or specimen vegetation may occur in the LME subject to the approval by the ERM Department and Land Development Division. **[Ord. 2016-042]** [Relocated from Art. 7.D.12.D, Lake Maintenance Easement (LME)]

Section 6 Corner Clips and Safe Sight Distances

Landscaping within corner clips and safe sight distances required by Article 11, Subdivision, Platting, and Required Improvements, shall be subject to the following: [Relocated from Art. 7.D.13, Corner Clips]

- A. An area of unobstructed visibility shall be maintained between 30 inches and eight feet above the crown of the adjacent roadway. [Relocated from Art. 7.D.13.A, related to Corner Clips]
- B. Vegetation located adjacent to and within corner clip or safe sight distance areas shall be trimmed so that limbs or foliage do not extend into the required visibility area. [Relocated from Art. 7.D.13.B, related to Corner Clips]

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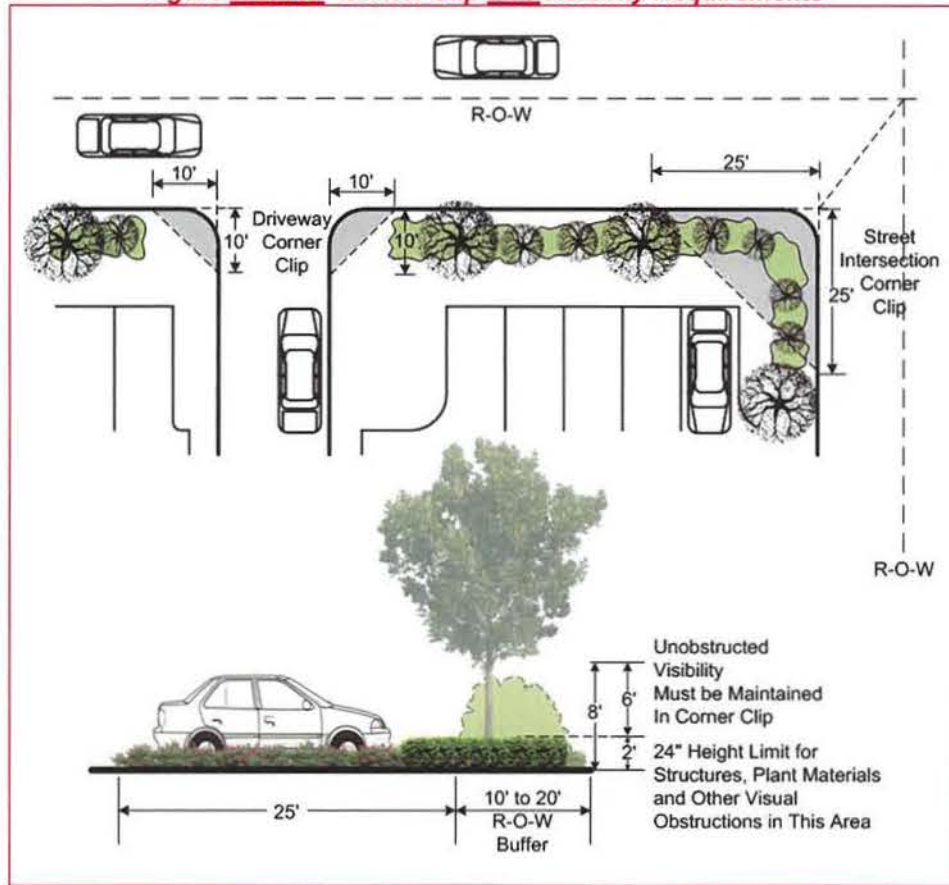
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- C. All landscaping in a corner clip or safe sight distance shall be planted and perpetually maintained by the property owner, except where maintained by another entity such as a Homeowner's Association (HOA). [Relocated from Art. 7.D.13.C, related to Corner Clips]

Figure 7.C.6.C - Corner Clip and Visibility Requirements



Section 7 Large Scale Commercial Development

A. Perimeter Buffer

In addition to the requirements of this Code, developments with single tenants 65,000 gross square feet or more shall be subject to the following standards: [Ord. 2005 – 002] [Relocated from Art. 7.F.12.A, Perimeter Buffer]

1. R-O-W Buffers

The width, berm and planting requirements along streets, thoroughfares and/or other means of vehicular access shall be upgraded as follows: [Ord. 2005 – 002] [Relocated from Art. 7.F.12.A.1, R-O-W Buffers]

a. U/S Tier

- 1) A minimum 25 foot wide buffer. [Ord. 2005 – 002] [Relocated from Art. 7.F.12.A.1.a.1), related to U/S Tier]
- 2) A three foot high berm. [Ord. 2005 – 002] [Relocated from Art. 7.F.12.A.1.a.2), related to U/S Tier]

b. Glades and Rural/Ex Tiers

- 1) A minimum 50 foot wide buffer. If a lake/retention area is located along a R-O-W, the buffer may be split to border the perimeter of the lake, 25 feet along the street and 25 feet along the interior side of the lake. [Ord. 2005–002] [Relocated from Art. 7.F.12.A.1.b.1), related to Glades and Rural/Ex Tiers]
- 2) Required trees, palms and shrubs shall be double the quantities required under Art. 7.F.2, Trees, Shrubs and Hedges. [Ord. 2005–002] [Relocated from Art. 7.F.12.A.1.b.2), related to Glades and Rural/Ex Tiers]

2. Compatibility Buffers

The width, berm and planting requirements along property lines adjacent to compatible uses shall be upgraded as follows: [Ord. 2005–002] [Relocated from Art. 7.F.12.A.2, Compatibility Buffers]

a. U/S Tier

- 1) A minimum 25 foot wide buffer. [Ord. 2005–002] [Relocated from Art. 7.F.12.A.2.a, related to U/S Tier]

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- 2) *A three foot high berm. [Ord. 2005-002]* [Relocated from Art. 7.F.12.A.2.a, related to U/S Tier]
- b. Glades and Rural/Exurban Tiers**
- 1) *A minimum 50 foot wide buffer. [Ord. 2005-002]* [Relocated from Art. 7.F.12.A.2.b.1), related to Glades and Rural/Exurban Tiers]
- 2) *Required trees, palms and shrubs shall be double the quantities required under Art. 7.F.2, Trees, Shrubs and Hedges. [Ord. 2005-002]* [Relocated from Art. 7.F.12.A.2.b.1), related to Glades and Rural/Exurban Tiers]
- 3. Incompatibility Buffers**
- The width, berm and planting requirements along property lines adjacent to residential and other incompatible uses, and vacant properties with a residential FLU designation, shall be upgraded as follows: [Ord. 2005-002]* [Relocated from Art. 7.F.12.A.3, , Incompatibility Buffers]
- a. U/S Tier**
- 1) *A minimum 50 foot wide buffer. [Ord. 2005-002]* [Relocated from Art. 7.F.12.A.3.a.1), related to U/S Tier]
- 2) *A four foot high berm. [Ord. 2005-002]* [Relocated from Art. 7.F.12.A.2.a.2), related to U/S Tier]
- 3) *Required trees, palms and shrubs shall be double the quantities required under Art. 7.F.2, Trees, Shrubs and Hedges. [Ord. 2005-002]* [Relocated from Art. 7.F.12.A.2.a.3), related to U/S Tier]
- b. Glades and Rural/Ex Tiers**
- 1) *A minimum 50 foot wide buffer. [Ord. 2005-002]* [Relocated from Art. 7.F.12.A.3.b.1), related to Glades and Rural/Exurban Tiers]
- 2) *Required trees, palms and shrubs shall be double the quantities required under Art. 7.F.2, Trees, Shrubs and Hedges. [Ord. 2005-002]* [Relocated from Art. 7.F.12.A.3.b.2), related to Glades and Rural/Exurban Tiers]
- B. Foundation Planting**
- Foundation planting shall meander along building facade, and shall not be entirely located at the base of the building. [Ord. 2005 - 002]* [Relocated from Art. 7.D.11.E.1.b, Dimensional Requirements related to Large Scale Commercial Development] Dimensions and planting for the required Foundation planting shall be based on the Tier of which the proposed development is located within, and subject to Table 7.C.3.B, Foundation Planting and Dimensional Requirements.
- C. Encroachment**
- No easement encroachment shall be permitted in required perimeter buffers, except for bisecting utility easements and required safe sight distance easements not to exceed a maximum of fifty percent of the required buffer width. [Ord. 2005-002]* [Relocated from Art. 7.F.12.A.4, Enrichment]
- D. Perimeter Sidewalk**
- A perimeter sidewalk a minimum of five feet shall be required in all R-O-W Buffers 50 feet in width, and shall meander through the buffer. [Ord. 2005-002]* [Relocated from Art. 7.F.12.A.5, Perimeter Sidewalk]
- E. Berm**
- Berms shall be staggered, rolling or offset, as indicated in Figure 7.C.6, Typical Example of Staggered, Rolling or Offset Berm. [Ord. 2005-002]* [Relocated from Art. 7.F.12.A.6, Berm]
- Part 4. ULDC Art. 7.D, GENERAL STANDARDS (page 16-25 of 49), is hereby amended as follows:

CHAPTER D GENERAL LANDSCAPE STANDARDS

Section 1 General

This Chapter provides the minimum The following standards are required for plant materials, which includes all trees, palms, pines, shrubs, hedges, groundcover and ground treatment. It also addresses requirements for landscape barriers, which consist of hedges, walls and fences. other landscape material.

Section 1 A. Plant Species

All plants shall comply with Grades and Standards for Nursery Plants, latest edition, prepared by the Florida Department of Agriculture and Consumer Services. A minimum of 60 percent of required plant material shall be selected from Appendix A, PBC's Preferred Species List, published by the Zoning Division, or the list of native and drought-tolerant species in the most recent edition of the SFWMD's "Xeriscape Plant Guide "SFWMD's Waterwise Florida Landscapes". A minimum of 60 percent of required plant materials shall be native species.

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Section 2 Trees, Palms and Pines

A. Canopy Trees

The size of a Canopy tree shall include the height and caliper pursuant to the Shade Trees, Types One through Five Matrices of the Grades and Standards for Nursery Plant. The minimum size of a Canopy tree shall be 12 feet in height with a two and one half inch caliper at installation. [Ord. 2014-025] [Ord. 2016-042]

1.—Height Reduction-Average Height

A maximum of 25 percent of the total number of required trees may be reduced in height by 25 percent. One additional tree, a minimum of eight feet in height, shall be planted for each tree with reduced height. [Ord. 2014-025] [Ord. 2016-042]

Required Canopy tree size may be achieved by utilizing the average height calculation.

a. Average height of total quantity of trees shall have a minimum of 12 feet. A maximum of 25 percent of the required trees shall be at a minimum height of eight feet.

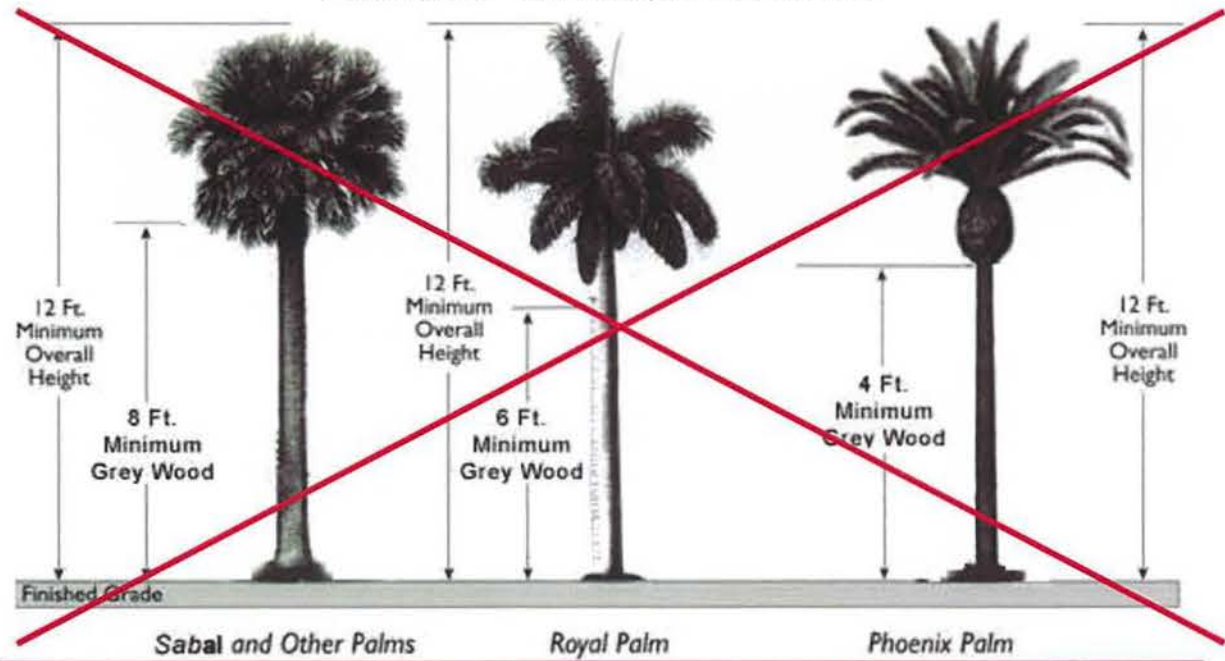
B. Palms

The size of a palm shall be measured by the height of the clear trunk or the grey wood pursuant to Figure 7.D.2.B - Palm Measurement Standards. The minimum overall height of a palm shall be 12 feet, and the minimum height for different species of palms shall be in accordance with Table 7.D.2.B – Palm Height Standards.

Table 7.D.2.B - Palm Height Standards

| | |
|-----------------|---|
| Minimum Height | 8 foot clear trunk for Sabals and similar species |
| | 6 foot grey wood for Royals and similar species |
| | 4 foot grey wood for Phoenixes, <u>Canary, Bismarck</u> and similar species |
| [Ord. 2016-042] | |

Figure 7.D.2.B - Palm Measurement Standards



1. Canopy Tree Substitute

Palms, in clusters of same species, may be used in place of required canopy trees, subject to the standards in Table 7.D.2.B, Palm Height Standards, and Figure 7.D.2.B, Palm Measurement Standards. Palms may not be used in excess of 25 percent of the total number of required trees. When using palms in a perimeter buffer, refer to Article 7.F.2.A, Palms. [Ord. 2016-042] Palms planted in groups of three or more may be counted as one required canopy tree, up to a maximum of 25 percent of all trees required in each buffer, subject to the Standards in Table 7.D.2.B, Palm Height Standards, and Figure 7.D.2.B, Palm Measurement Standards. In the case of palm species, Paurotis or similar palm species, that characteristically grow in clumps, each clump may be counted as one canopy tree. [Relocated from Art. 7.F.2.A.2, Palms]

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a. **Exception**

Royal, Bismarck, Phoenix, Canary, Date or similar palm species determined to be acceptable by the Zoning Director may be counted as one required canopy tree. These palms shall be spaced a maximum of 20 feet on center, and the clear trunk or grey wood shall be increased by 40 percent of the minimum requirements as listed in Figure 7.D.2.B – Palm Measurement Standards. [Partially relocated from Art. 7.F.2.A.2.a, Exception, related to Palms]

C. **Pines**

The size of a pine shall include the height and the caliper of the pine. The minimum size of a pine shall be 12 foot in height with a two and one half inch caliper at installation. [Ord. 2014-025] [Ord. 2016-042]

1. **Canopy Tree Substitute**

- a. Three pines may substitute for one required canopy tree, provided the overall accumulated height of the three pines is 24 feet or more; or [Ord. 2016-042]
- b. One pine with a minimum height of 14 feet. [Ord. 2016-042]
Pines may not be used in excess of 25 percent of the total number of required canopy trees. When using pines in a perimeter buffer, refer to Article 7.F.2.A.3 Pines. [Ord. 204-025]

D. **Tree Species Mix**

When more than 15 trees are required to be planted to meet the standards of this Article, a mix of species is required. The number of species to be planted shall vary according to the overall number of trees that are required to be planted pursuant to Table 7.D.2.CD, Tree Species Mix. Vegetation preserved in accordance with Article 14.C, Vegetation Preservation and Protection, is exempt from the tree species mix requirement.

Table 7.D.2.CD - Tree Species Mix

| Required Number of Trees | Minimum Number of Species |
|--------------------------|---------------------------|
| 16-30 | 2 |
| 31-45 | 3 |
| 46-60 | 4 |
| 61-75 | 5 |
| 76-90 | 6 |
| 91 + | 7 |

~~E. **Preservation of Trees**~~

- ~~1. The Zoning Director shall have the authority to require the preservation of vegetation on-site that is not covered under Article 14.C, Vegetation Protection, subject to the following provisions: [Ord. 2016-016] [Relocated to Art. 7.E.2, Authority and Review Procedures]~~
 - ~~a. Applications submitted for new or modified development proposals shall use the most applicable plan to identify existing vegetation proposed to be: [Ord. 2016-016]~~
 - ~~1) Preserved and incorporated into the site design; [Ord. 2016-016]~~
 - ~~2) Relocated on-site; and, [Ord. 2016-016]~~
 - ~~3) Relocated off-site. [Ord. 2016-016]~~
 - ~~b. A Tree Survey may be required as part of the approval of the application for sites that support significant vegetation, in order to ensure the final site design incorporates the maximum number of trees. [Ord. 2016-016]~~
- ~~2. The Zoning Director shall have the authority to condition the approval of the development order to incorporate existing vegetation into the site design. [Ord. 2016-016] [Relocated to Art. 7.E.2.B.3.c, related to Agreement on Preservation]~~

~~F. **Tree Credit**~~

~~A preserved upland or drought-tolerant tree or palm meeting the standards in this Article may be substituted for required trees, subject to the following: [Relocated to Art. 7.E.3, Tree Credit and Replacement]~~

~~1. **Tree Survey**~~

~~Credit shall be granted for on-site preservation of existing trees or palms when accompanied by a tree inventory or tree survey. [Partially relocated to Art. 7.E.3.A, Tree Survey]~~

~~2. **Trees Excluded from Credit**~~

~~Credits shall not be permitted for trees that are: [Relocated to Art. 7.E.3.B, Trees Excluded from Credit]~~

- ~~a. Required for preservation by Article 14.C, VEGETATION PRESERVATION AND PROTECTION (i.e. located in required preservation areas, heritage or champion trees). [Relocated to Art. 7.E.3.B.1, related to Trees Excluded from Credit]~~

- ~~b. Not properly protected from damage during the construction process, as required in Article 14.C, VEGETATION PRESERVATION AND PROTECTION. [Relocated to Art. 7.E.3.B.2, related to Trees Excluded from Credit]~~

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- ~~c. Classified as prohibited or invasive non-native species as defined in Article 14.C, VEGETATION PRESERVATION AND PROTECTION. [Relocated to Art. 7.E.3.B.3, related to Trees Excluded from Credit]~~
- ~~d. Dead, dying, diseased, or infested with harmful insects. [Relocated to Art. 7.E.3.B.4, related to Trees Excluded from Credit]~~
- ~~e. Located on a subarea of a planned development that is not intended to be developed for residential, commercial, or industrial use, such as a golf course on an adjacent open space parcel. [Relocated to Art. 7.E.3.B.5, related to Trees Excluded from Credit]~~

3. Tree Credit Formula

~~All existing trees to be preserved, mitigated on or off site, replaced on or off site shall be credited pursuant to the formula in Table 7.D.2.E, Tree Credit and Replacement. Only pines with a caliper of two inch or more shall be subject to preservation, mitigation or replacement. [Ord. 2016-042]~~ [Relocated to Art. 7.E.3.C, Tree Credit Formula]

Table 7.D.2.E - Tree Credit and Replacement

| Crown Spread of Tree | Or | Caliper measuring at 6 inches Above Grade | = | Credits or Replacements |
|----------------------|----|---|---|-------------------------|
| Less than 5 Ft. | or | Less than 2 in. | = | 0 |
| 5-9 Ft. | or | 2-6 in. | = | 1 |
| 10-19 Ft. | or | 7-11 in. | = | 2 |
| 20-29 Ft. | or | 12-16 in. | = | 3 |
| 30-39 Ft. | or | 17-21 in. | = | 4 |
| 40-49 Ft. | or | 22-26 in. | = | 5 |
| 50-59 Ft. | or | 27-31 in. | = | 6 |
| 60-89 Ft. | or | 32-36 in. | = | 7 |
| 90 Ft. or Greater | or | 37 in. or more | = | 8 |

[Ord. 2014-025] [Ord. 2016-042]

Notes:

1. Fractional measurements shall be rounded down. [Ord. 2016-042]

[Partially relocated to Table 7.E.3.C, Tree Credit and Replacement]

Section 3 Shrubs and Hedges

A. Shrubs

Required shrubs are subject to the standards in Table 7.C.3, Minimum Tier Requirements, and the dimension standards in Table 7.F.7.B, Shrub Planting Requirements. Shrubs are classified based on their size: small, medium, and large, and shall be subject to the following requirements:

A. Shrubs Planting Requirements

Shrubs shall be installed according to Table 7.D.3.A, Shrub Planting Requirements and the quantity of shrubs for each type of buffer shall be established in accordance with the following:

1. Table 7.C.2.A.4, R-O-W Buffer; Table 7.C.2.B, Compatibility Buffer; and Table 7.C.2.C, Incompatibility Buffer for quantity requirements; and [Ord. 2009-040] [Relocated from Art. 7.F.2.B, Shrubs]
2. Height and spacing requirements pursuant to Table 7.D.3.A, Shrub Planting Requirements.

Table 7.D.3.A - Shrub Planting Requirements

| Shrub Type | Minimum Height at Installation (Size) | Maximum Spacing at Installation | Maximum ¹ Maintained Height |
|---------------|---------------------------------------|---------------------------------|--|
| Ground Cover | 6 inches | 6 inches | N/A |
| Small Shrubs | 18 inches | 24 inches | 36 inches |
| Medium Shrubs | 24 inches | 48 inches | 48 inches |
| Large Shrubs | 36 inches | 48 inches | 72 inches |

[Ord. 2009-040]

Notes

1. Maximum height is established to maintain the hierarchical visual effect for landscape buffer. Height may be increased unless stated otherwise herein. [Ord. 2009-040]

[Relocated from Art. 7.F.7.B, Shrub Planting Requirements]

Section 4 Landscape Barriers

Landscape barriers consist of hedges, walls, or fences. They are utilized to provide continuous opaque screening, and are required for an Incompatibility buffer. Landscape barriers may be installed in other types of landscape buffers; the requirement may be modified based on the site situations.

A. Hedges

1. Height and Spacing at Installation

Hedge shall be planted at six feet in height with a maximum spacing of 24 inches on center at installation to achieve a continuous screening effect. Adjustment shall be based upon the type

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of plants utilized, with spacing not exceeding 36 inches on center. [Ord. 2005-002] [Ord. 2014-025] [Partially relocated from Art. 7.D.3.B.5.b, Spacing at Installation, below]

a. Single Family Residential Lot

Hedges may be planted and maintained along or adjacent to a residential lot line, as follows: [Ord. 2005-002] [Ord. 2014-025] [Ord. 2015-006] [Relocated from Art. 7.D.3.B.2, Residential Hedge Height, below]

1) Hedges shall not exceed four feet in height when located within the required front setback. [Ord. 2005-002] [Ord. 2014-025] [Relocated from Art. 7.D.3.B.2.a, Residential Hedge Height, below]

2) Hedges shall not exceed eight feet in height when located on or adjacent to the side, side street, or rear property lines. [Ord. 2005-002] [Ord. 2014-025] [Relocated from Art. 7.D.3.B.2.b, Residential Hedge Height, below]

b. PDD and Non-residential Perimeter Buffer Hedge Height

Hedges shall not exceed 12 feet in height. Height may be increased to a maximum of 20 feet for an Industrial PDD for the purpose of screening outdoor industrial activities. [Ord. 2005-002] [Ord. 2014-025] [Relocated from Art. 7.D.3.B.3, PDD and Non-residential Perimeter Buffer Hedge Height, below]

2. Hedge and Berm Combination

Hedges may be used in place of required shrubs in compatibility and incompatibility buffers. Hedges, in combination with a berm, may be located on top of a berm in the landscape buffer if it is installed in a manner that provides the minimum height required for continuous solid opaque screen at time of planting. [Partially relocated from Art. 7.F.2.C, Hedges]

B. Hedges

43. Height Measurement

The height shall be measured adjacent to the hedge from the lowest grade on either side of the hedge, unless stated otherwise below. [Ord. 2016-016]

a. Located on Berm

Height shall be measured from the elevation of the berm pursuant to Art. 7.D.6, Berms where the hedge is installed, unless in conflict with standards for Grade Change below. [Ord. 2016-016]

b. Grade Change

Height may be increased when the hedge abuts a retaining wall, subject to the following: [Ord. 2016-016]

1) Residential

The height of the hedge located within the front, side or rear setback of a lot supporting a single family dwelling unit, may be increased when located adjacent to a lot having a different grade when a retaining wall is installed along the property line, in accordance with the following: [Ord. 2016-016]

a) Grade Measurement

The difference in grade shall be determined by measuring the elevation of the retaining wall and the elevation of the abutting lot at the property line. [Ord. 2016-016]

b) Maximum Height Increase

The height of the hedge may be increased by the difference in grade up to a maximum of two feet, whichever is less, as follows: [Ord. 2016-016]

(1) Within the required front setback: Up to a maximum of six feet. [Ord. 2016-016]

(2) Within a side or rear setback: Up to a maximum of ten feet. [Ord. 2016-016]

(3) A guardrail shall be installed on the retaining wall if required by Florida Building Code, subject to the height limitations for fences and walls. [Ord. 2016-042]

2) PDD or Non-residential

Height may be increased when the hedge abuts a retaining wall subject to the requirements of Art. 7.F.D.10, Perimeter Buffers with Grade Changes. [Ord. 2016-016]

2. Residential Hedge Height

Hedges may be planted and maintained along or adjacent to a residential lot line, as follows: [Ord. 2005-002] [Ord. 2014-025] [Ord. 2015-006] [Relocated to Art. 7.D.4.A.1.a, Single Family Residential Lot]

a. Hedges shall not exceed four feet in height when located within the required front setback. [Ord. 2005-002] [Ord. 2014-025] [Relocated to Art. 7.D.4.A.1.a.1), related to Single Family Residential Lot]

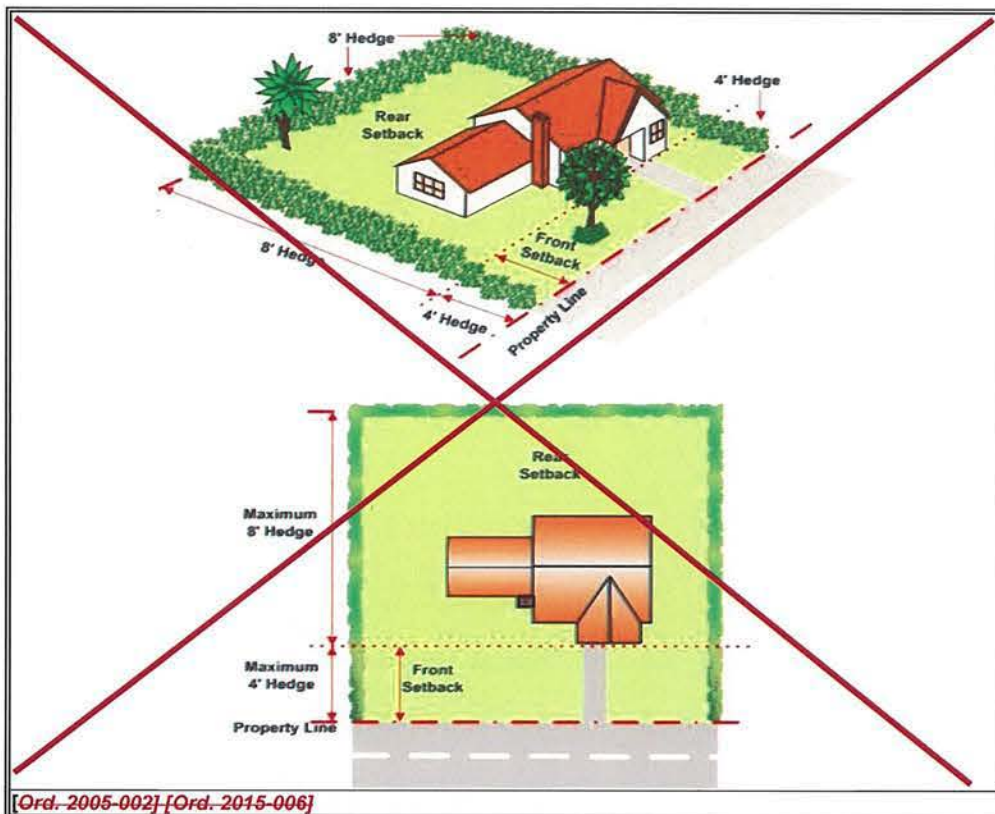
b. Hedges shall not exceed eight feet in height when located on or adjacent to the side, side street, or rear property lines. [Ord. 2005-002] [Ord. 2014-025] [Relocated to Art. 7.D.4.A.1.a.2), related to Single Family Residential Lot]

Table 7.D.3.B—Residential Hedge Height

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[Ord. 2005-002] [Ord. 2015-006]

[Relocated to Figure 7.D.4.A – Maximum Hedge Height, below]

4. *PDD and Non-residential Perimeter Buffer Hedge Height*

Hedges shall not exceed 12 feet in height. [Ord. 2005-002] [Ord. 2014-025] [Relocated to Art. 7.D.4.A.1,b, PDD and Non-residential Perimeter Buffer Hedge Height, above]

5. *Setback*

Hedges shall be setback a minimum of two feet from the property line to allow for maintenance, or additional landscape material if required, unless stated otherwise herein. [Ord. 2016-016] [Partially relocated from Art. 7.F.2.C, Hedges]

46. *Sight Distance*

Hedges shall comply with Article 11.E.9.C, Minimum Safe Sight Distance and Corner Clips at Intersection. [Ord. 2015-006]

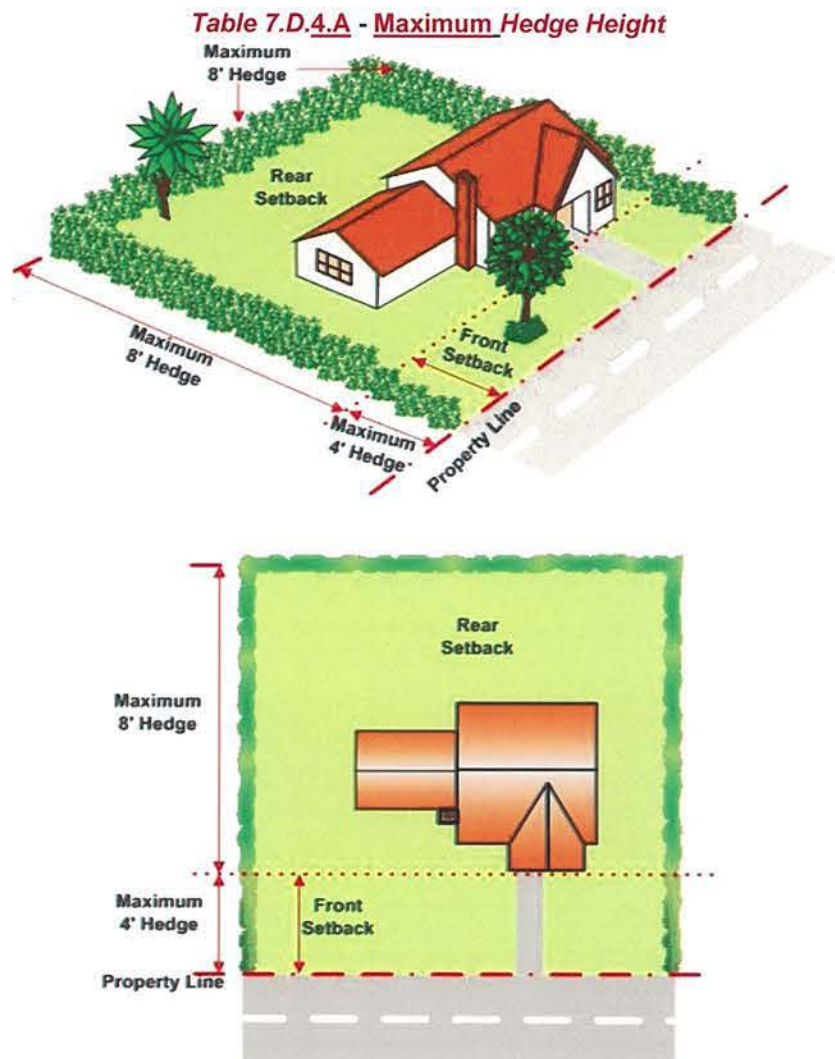
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[Ord. 2005-002] [Ord. 2015-006]

[Relocated from Table 7.D.3.B, Residential Hedge Height, above]

5. Shrub

Required shrubs may be planted in the form of a hedge provided the minimum quantities are installed pursuant to Table 7.C.3, Minimum Tier Requirements, and shall be subject to the following: [Ord. 2005-002] [Ord. 2014-025]

a. Height at Installation

Hedge material shall be a minimum of 24 inches at the time of installation. [Ord. 2014-025]

b. Spacing at Installation

Hedge material shall be planted a maximum of 24 inches on center, or as may be adjusted in the field based upon the type of plants utilized with a maximum spacing of 36 inches on center. [Ord. 2005-002] [Ord. 2014-025] [Partially relocated to Art. 7.D.4.A.1, Height and Spacing Installation, above]

Section 4 — Ground Treatment

The ground within required landscaped areas shall receive appropriate ground treatment at installation. Ground treatment shall not be required in preservation areas. Sand, gravel, shellrock, or pavement is not considered appropriate ground treatment. The following standards shall apply to the installation of ground treatment: [Ord. 2016-042] [Relocated to Art. 7.D.7, Ground Treatment, below]

A. Ground Cover

Containerized Ground cover shall provide a minimum of 50 percent coverage immediately upon planting and 100 percent coverage within six months. Seeded ground cover such as native wildflowers, shall provide a minimum of 50 percent coverage after six month of planting and 50 percent coverage within one year. 100 percent coverage shall be achieved at the second year of planting. [Ord. 2016-042] [Relocated to Art. 7.D.7.A, Ground Cover, below]

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EXHIBIT J

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~~B. Mulch~~

~~Mulch shall be installed and maintained at all times in all planted areas not containing ground cover. All mulch material shall be free of seeds and weeds to prevent tree sprouting and re-growth. [Ord. 2016-042]~~ [Relocated to Art. 7.D.7.B, Mulch, below]

~~C. Alternative Materials~~

~~Alternative materials such as pebbles, egg rocks, or decorative sand may be used up to a maximum of ten percent of ground coverage and only in areas needed to accommodate limited roof water runoff. [Relocated to Art. 7.D.7.C, Alternative Materials, below]~~

~~D. Lawn and Turf~~

~~Grassed areas shall be planted with species suitable as permanent lawns and shall reach 100 percent coverage within six months of planting. Grassed areas may be sodded, plugged, sprigged, or seeded. However, grass shall be required between landscape buffers and swales and in other areas subject to erosion. In areas where grass seed is used, millet or rye shall also be sown. These areas shall be properly maintained to ensure complete coverage. Because of their drought resistant characteristics, it is recommended that Bahia grass species be used. Use of drought-tolerant ground cover instead of lawn and turf grass is encouraged. Undeveloped parcels shall be planted as required in Art. 7.E.5.B, Vacant Lots. [Ord. 2016-042]~~ [Relocated to Art. 7.D.7.D, Lawn and Turf, below]

~~E. Artificial Turf~~

~~Artificial turf may be installed in the interior, terminal or divider medians of a bull pen vehicle storage area. The Applicant shall receive product approval from the Zoning Director, prior to indicating in on the Landscape Plan or installation. [Ord. 2016-042]~~ [Relocated to Art. 7.D.7.E, Artificial Turf, below]

B. Walls

Walls shall be composed of, but not be limited to: concrete panels, or concrete blocks with continuous footer. In the Exurban and Rural Tiers, walls shall be constructed from natural stone, concrete with a stone veneer, or embossed concrete with a natural stone or wood grain. Product samples shall be submitted to the Zoning Division for approval prior to submittal of the Building Permit for the wall.

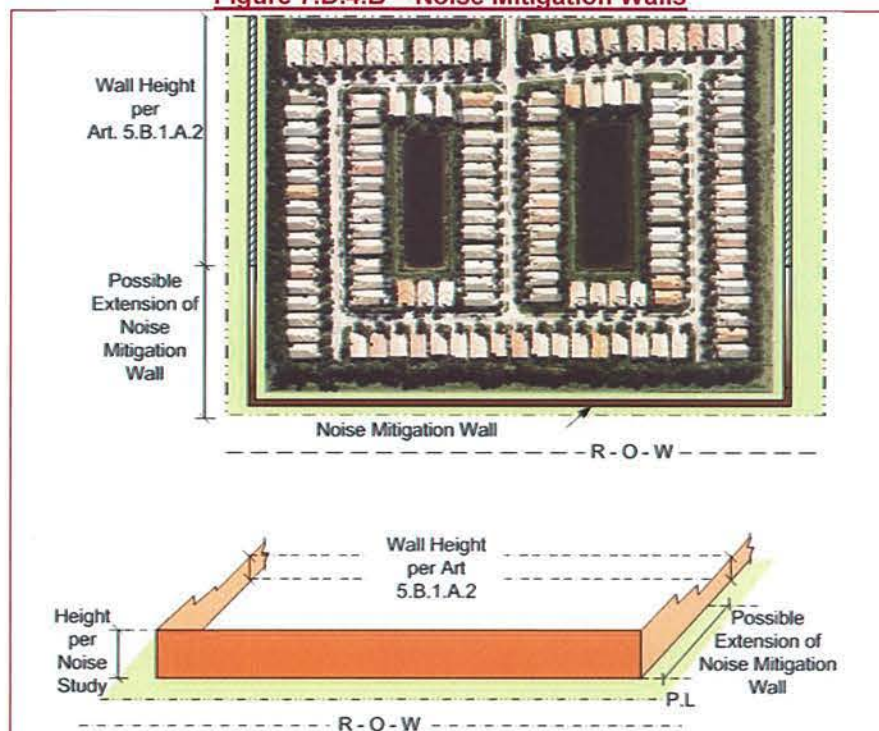
1. Architectural Treatment

Both sides of a wall shall be given a finished architectural treatment that is compatible and harmonious with adjacent developments. [Ord. 2007-013] [Relocated from Art. 7.F.3.D, Architectural Treatment]

2. Noise Mitigation Walls

Walls that abut the Florida Turnpike or any public street and any portion of an attached wall required to comply with the Noise Study, may increase the height to be consistent with the noise analysis acceptable to the FDOT, provided there is a Condition of Approval recommended by Land Development and imposed by the ZC or BCC specifying the requirement for the noise mitigation wall.

Figure 7.D.4.B – Noise Mitigation Walls



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C. Fences

Fence material shall include, but not be limited to: wood, vinyl panel, or vinyl coated chain link. In the Exurban and Rural Tiers, The applicant may submit a product alternatives to the Zoning Division for approval prior to the issuance of the Building Permit for the fence.

1. Chain Link Fences

Chain link fences are prohibited in Incompatibility or R-O-W buffers unless they are vinyl coated. Vinyl coated chain link fences are only permitted in a R-O-W or Incompatibility buffer, and when installed behind an opaque six-foot high hedge. [Ord. 2007-001] [Ord. 2007-013] [Ord. 2016-016] [Partially relocated from Art. 7.F.3.E, Chain Link Fences]

a. Exception

An electrified fence in accordance with Art. 5.B.1.A.2.e.2), Electrified Fence – Exceptions and Regulations, shall not be required to be vinyl coated. [Ord. 2013-018] [Relocated from Art. 7.F.3.E.1, related to Chain Link Fences]

D. Location of Wall or Fence in a Landscape Buffer

Walls or fences utilized in a Landscape Buffer should be located in the center of the buffer, and run parallel to the length of the buffer. Sufficient area with minimum easement encumbrances shall be provided to allow planting on both sides of the wall or fence.

1. Exception

Electrified fencing in accordance with Art. 5.B.1.A.2.e.2), Electrified Fence – Exceptions and Regulations, shall not be required to provide shrubs or hedges on the inside of the electrified fencing or on the inside of the non-electrified fencing or wall which the electrified fencing is adjacent to. [2013-018] [Relocated from Art. 7.F.3.B.1, Exception]

Table 7.D.4.D - Requirements for a Wall or Fence in a Landscape Buffer

| Minimum Requirements | R-O-W | Incompatibility | Compatibility |
|---|--|---|--|
| Setback for the Wall or Fence | 10 feet from the edge of the ultimate R-O-W or Base Building Line, whichever is applicable. (1) [Partially relocated from Art. 7.F.7.E, Walls and Fence] | 10 feet from the edge of the property line. [Partially relocated from Art. 7.F.3.A, Location of Wall or Fence] | No setback required. Allow to be located along the property line. |
| Planting Width | 7.5 feet on both sides of the wall or fence, or 10 feet if a wall with continuous footer is used. (2) (3) | 7.5 feet on both sides of the wall or fence, or 10 feet if a wall with continuous footer is used. (2) (3) | 7.5 feet on one side of the fence. If a wall is installed, 10 feet on one side of the wall. (2) (3) |
| Berm | If a continuous berm is proposed, the wall may be located on top of the berm. | If a continuous berm is proposed, the wall may be located on top of the berm. | No requirement. |
| Canopy Tree Planting | 75 percent of required trees shall be located along the exterior side of the wall or fence. (4) [Partially relocated from Art. 7.F.3.B, Location of Planting] | 75 percent of required trees shall be located along the exterior side of the wall or fence. (4) [Partially relocated from Art. 7.F.3.B, Location of Planting,] | No percentage requirement. |
| Shrub Planting | Shrubs shall be planted on both sides of the wall or fence. [Partially relocated from Art.7.F.3.B, Location of Planting] | Shrubs shall be planted on both sides of the wall or fence. [Partially relocated from Art.7.F.3.B, Location of Planting] | No percentage requirement. |
| Notes: | | | |
| (1) Unless waived or reduced by the County Engineer, provided there remains a minimum of seven and one half clear feet for planting. [Partially relocated from Art.7.F.7.E, Walls and Fences] | | | |
| (2) No easement encumbrances. | | | |
| (3) If a wall is installed, the minimum width of the landscape buffer shall be increased to have sufficient area for the required planting. | | | |
| (4) Percentage of required trees to be located on the exterior side of the wall or fence may be reduced subject to a Type 1 Waiver for Landscaping. | | | |

E. Conflict with Easements

If the placement of the wall or fence conflicts with an easement, the wall or fence shall not encroach upon the easement unless consistent with Article 3.D, Property Development Regulations (PDRs). [Ord. 2007-013] [Relocated from Art. 7.F.3.C, Conflict with Easements]

Section 5 Landscape Buffers with Grade Changes

The height of a hedge, wall or fence may be increased when located on a lot abutting a property with grade difference or in a landscape buffer where a retaining wall is used, subject to the following: [Ord. 2016-016] [Relocated from Art. 7.F.10, Perimeter Buffers with Grade Changes]

A. Grade Measurement

The difference in grade shall be determined by measuring the elevation of the retaining wall and the elevation of the abutting lot at the property line. [Ord. 2016-016] [Relocated from Art. 7.F.10.A, Grade Measurement]

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B. Compatibility Buffer – Maximum Height Increase

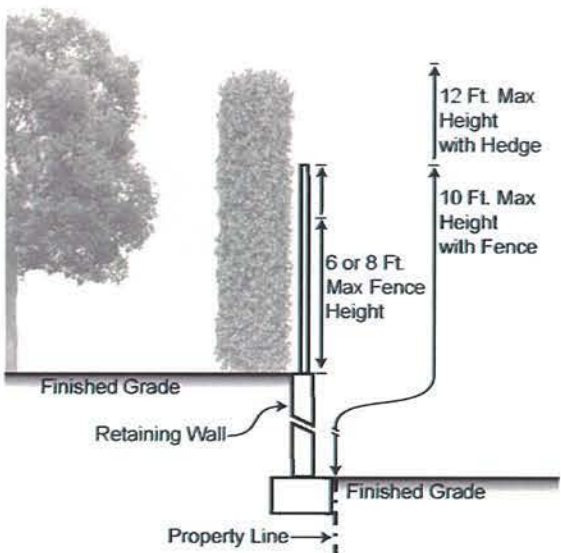
1. Fences

The height of a fence located on a retaining wall in a Compatibility Buffer may be increased by the difference in grade up to a maximum of four feet, whichever is less, as illustrated in Figure 7.F.10, Height Requirements for Compatibility Buffers with Grade Changes Using Retaining Walls. The fence shall be of the minimum height necessary to comply with Florida Building Code requirements for guardrails. [Ord. 2016-016] [Relocated from Art. 7.F.10.B.1, Fences]

2. Hedges

Maximum permitted hedge height abutting a retaining wall may only be increased subject to the requirements of Art. 7.F.10.C, Incompatibility or R-O-W Buffer – Maximum Height. A guardrail shall be installed on the retaining wall if required by Florida Building Code, subject to the height limitations for fences and walls. [Ord. 2016-016] [Relocated from Art. 7.F.10.B.2, Hedges]

Figure 7.D.5.B - Height Requirements for Compatibility Buffers With Grade Changes Using Retaining Walls



[Ord. 20016-016]

[Relocated from Figure 7.F.10.B - Height Requirements for Compatibility Buffers with Grade Changes Using Retaining Walls]

C. Incompatibility or R-O-W Buffer – Maximum Height Increase

The height of a fence, wall or hedge located in an Incompatibility or R-O-W Buffer with a retaining wall may be increased by the difference in grade in accordance with Figure 7.F.10 Height Requirements for Incompatibility or R-O-W Buffers with Grade Changes Using Retaining Walls, and the following: [Ord. 2016-016] [Relocated from Art. 7.F.10.C, Incompatibility or R-O-W Buffer – Maximum Height Increase]

1. Fences and Walls

The height of a fence or wall located on a retaining wall setback a minimum of ten feet from the outer edge of the perimeter buffer may be increased by the difference in grade, up to a maximum overall height of 14 feet, whichever is less. The fence or wall shall be of the minimum height necessary to comply with Florida Building Code requirements for guardrails, or minimum required landscape barrier height. [Ord. 2016-016] [Relocated from Art. 7.F.10.C.1, Fences and Walls]

2. Hedges

The height of a hedge abutting a retaining wall setback a minimum of ten feet from the outer edge of the perimeter buffer may be increased by the difference in grade, up to a maximum height of 16 feet, whichever is less. A guardrail shall be installed on the retaining wall if required by Florida Building Code, subject to the height limitations for fences and walls. [Ord. 2016-016] [Relocated from Art. 7.F.10.C.2, Hedges]

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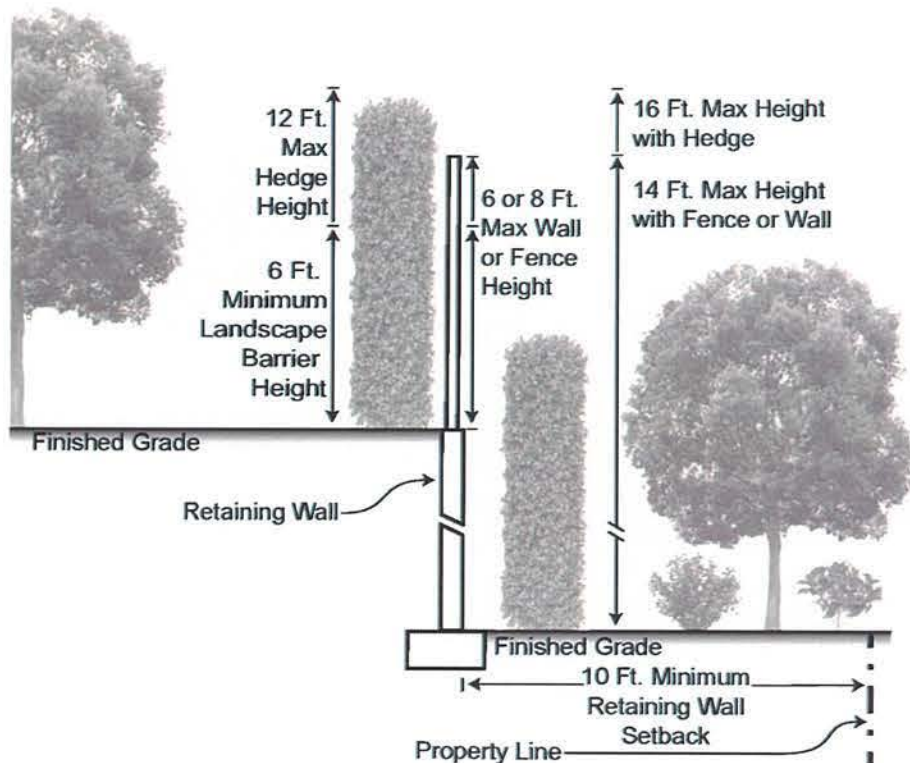
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EXHIBIT J

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Figure 7.D.5.C - Height Requirement for Incompatibility or R-O-W Buffers With Grade Changes Using Retaining Walls



[Ord. 2016-016]

[Relocated from Figure 7.F.10.C - Height Requirement for Incompatibility or R-O-W Buffers With Grade Changes Using Retaining Walls]

Section 5 — Existing Native Trees and Vegetation

~~Existing native trees and vegetation may satisfy the landscape buffer requirements in this Article, in total or in part. Existing native trees and vegetation may be relocated from areas of the site to be used as or in a landscape buffer. In determining whether native trees and vegetation satisfy the requirements of this Article, the following shall be considered:~~ [Partially relocated to Art. 7.E.1, Purpose related to Chapter E]

~~A. The effectiveness of the visual screening. If adequate screening is provided, then no additional trees and vegetation will be required.~~ [Partially relocated to Art. 7.E.1.A, related to Purpose of Chapter E]

~~B. The quality and kind of the trees and vegetation being preserved.~~ [Partially relocated to Art. 7.E.1.B, related to Purpose of Chapter E]

Section 6 — Prohibited Plant Species

~~The planting or installation of the following plant species is prohibited. Each planting plan, landscape plan or ALP shall include a program to eradicate and prevent the reestablishment of these species.~~ [Relocated to Art. 7.E.4, Prohibited Plant Species]

~~A. Prohibited plant species listed in Article 14.C, VEGETATION PRESERVATION AND PROTECTION.~~ [Relocated to Art. 7.E.4.A, related to Prohibited Plant Species]

~~B. Any plant species classified in Article 14.C, VEGETATION PRESERVATION AND PROTECTION, as an "invasive non-native species".~~ [Relocated to Art. 7.E.4.B, related to Prohibited Plant Species]

Section 7 — Controlled Plant Species

~~The following species may be planted or maintained under controlled conditions:~~ [Relocated to Art. 7.E.5, Controlled Plant Species]

A. Black Olives

~~Black olives shall not be installed within 15 feet of any vehicular use area, sidewalk, paved pathway, or bike lane.~~ [Relocated to Art. 7.E.5.A, Black Olives and Mahogany]

B. Ficus Species

~~Ficus species may be planted under the following conditions but shall not exceed a maximum of ten percent of the total number of required trees.~~ [Relocated to Art. 7.E.5.B, Ficus Species]

Notes:

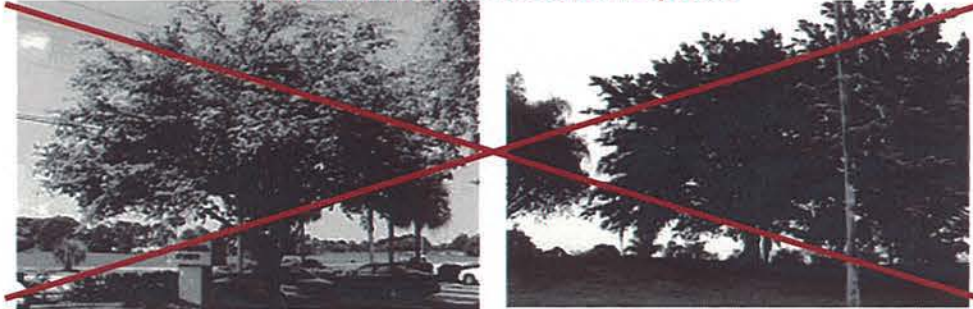
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EXHIBIT J

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- ~~1. Planted as individual trees provided they are no closer than 30 feet from any structure or utility;~~
[Relocated to Art. 7.E.5,B.1, related to Ficus Species]
- ~~2. Contained in a planter or root barrier, or~~ [Relocated to Art. 7.E.5,B.2, related to Ficus Species]
- ~~3. Maintained in accordance with the restrictions for hedges pursuant to Art. 7.D.3.B, Hedges. Ficus hedges in interior landscape areas shall not exceed a maximum of 12 feet in height, measured from the lowest grade adjacent to the hedge. [Ord. 2005-002]~~ [Relocated to Art. 7.E.5,B.3, related to Ficus Species]

Photo 7.D.7.B—Controlled Plant Species



~~Black Olive Tree: May not be installed within 15 feet of any vehicular use area, sidewalk, pathway, or lane.~~

~~Ficus Tree: May be used in landscaping only under controlled conditions.~~

C. Silk Oak, Rosewood

~~Silk Oak and Rosewood trees shall not be planted within 500 feet of a preserve area.~~ [Relocated to Art. 7.E.5,C, Silk Oak, Rosewood]

D. Citrus Trees

~~Citrus trees shall not qualify as a required tree, except for single-family lots.~~ [Relocated to Art. 7.E.5,D, Trees]

Section 8 — Artificial Plants

~~No artificial plants or vegetation shall be used to meet any standard of this Section.~~ [Relocated to Art. 7.E.6, Artificial Plants]

Section 9-6 Berms

Berms may be used as non-living landscape barriers only when used in conjunction with plant materials and where existing natural vegetation is not disturbed. Berms may be used in conjunction with fences, walls or hedges to meet the total height requirements ~~of incompatibility landscape buffers, as illustrated in Figure 7.D.9.C-4, Berm Elevation and Drainage Requirements, provided that hedges are installed at the height necessary to provide the total six foot screen at the time of planting.~~ [Relocated to Art. 7.D.9.D, Incompatibility Buffer, below] ~~Berms may be installed in preservation areas only where they will not affect the viability of preserved trees and vegetation.~~ [Relocated to Art. 7.D.9.E, Preservation Areas, below] ~~Runoff from berms shall be contained within the property, as illustrated in Figure 7.D.9.C-4, Berm Elevation and Drainage Requirements, or in a manner approved by the County Engineer.~~ [Ord. 2016-016] [Relocated below under Art. 7.D.9.B, Maximum Slope, below]

A. Tier Restrictions

Landscape berms are not allowed within the Exurban, Rural, Agricultural Preserve, or Glades Tiers, unless approved through a Type I Waiver or located along a Rural Parkway. [Ord. 2016-042]

B. Maximum Slope

The slope of a berm shall not exceed three-to-one. ~~Runoff from berms shall be contained within the property, as illustrated in Figure 7.D.9.C, Berm Elevation and Drainage Requirements, or in a manner approved by the County Engineer.~~ [Relocated from Art. 7.D.9, Berms, above]

C. Height Measurement

Berm height shall be measured from the nearest adjacent top of the curb (parking lot) or the nearest adjacent crown of the road or the nearest adjacent finished floor elevation, whichever is higher. [Ord. 2005 – 002]

D. Incompatibility Buffer

~~Incompatibility buffers, as illustrated in Figure 7.D.9.C, Berm Elevation and Drainage Requirements, provided that hedges and shrubs are installed at the height necessary to provide the total six foot screen at the time of planting.~~ [Relocated from Art. 7.D.9, Berms, above]

E. Preservation Areas

~~Berms may be installed in preservation areas only where they will not affect the viability of preserved trees and vegetation.~~ [Partially relocated from Art. 7.D.9, Berms, above]

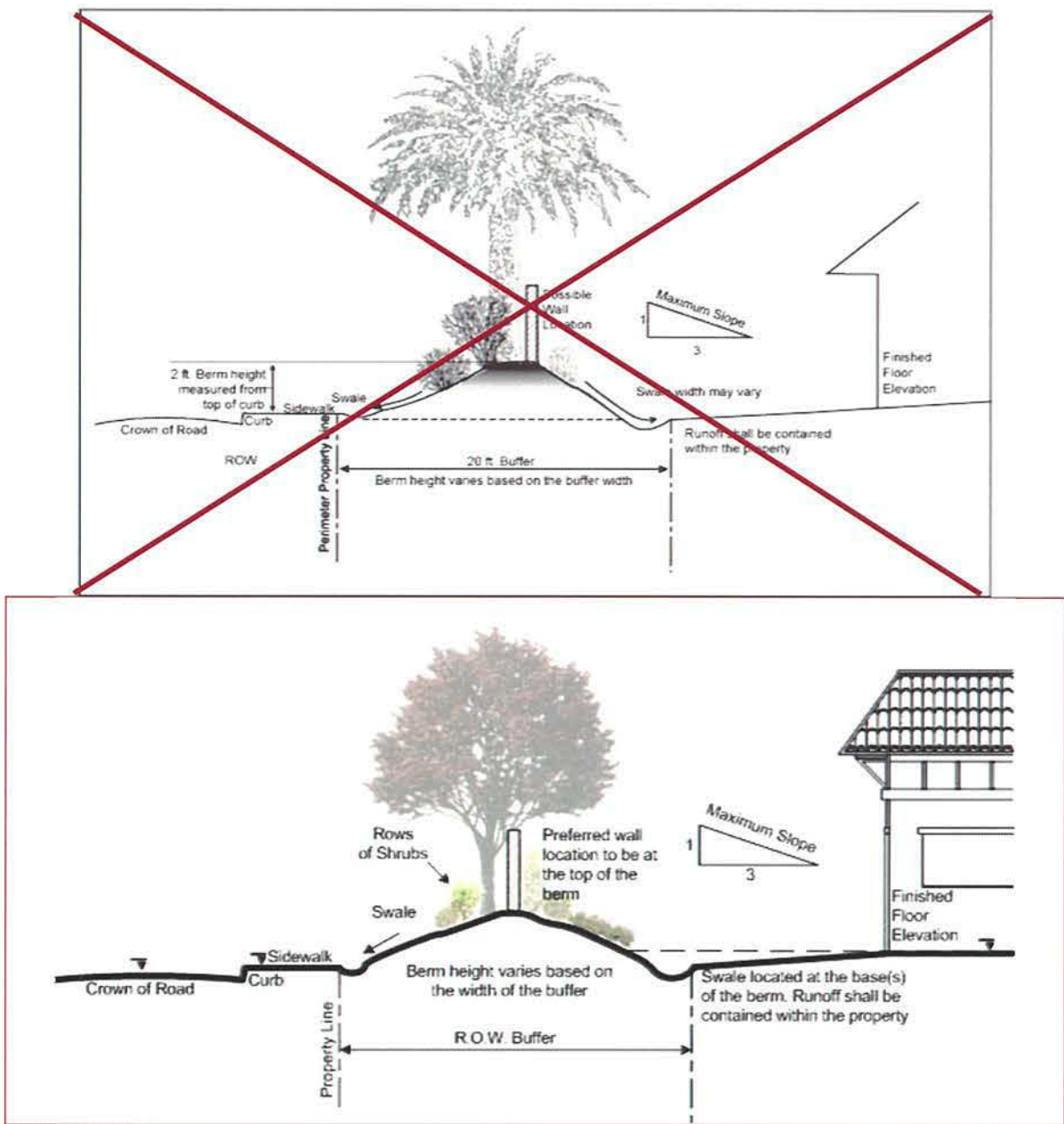
Figure 7.D.9.C - Berm Elevation and Drainage Requirements

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[Ord. 2005-002]

Section 7 Ground Treatment

The ground within required landscaped areas shall receive appropriate ground treatment at installation. Ground treatment shall not be required in preservation areas. Mulch that originated from a plant specie that will create an environmental impact shall be discouraged for application. Sand, gravel, shellrock, or pavement is not considered appropriate ground treatment. The following standards shall apply to the installation of ground treatment: [Ord. 2016-042] [Relocated from Art. 7.D.4, Ground Treatment]

A. Ground Cover

Containerized Ground cover shall provide a minimum of 50 percent coverage immediately upon planting and 100 percent coverage within six months. Seeded ground cover such as native wildflowers, shall provide a minimum of 50 percent coverage after six month of planting and 50 percent coverage within one year. 100 percent coverage shall be achieved at the second year of planting. [Ord. 2016-042] [Relocated from Art. 7.D.4.A, Ground Cover]

B. Mulch

Mulch shall be installed and maintained at all times in all planted areas not containing ground cover. All mulch material shall be free of seeds and weeds to prevent tree sprouting and regrowth. [Ord. 2016-042] The application of Cypress mulch shall be discouraged. [Relocated from Art. 7.D.4.B, Mulch]

C. Alternative Materials

Alternative materials such as pebbles, egg rocks, or decorative sand may be used up to a maximum of ten percent of ground coverage and only in areas needed to accommodate limited roof water runoff. [Relocated from Art. 7.D.4.C, Alternative Materials]

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D. Lawn and Turf

Grassed areas shall be planted with species suitable as permanent lawns and shall reach 100 percent coverage within six months of planting. Grassed areas may be sodded, plugged, sprigged, or seeded. However, grass shall be required between landscape buffers and swales and in other areas subject to erosion. In areas where grass seed is used, millet or rye shall also be sown. These areas shall be properly maintained to ensure complete coverage. Because of their drought resistant characteristics, it is recommended that Bahia grass species be used. Use of drought-tolerant ground cover instead of lawn and turf grass is encouraged. Undeveloped parcels shall be planted as required in Art. 5.L, Property and Vegetation Maintenance. [Ord. 2016-042] [Relocated from Art. 7.D.4. D, Lawn and Turf]

E. Artificial Turf

Artificial turf may be installed in the interior, terminal or divider medians of a bull pen vehicle storage area. The Applicant shall receive product approval from the Zoning Director, prior to indicating in on the Landscape Plan or installation. [Ord. 2016-042] [Relocated from Art. 7.D.4.E, Artificial Turf]

Section 10 R-O-W Landscaping

Landscaping in the median or swale of streets may be required by the BCC or the County Engineer pursuant to Article 11.C.1.C.1, Access and Circulation Systems.

Section 11 Foundation Plantings

~~Foundation plantings shall be provided along facades as required by Table 7.C.3, Minimum Tier Requirements, for non-residential structures unless specifically exempted by this Section. [Partially relocated to Art. 7.C.3.B.1, Applicability, related to Foundation Plantings] All required foundation plantings shall include a minimum of one tree or palm for each 20 linear feet of building facade and one shrub or ground cover for every 10 square feet of planting area. [Ord. 2013-021] [Ord. 2014-025] [Ord. 2016-042] [Partially relocated to Table 7.C.3.B – Foundation Planting and Dimensional Requirements]~~

A. Exemptions

- ~~1. Agricultural or industrial buildings that are not visible from a public street or residential zoning district. [Relocated to Art. 7.C.3.B.2.a, related to Exemptions]~~
- ~~2. Buildings which are exempt from local building permits or government review pursuant to State or Federal Statutes. [Relocated to Art. 7.C.3.B.2.b, related to Exemptions]~~
- ~~3. Structures within a TDD, where a build-to-line is established along the sidewalk, except where required in Article 3.F, TRADITIONAL DEVELOPMENT DISTRICTS (TDDs). [Relocated to Art. 7.C.3.B.2.c, related to Exemptions]~~
- ~~4. Properties where the required planting area would overlap a required buffer. [Relocated to Art. 7.C.3.B.2.d, related to Exemptions]~~
- ~~5. Accessory buildings and structures subject to Zoning approval. [Relocated to Art. 7.C.3.B.2.e, related to Exemptions]~~

B. WCRAO Deviations

~~Parcels located in the WCRAO may deviate from foundation planting requirements pursuant to Article 3.B.14.J, WCRAO Landscape Deviations. [Ord. 2010-022] [Partially relocated to Art. 3.B.14, WCRAO]~~

C. Minimum Length

~~The combined length of the required foundation planting shall be as required by Table 7.C.3, Minimum Tier Requirements. The minimum length shall be calculated by the total length of the applicable side of the structure, excluding garage doors and loading bays. [Partially relocated to Table 7.C.3.B – Foundation Planting and Dimensional Requirements, note #1]~~

D. Planting around signs

~~A three foot wide planting area shall be required around the base of all ground-mounted signs. One shrub for each ten square feet of planting area shall be installed within the planting area and maintained at a minimum height of 18 inches. Monument signs six feet in height or less may be surrounded by ground cover on all sides instead of shrubs. Landscaping and trees that interfere with the visibility of signage may be relocated to the rear of the sign planting area, subject to approval by the Zoning Division. [Relocated to Art. 7.C.3.C, Planting Around Signs]~~

E. Large Scale Commercial Development

~~In addition to the requirements of this Code, developments with single tenants occupying 65,000 gross square feet or more shall be subject to the following foundation planting standards: [Ord. 2005—002]~~

1. Dimensional Requirements

- ~~a. Planting areas shall be in accordance with Table 5.C.1.I, Large Scale Commercial Development, or Table 7.C.3, Minimum Tier Requirements whichever is greater. [Ord. 2005—002]~~

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b. ~~Foundation planting shall meander along building facade, and shall not be entirely located at the base of the building. [Ord. 2005-002]~~ [Relocated to Art. 7.C.7.B, Foundation Planting]

2. ~~Easements~~

~~No easement encroachment shall be permitted, except for bisecting utility easements and pedestrian walkways. [Ord. 2005-002]~~

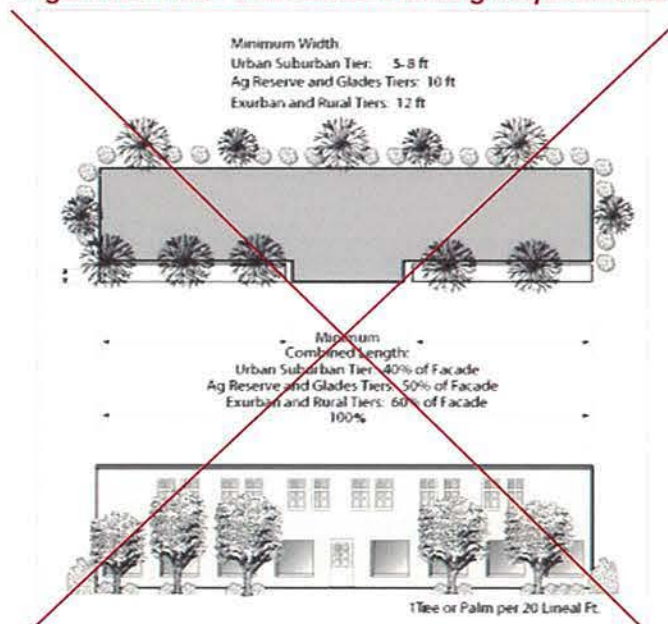
3. ~~Planting Requirements~~

a. ~~One tree or palm for every 15 feet of facade. [Ord. 2005-002]~~

b. ~~Trees/palms shall be evenly distributed along the facade. [Ord. 2005-002]~~

c. ~~The height of plant material shall be in relation to the height of the adjacent facade or wall. The height of 50 percent of required trees or palms shall be a minimum of two-thirds of the height of the building. [Ord. 2005-002]~~

Figure 7.D.11.D — Foundation Planting Requirements



[Relocated to Figure 7.C.3 – Foundation Planting Requirements]

F. ~~Freestanding ATM's and Unmanned Retail Structures~~

~~Required foundation plantings may be modified as follows: [Ord. 2013-021]~~ [Relocated to Art. 7.C.3.B.3, Establishments with Drive-Through, Freestanding ATMs and unmanned Retail Structure]

1. ~~Walk Up~~

~~Foundation planting areas may be relocated up to a maximum of ten feet away from the applicable facade to accommodate pedestrian walkways, access to the ATM or Unmanned Retail Structure; or, as needed to comply with F.S. 655.960, security lighting, or Crime Prevention Through Environmental Design (CPTED) guidelines. [Ord. 2013-21] [Ord. 2017-007]~~ [Relocated to Art. 7.C.3.B.3.a, Walk Up]

2. ~~Drive-Through~~

~~Foundation planting areas may be relocated in accordance with similar provisions for other drive-through establishments, except that required foundation planting areas shall not be relocated to the facade of any adjacent building or structure other than the Freestanding ATM or the Unmanned Retail Structure. [Ord. 2013-21] [Ord. 2017-007]~~ [Relocated to Art. 7.C.3.B.3.b, Drive Thru]

Section 12 — ~~Landscape in Easements~~

~~Easements may overlap a required landscape buffer by a maximum of five feet, provided there remains a minimum of five clear feet for planting. If a wall with a continuous footer is used, a minimum of ten clear feet for planting is required. The landscape buffer may be traversed by easements or access ways as necessary to comply with the standards of this Article, and Article 11, SUBDIVISION, PLATTING, AND REQUIRED IMPROVEMENTS, and other PBC codes. Easements shall be identified prior to the preparation of site or subdivision plans and any proposed overlap shall be approved by the DRO or Zoning Division. [Relocated to Art. 7.C.5, Easement in Landscape Buffers]~~

A. ~~Infill Development~~

~~Required landscape buffers for infill development may overlap easements by more than five feet, provided that there remains a minimum of five clear feet for planting or ten clear feet if a wall with a continuous footer is used.~~

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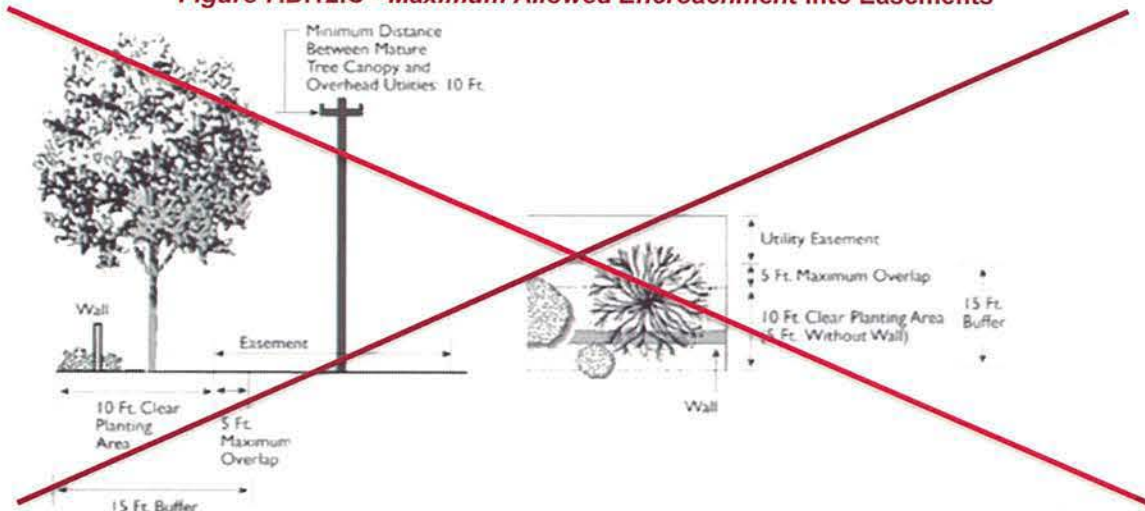
B. Overhead Utilities

~~Trees planted within any easement with overhead utilities shall comply with the placement and maintenance requirements in the latest edition of FP&L's publication "Plant the Right Tree in the Right Place," available from the Zoning Division, and take into consideration the mature height and spread of the species beneath or adjacent to overhead utilities. Where overhead utilities exist, trees shall be maintained so that the mature tree canopy is a minimum of ten feet from overhead lines. Plants required in the easement area may be planted elsewhere on site, in the vicinity of the required location. In order to maintain tree and plant spacing when a landscape buffer is traversed by a utility easement, a larger overlap may be allowed with the written approval of the relevant utility service company. Where a utility easement crosses a R-O-W buffer, plant material spacing may be adjusted, provided there is no reduction in the amount of required plant material.~~ [Relocated to Art. 7.C.5.B, Overhead Utilities]

C. Detention/Retention Areas, Swales, and Drainage Easements

~~Detention/retention areas, drainage easements, and sloped, directional swales greater than one foot below finished grade, may overlap required landscape buffers provided a minimum of five feet remains for planting. [Ord. 2006-004] [Ord. 2016-042]~~ [Relocated to Art. 7.C.5.C, Detention/Retention Areas, Swales, and Drainage Easements]

Figure 7.D.12.C – Maximum Allowed Encroachment into Easements



[Relocated to Figure 7.C.5 – Maximum Allowed Encroachment into Easements]

~~1. Planting may be allowed in the dry detention area if approved by the Land Development Division. [Ord. 2016-042]~~ [Relocated to Art. 7.C.5.C 1, Related to Detention/Retention Areas, Swales, and Drainage Easements]

D. Lake Maintenance Easements (LME)

~~Planting of new trees or relocation of native, non-prohibited or specimen vegetation may occur in the LME subject to the approval by the Land Development Division. [Ord. 2016-042]~~ [Relocated to Art. 7.C.5.D, Lake Maintenance Easement (LME)]

Section 13 – Corner Clips

~~Landscaping within corner clip and visibility triangles required by Article 11, SUBDIVISION, PLATTING, AND REQUIRED IMPROVEMENTS, shall be subject to the following limitations.~~ [Relocated to Art. 7.C.6, Corner Clips and Safe Sight Corners]

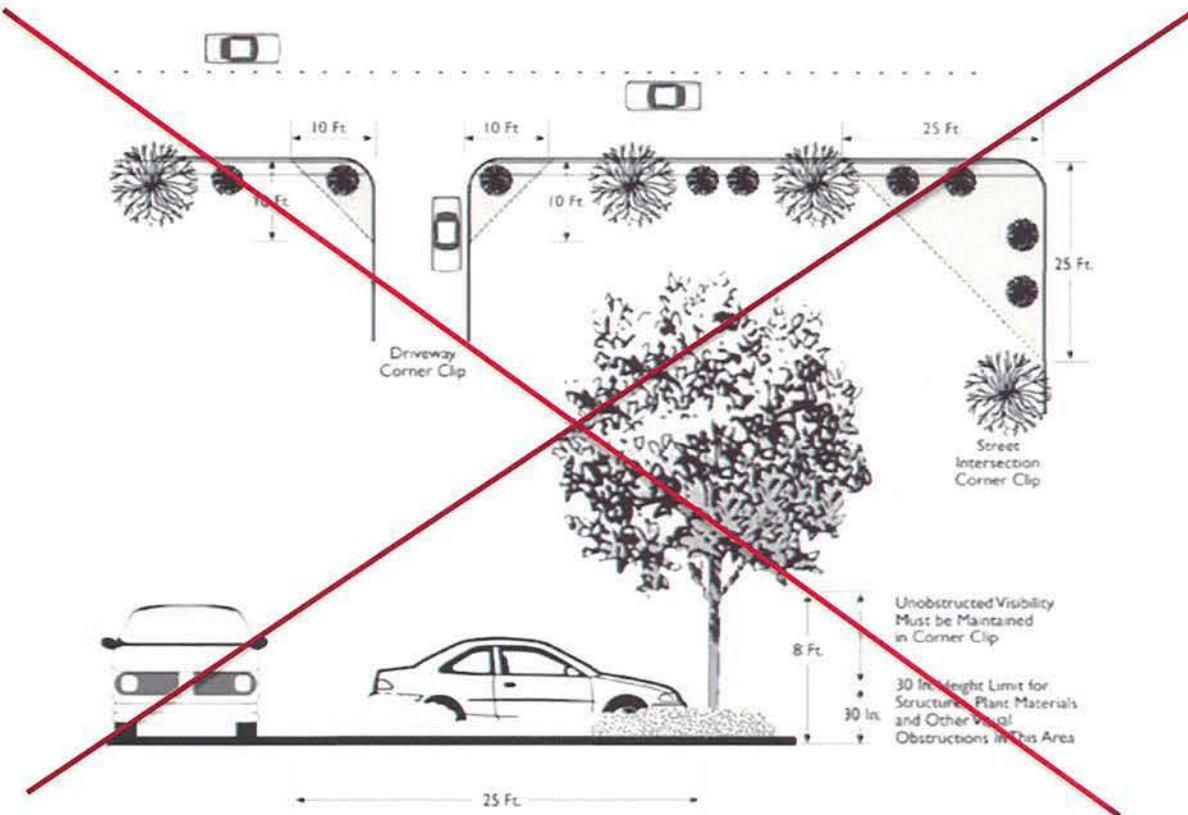
- ~~A. An area of unobstructed visibility shall be maintained between 30 inches and eight feet above the crown of the adjacent roadway. [Relocated to Art. 7.C.6.A, related to Corner Clips and Safe Sight Corners]~~
- ~~B. Vegetation located adjacent to and within corner clip areas shall be trimmed so that limbs or foliage do not extend into the required visibility area. [Relocated to Art. 7.C.6.B, related to Corner Clips and Safe Sight Corners]~~
- ~~C. All landscaping in a corner clip shall be planted and perpetually maintained by the property owner, except where maintained by another entity such as a Homeowner's Association (HOA). [Relocated to Art. 7.C.6.C, related to Corner Clips and Safe Sight Corners]~~

Figure 7.D.13 – Corner Clip Visibility Requirements

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[Relocated to Figure 7.C.5 – Corner Clip and Safe Sight Corner Visibility Requirements]

Part 5. ULDC Art. 7.D.5, Existing Native Trees and Vegetation (page 20-32 of 49), are hereby amended as follows:

CHAPTER E EXISTING NATIVE VEGETATION, PROHIBITED AND CONTROLLED PLANT SPECIES

Section 51 Existing Native Trees and Vegetation Purpose

To establish standards and requirements for the preservation of existing native vegetation; removal of prohibited species, and reduction of controlled species. For the purpose of Article 7, existing native vegetation includes native trees, palms, and pines and are required to be incorporated in the site for any application that is subject to a DO. Existing native vegetation may satisfy the landscape requirements in this Article, in total or in part. In determining whether native vegetation satisfies the requirements of this Article and the goals of Art. 14.C, Vegetation Preservation and Protection, either one or both of the following shall be considered: [Partially relocated from Art. 7.D.5.A, related to Existing Native Trees and Vegetation]

A. The effectiveness of utilizing the existing vegetation as visual screening and re-establish a natural habitat for the existing vegetation; or [Partially relocated from Art. 7.D.5.A, related to Existing Native Trees and Vegetation]

B. The quality and species of the vegetation being preserved. [Partially relocated from Art. 7.D.5.B, related to Existing Native Trees and Vegetation]

Section 2 Authority and Review Procedures

The Zoning Director shall have the authority to require the preservation of vegetation on-site that is not covered under Article 14.C, Vegetation Preservation and Protection, subject to the following: [Ord. 2016-016] [Partially relocated from Art. 7.D.2.E, Preservation of Trees]

A. Pre-application Appointment (PAA)

The Applicant shall meet with the Zoning Division and the Department of Environmental Resources Management (ERM) prior to the submittal of the application. Staff shall coordinate with the Applicant to address the preservation of native vegetation in the early stage of development review, and to resolve design issues without impacting the timeline for certification or approval of the application. Staff may request a site visit with the Applicant to determine whether the existing vegetation is worthy of preservation, and inform the Applicant of the necessary application requirements, including a Vegetation Survey to be submitted as part of the Zoning application.

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B. Review and Permit Procedures

Zoning Division and ERM shall collaborate on the review of all applications that require preservation of existing vegetation through: PAA, site visits, site design to maximize preservation, and when appropriate, conditions of approval shall be imposed to ensure the requirements are being monitored at land development review and building permit stages.

1. Application Submittal

- a. In addition to all the required forms and related documents pursuant to Art. 2, Application Processes and Procedures, the applicant shall include a description of the proposed site development, and indicate any proposal for preservation of existing native vegetation in the Justification Statement;
- b. The Applicant shall submit a Vegetation Survey with estimated preliminary finished grade of the areas where the proposed preservation of vegetation is located; and
- c. Any preservation or relocation of vegetation shall be shown on the applicable Zoning Plan(s) with a Vegetation Disposition Chart pursuant to Title 4, Landscaping, Chapter C of the Zoning Technical Manual for the template and notes.

2. Site Visit

If a PAA is not requested by the Applicant prior to the submittal of the Zoning application, Staff shall conduct a site visit to determine if a Vegetation Survey and a Vegetation Disposition Chart are required. If necessary, the requirement shall be listed as a certification issue at the issuance of the first set of DRO comments.

3. Agreement on Preservation

- a. Staff shall set up an appointment with the Applicant to discuss the recommendations related to the site design and preservation. If the recommendations require a redesign of the site layout, the Applicant shall address issues related to the preservation and relocation of vegetation before certification of the application for public hearings or Final Approval by the DRO.
- b. Prior to the certification or approval of an application, the Applicant shall agree to the specific requirements which includes, preservation, relocation, mitigation, replacement of the existing native vegetation, and shall be shown on the Plan(s) and Vegetation Disposition Chart.
- c. The Zoning Director shall have the authority to impose conditions of approval on the development order to require the incorporation of existing vegetation into the site design. **[Ord. 2016-016] [Relocated from Art. 7.D.2.E.2, Preservation of Trees]**

4. ERM Vegetation Protection

For applications that are approved by the ZC or BCC, the Applicant shall submit a Protection of Native Vegetation application to ERM prior to Final Approval by the DRO. For applications that are approved by the DRO, the Applicant shall submit the Protection of Native Vegetation Approval application concurrent with the Vegetation Barricade Permit. A Vegetation Permit shall be issued by ERM if the requirements are consistent with the approved Zoning Plans, conditions of approval or in compliance with Code.

5. Vegetation Barricade Permit

- a. Prior to any land clearing activity; removal of vegetation; or issuance of any other Building Permits for the site, the Applicant shall:
 - 1) Submit a Vegetation Barricade Permit application to the Building Division;
 - 2) Tag all existing vegetation as identified on the approved plans and Vegetation Disposition Chart to ensure there are no discrepancies between the approved documents and the site situations; and,
 - 3) Install all barricades around tagged vegetation that is to be preserved or relocated on the site.
- b. The Vegetation Barricade Permit application shall be reviewed by the Zoning Division and ERM. Staff shall schedule inspections for the installation of the tags and barricades prior to the approval of the Permit.
- c. PZB shall inspect the site for compliance with the Vegetation Barricade Permit to ensure all barricades are properly installed around the vegetation to be preserved or relocated. Once the final inspection for the Vegetation Barricade Permit is signed off by the Zoning Division, other permits for the property may be issued.

Section 3 Tree Credit and Replacement

A preserved upland or drought-tolerant tree or palm meeting the standards in this Article may be substituted for required trees, subject to the following: [Relocated from Art. 7.D.2.F, Tree Credit]

A. Vegetation Survey

Credit shall be granted for on-site preservation of existing vegetation when accompanied by a tree survey. [Relocated from Art. 7.D.2.F.1, Tree Survey]

B. Trees Excluded from Credit

Credits shall not be permitted for ~~trees-vegetation-that are~~: [Relocated from Art. 7.D.2.F.2, Trees Excluded from Credit]

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1. *Required for preservation by Article 14.C, Vegetation Preservation and Protection (i.e. located in required preservation areas, heritage or champion trees);* [Relocated from Art. 7.D.2.F.2.a, related to Trees Excluded from Credit]
2. *Not properly protected from damage during the construction process, as required in Article 14.C, Vegetation Preservation and Protection;* [Relocated from Art. 7.D.2.F.2.b, related to Trees Excluded from Credit]
3. *Classified as prohibited or invasive non-native species as defined in Article 14.C, Vegetation Preservation and Protection;* [Relocated from Art. 7.D.2.F.2.c, related to Trees Excluded from Credit]
4. *Dead, dying, diseased, or infested with harmful insects;* or [Relocated from Art. 7.D.2.F.2.d, related to Trees Excluded from Credit]
5. *Located on a subarea of a planned development that is not intended to be developed for residential, commercial, or industrial use, such as a golf course on an adjacent open space parcel.* [Relocated from Art. 7.D.2.F.2.e, related to Trees Excluded from Credit]

C. Tree Credit Formula

All existing vegetation to be preserved, mitigated on or off site, replaced on or off site shall be credited pursuant to Table 7.E.3, Tree Credit and Replacement. Pines with a caliper of two inch or more shall be subject to preservation, mitigation or replacement. [Ord. 2016-042] [Relocated from Art. 7.D.2.F.3, Tree Credit Formula]

Table 7.E.3.C - Tree Credit and Replacement

| Diameter at 4.5 Feet Above Grade (1) | = | Credits or Replacements |
|--|---|-------------------------|
| Less than 2 in. | = | 0 |
| 2-6 in. | = | 1 |
| 7-11 in. | = | 2 |
| 12-16 in. | = | 3 |
| 17-21 in. | = | 4 |
| 22-26 in. | = | 5 |
| 27-31 in. | = | 6 |
| 32-36 in. | = | 7 |
| 37 in. or more | = | 8 |
| [Ord. 2014-025] [Ord. 2016-042] | | |
| Notes: | | |
| (1) Fractional measurements shall be rounded down. | | |

[Partially relocated from Art. 7.D.2.F, Tree Credit]

Section 4 Prohibited Plant Species

The planting or installation of the following plant species is prohibited. Each planting plan, landscape plan or ALP shall include a program to eradicate and prevent the reestablishment of these species. [Relocated from Art. 7.D.6, Prohibited Plant Species]

- A. *Prohibited plant species listed in Article 14.C, Vegetation Preservation and Protection.* [Relocated from Art. 7.D.6.B, related to Prohibited Plant Species]
- B. *Any plant species classified in Article 14.C, Vegetation Preservation and Protection, as an "invasive non-native species".* [Relocated from Art. 7.D.6.B, related to Prohibited Plant Species]

Section 5 Controlled Plant Species

The following species may be planted or maintained under controlled conditions: [Relocated from Art. 7.D.7, Controlled Plant Species]

A. Black Olives and Mahogany

Black Olives and Mahogany shall not be installed within 15 feet of any vehicular use area, sidewalk, paved pathway, or bike lane. [Relocated from Art. 7.D.7.A, Black Olives]

B. Ficus Species

Ficus species may be planted under the following conditions but shall not exceed a maximum of ten percent of the total number of required trees. [Relocated from Art. 7.D.7.B, Ficus Species]

1. *Planted as individual trees provided they are no closer than 30 feet from any structure or utility;* [Relocated from Art. 7.D.7.B.1, related to Ficus Species]
2. *Contained in a planter or root barrier; or* [Relocated from Art. 7.D.7.B.2, related to Ficus Species]
3. *Maintained in accordance with the restrictions for hedges pursuant to Art. 7.D.3.B, Hedges. Ficus hedges in interior landscape areas shall not exceed a maximum of 12 feet in height, measured from the lowest grade adjacent to the hedge.* [Ord. 2005 – 002] [Relocated from Art. 7.D.7.B.3, related to Ficus Species]

C. Silk Oak, Rosewood

Silk Oak and Rosewood trees shall not be planted within 500 feet of a preserve area. [Relocated from Art. 7.D.7.C, Silk Oak, Rosewood]

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D. Trees

Citrus trees shall not qualify as a required tree, except for single-family lots. [Relocated from Art. 7.D.7.D, Citrus Trees]

Section 6 Artificial Plants

No artificial plants or vegetation shall be used to meet any standard of this Article. [Relocated from Art. 7.D.8, Artificial Plants]

Part 6. ULDC Art. 7.F, **REVIEW, INSTALLATION AND MAINTENANCE** (pages 26-46 of 49), are hereby amended as follows:

CHAPTER ~~E~~ F REVIEW, INSTALLATION AND MAINTENANCE

This Chapter establishes standards for the ~~landscape review~~, installation and maintenance of ~~trees and landscape plant~~ material. [Ord. 2009-040]

Section 1 General

Plant material shall:

- ~~A. Be planted in soil and conditions appropriate for their growth habits.~~
- ~~B. Be appropriate for the USDA plant hardiness zone and ecological setting in which they are to be planted.~~
- ~~C. Be compatible with existing native plants in the area through similar ornamental properties and physical requirements (e.g. water use, soil conditions).~~

Section 2 Landscape Permit

~~To ensure compliance with the various requirements associated with a new development permit for installation and maintenance of landscape on site, the applicant shall: [Ord. 2009-040]~~

- ~~A. Submit an application for a Landscape Review on forms prepared by the Zoning Division; [Ord. 2009-040]~~
- ~~B. Comply with Code requirements and any conditions of approval; [Ord. 2009-040]~~
- ~~C. Schedule and receive approval of all required landscape inspections; and, [Ord. 2009-040]~~
- ~~D. Adhere to long-term landscape maintenance obligations and all material associated with the application. [Ord. 2009-040]~~

Section 3 1 Plant Quality

Plants installed pursuant to this Article shall conform to or exceed the minimum standards for Florida Number 1, as provided in the most current edition of "~~Grades and Standards for Nursery Plants, Parts I and II~~", Florida Grades and Standards for Nursery Plants, as amended, prepared by the ~~State of~~ Florida Department of Agriculture and Consumer Services, ~~see Appendix B for Examples of Florida Number 1 Quality Plants.~~ A different minimum standard may be approved for native plants installed in accordance with an approved ALP if an applicant demonstrates that sufficient quantities of commercial stock meeting the Florida Number 1 standard are not available. All plants shall be clean and free of noxious pests and/or diseases.

Section 4 2 Installation

All landscaping shall be installed according to acceptable nursery practices in a manner designed to encourage vigorous growth. Soil improvement measures may be required to ensure healthy plant growth. Before planting, a plant or tree's growth characteristics shall be considered to prevent conflicts with views, lighting, infrastructure, utilities, or signage. Proposed infrastructure, lighting, and signage plans shall be submitted concurrent with landscape plans prior to issuance of a building permit.

A. Planting Specifications

Required trees and palms ~~shall~~ may be securely guyed, braced, and/or staked at the time of planting until establishment. All plants shall be installed so that the top of the root ball remains even with the soil grade. The top one-third of burlap shall be removed from the root ball at planting. If used, nylon strapping and wire cages shall be completely removed at installation. All guys and staking material should be removed when the tree is stable and established but in no case more than one year after initial planting of tree. Construction debris shall be kept clear from the planting area.

B. Phasing

Required landscaping may be installed in phases, and if designated on the approved site Zoning plan, as follows:

1. Planned Developments with Phasing

The ~~number of trees~~ required ~~plant materials to be planted or preserved~~ shall be installed in a construction phase accordance with the approved phasing of a planned development. The

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quantity of the required plant materials for each development phase shall be a proportion of the total number of ~~trees~~ plant materials required to be planted in the overall planned development. This proportion shall be determined by comparing the area of the plan to the area of the entire planned development as shown on the approved plan. Areas of vegetation required to be preserved shall be excluded from this calculation. R-O-W buffers along the development frontage shall be installed under Phase One.

2. Other Developments Without Phasing

The ~~entire~~ perimeter landscaping shall be installed prior to the issuance of the first ~~Certificate of Occupancy (CO)~~ or in accordance with a phasing plan approved by the DRO.

a. Developments with Multiple Buildings

R-O-W Buffers along the development frontage shall be installed prior to the issuance of the first CO for the first building.

ab. PO Zoning District and Public Civic Pods of a PUD

Installation of a proportionate ~~share of the~~ required plant materials shall be permitted subject to the Signature Only approval of a ~~pP~~ phasing pPlan by the DRO. The ~~pP~~ phasing pPlan shall indicate the affected area of each building permit application and general location of plant material that will be installed. [Ord. 2007-013]

3. Suspended Phasing

Required installation may be phased into a project for up to one year from the initial occupancy, with subject to the approval of an installation schedule by the DRO. Zoning Division approval of a installation schedule.

Section 53 Maintenance

A. General

~~4.~~ PBC is responsible for the care and maintenance of the trees and vegetation on PBC-owned property, unless provided for otherwise by DO condition of approval. For all other properties, which includes vegetation required to be installed under a DO, or existing preserved vegetation, the property owner or successors in interest, contractor, or agent, if any, shall be jointly and severally responsible for the following: requirements of this Section. Maintenance of the premises shall also be subject to the Palm Beach County Code, Chapter 14, Article 1, Property Maintenance Code.

~~21.~~ Regular maintenance of all landscaping is required. All landscaping shall be free from disease, pests, weeds, and litter. Maintenance shall include weeding, watering, fertilizing, pruning, mowing, edging, mulching, or any other actions needed, consistent with acceptable horticultural practices.

~~32.~~ Regular maintenance, repair, or replacement of landscape barriers and focal points, including landscape structures (e.g., walls, fences, fountains, and benches) in order to keep them in a structurally sound condition.

~~43.~~ Perpetual maintenance to prohibit the reestablishment of prohibited and non-native invasive species within landscape and preservation areas.

~~54.~~ Periodic maintenance to remove diseased or damaged limbs, or remove limbs or foliage that present a hazard. All trees and palms shall be allowed to grow to their natural mature height and to full canopy. No canopy tree shall be pruned until it has reached the minimum 20-foot required height and canopy spread, unless required to address damage by natural causes, such as hurricanes.

~~65.~~ Landscape areas which are required to be created or preserved by this Article shall not be used for temporary parking or the storage/display of materials or sale of products or services.

B. Maintenance of Vegetation

Required or preserved vegetation that becomes damaged, diseased, removed or is dead shall be immediately replaced with plant material to comply with the approved standards and height requirements of this Article or conditions of approval, whichever is greater. Vegetation that is are removed or damaged, shall be replaced in accordance with Table 7.E.3.C, Tree Credit and Replacement. Landscape trees planted or preserved to meet the minimum landscape code requirements may be removed provided a Tree Removal Permit is approved. [Ord. 2005-002]

[Partially relocated from Art. 7.E.8, Restoration and Maintenance]

BC. Maintenance of Vacant Lots

1. Affected Parties

~~Any owner of a vacant lot in a residential neighborhood upon which a home has been demolished to the extent that it no longer qualifies for a certificate of occupancy must follow the maintenance requirements of Art. 7.E.5.B.5, Vacant Lot Maintenance and Planting Requirements, if the vacant lot, by itself or in combination with other vacant lots resulting from the demolition of a home or homes, results in significant degradation of the surrounding neighborhood as defined in Art. 1.I, Definitions and Acronyms (Significant Degradation). In the event significant degradation occurs, all contiguous vacant lots that contribute to the significant degradation will be subject to Art. 7.E.5.B.5, Vacant Lot Maintenance and Planting Requirements. [Ord. 2005-002] [Ord. 2008-037]~~

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Vacant Lots and Vacant Residential Parcels shall be maintained by the property owner, and shall be subject to the requirements as listed below.

1. Vacant Lots or Parcels with Demolition Permits

a. Demolition Permits

Demolition Permits for Vacant Lots or Parcels shall be subject to the review and sign off by the Zoning Division. The Building Division shall not issue the demolition permit until a Planting Plan is approved by the Zoning Division unless the property owner signs an affidavit in accordance with the requirements below. [Ord. 2005-002] [Ord. 2008-037] [Relocated from Art. 7.E.5.B.5.f.2), Demolition Permit - Related to Vacant Lot Planting Plan Application and Approval, below]

1) Planting Plan

The property owner shall submit a Planting Plan indicating the proposed method of ground treatment, preservation of existing native trees and if applicable replacement of trees; and irrigation simultaneously with the application for a demolition permit. [Ord. 2005-002] [Ord. 2008-037] [Relocated from Art. 7.E.5.B.5.f.1), Planting Plan related to Vacant Lot Planting Plan Application and Approval]

a) Review of Planting Plan

The DRO shall determine if the Planting Plan is sufficient and includes the information necessary to evaluate the plan within five days of receipt. The DRO shall approve, approve with conditions, or deny the Plan within ten days of the determination of sufficiency. If necessary, the DRO or Environmental Resources Management Department shall conduct a site visit as part of the Plan Review. [Ord. 2005-002] [Ord. 2008-037] [Relocated from Art. 7.E.5.B.5.f.3), Review of Planting Plan related to Vacant Lot Planting Plan Application and Approval]

b) Standards

The DRO shall consider the following criteria in reviewing the Planting Plan: whether or not the ground treatment and other landscape materials are consistent with the established character of the neighborhood; and, Whether or not alternative or temporary irrigation methods such as hand-watering are acceptable. [Ord. 2005-002] [Ord. 2008-037] [Partially relocated from Art. 7.E.5.B.5.f.4), Standards related to Vacant Lot Planting Plan Application and Approval]

c) Plant Installation, Maintenance, Pruning and Irrigation

The Vacant Lot shall be subject to the requirements or Conditions of Approval as indicated in the Planting Plan related to installation and maintenance. Native vegetation, or ground treatment shall be installed, maintained, pruned and irrigated in accordance with the requirements of this Section. Temporary irrigation methods may be approved for native vegetation only, subject to a maintenance/replacement agreement. [Ord. 2005-002] [Ord. 2008-037] [Partially relocated from Art. 7.E.5.B.5.g), Vacant Lot Plant Installation, Maintenance, Pruning and Irrigation]

2) Vacant Lot Maintenance and Planting Requirements

Native vegetation shall be preserved if required by ERM and ground treatment shall be installed and maintained, pruned and irrigated in accordance with the requirements of this Section. [Ord. 2005-002] [Ord. 2008-037] [Partially relocated from Art. 7.E.5.B.5.g), Vacant Lot Plant Installation, Maintenance, Pruning and Irrigation]

a) Ground Treatment

Vacant Lots or Parcels shall be cleared of construction materials and debris, and must be planted with sufficient ground treatment to cover the entire Lot or Parcel in accordance with one of the choices pursuant to Art. 7.D.7, Ground Treatment. Existing ground treatment may be used to meet the requirements of this Section. The clearing and installation of ground treatment must be completed within 120 days of the completion of demolition, within 120 days of the effective date of this Section, or within 30 days of approval of a Planting Plan, whichever is later. Slab foundations or other structural features remaining from demolished houses, or from other demolished structures, must also be removed from Vacant Lots and Parcels. [Ord. 2005-002] [Ord. 2008-037] [Relocated from Art. 7.E.5.B.5.g), Ground Treatment related to Vacant Lot Maintenance and Planting Requirements]

b) Existing Vegetation

All existing native vegetation shall be preserved, and Prohibited and Controlled Species shall be eliminated pursuant to Art. 7.E, Existing Native Vegetation, Prohibited and Controlled Plant Species.

c) Irrigation

Temporary irrigation methods may be approved for native vegetation only, subject to a maintenance or replacement agreement.

2. Vacant Lots or Parcels with Pending Redevelopment Permits

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A property owner shall initiate redevelopment of a Vacant Lot or Parcel within 120 days of demolition, or shall actively proceed in good faith to redevelop based on submittal of a building permit application or other applicable development permit application. The applicant shall submit evidence demonstrating good faith efforts to redevelop within 120 days of completion of the demolition, or shall submit a Planting Plan within 30 days of the expiration of the 120-day period. The property owner shall execute an affidavit in conjunction with the demolition permit on a form established by the Zoning Division. [Ord. 2005-002] [Ord. 2008-037]
[Relocated from Art. 7.E.5.B.3.b, related to Vacant Lot Exemption]

2. Applicability

Art. 7.E.5.B, Vacant Lot, shall apply to the Urban/Suburban Tier in the unincorporated areas of Palm Beach County, as defined in the Plan. [Ord. 2005-002] [Ord. 2008-037]

3. Vacant Lot Exemptions

The following vacant lots shall be exempt from the requirements of Art. 7.E.5.B, Vacant Lots. [Ord. 2008-037]

a. ~~Vacant lots resulting from the demolition of a home based on a declaration by the building official that the home is unsafe. [Ord. 2005-002] [Ord. 2008-037]~~

b. ~~When an owner initiates redevelopment of a vacant lot within 120 days of demolition, as evidenced by submittal of a building permit application for site plan approval, or other applicable development permit application or good faith effort to redevelop the lot, for so long as the permit or good faith effort is active. In order to receive an exemption at the time of a demolition permit application, the applicant must submit an affidavit stating that the applicant expects to meet the above requirements. The affidavit shall be made on a form established by the Zoning Director. If an exemption is granted based on an affidavit, the property owner shall submit evidence as required above within 120 days of completion of the demolition, or shall submit a planting plan within 30 days of the expiration of the 120-day period. [Ord. 2005-002] [Ord. 2008-037]~~ [Partially relocated to Art. 7.F.5.C.2, Vacant Lots or Parcels with Pending Development Permits]

c. ~~Vacant lots where the home was demolished prior to April 23, 1996. [Ord. 2005-002] [Ord. 2008-037]~~

d. ~~Vacant lots resulting from eminent domain proceedings. [Ord. 2005-002] [Ord. 2008-037]~~

e. ~~Vacant lots resulting from demolition of a home using funding from a demolition program of the Department of Housing and Community Development. [Ord. 2005-002] [Ord. 2008-037]~~

4. Vacant Lot Variance

A property owner may apply for a Type 1A Administrative Variance subject to Art. 2.D.3.C.4, Vacant Lots, as may be amended. [Ord. 2005-002] [Ord. 2008-037] [Ord. 2010-022]
[Relocated to Art. 5.L, Property and Vegetation Maintenance]

5. Vacant Lot Maintenance and Planting Requirements

a. Ground Treatment

~~Vacant lots regulated by this Section must be cleared of construction materials and debris, and must be planted with sufficient ground treatment to cover the entire lot in accordance with Art. 7.D.4, Ground Treatment. Existing ground treatment may be used to meet the requirements of this Section. The clearing and planting must be completed within 120 days of the completion of demolition, within 120 days of the effective date of this section, or within thirty days of Department approval of a planting plan, whichever is later. Slab foundations or other structural features remaining from demolished houses, or from other demolished structures, must be removed from vacant lots regulated by this section. [Ord. 2005-002] [Ord. 2008-037]~~ [Relocated to Art. 7.F.5.C.1.a.2)a), Ground Treatment]

b. Trees

~~Trees shall be planted or preserved in accordance with the requirements of Table 7.C.3, Minimum Tier Requirements, and Art. 7.D.2, Trees. Trees shall be native or drought tolerant. [Ord. 2005-002] [Ord. 2008-037]~~

c. Existing Trees

~~Preservation of existing native trees is encouraged and credit shall be given towards the above requirements. If existing native trees are removed, they shall be replaced in accordance with the standards in Table 7.D.2.D, Tree Credit and Replacement, or Article 7.E.5.G.5.b, Trees, whichever is greater. The size of replacement trees shall be in accordance with Art. 7.D.2, Trees. [Ord. 2005-002] [Ord. 2008-037]~~

d. Prohibited Plant Species

~~Existing prohibited plant species must be removed and trees replaced on a one-to-one basis with a native tree. Replacement trees for removed prohibited plant species shall be consistent with the interior landscape requirements of Art. 7.D.2, Trees. [Ord. 2005-002] [Ord. 2008-037]~~

e. Removal

~~Removal shall be consistent with the provisions of Article 14.C, VEGETATION PRESERVATION AND PROTECTION. [Ord. 2005-002] [Ord. 2008-037]~~

f. Vacant Lot Planting Plan Application and Approval

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1) ***Planting Plan***

~~The owner shall submit a planting plan indicating the proposed method of ground treatment, existing and replacement trees, and irrigation simultaneously with the application for a demolition permit. [Ord. 2005-002] [Ord. 2008-037] [Relocated to Art. 7.F.5.C.1.a.1), Planting Plant, above]~~

2) ***Demolition Permit***

~~The Building Division shall not issue the demolition permit until a planting plan is approved by the Zoning Division unless the applicant signs an affidavit in accordance with Art. 7.E.5.G.3.b. [Ord. 2005-002] [Ord. 2008-037] [Relocated to Art. 7.F.5.C.1.a, Demolition Permits, above]~~

3) ***Review of Planting Plan***

~~The Zoning Division shall determine if the planting plan is sufficient and includes the information necessary to evaluate the plan within five days of receipt. The Zoning Division shall approve, approve with conditions, or deny the plan within ten days of the determination of sufficiency. If necessary, the Zoning Division or Environmental Resources Management Department shall conduct a site visit as part of the plan review. [Ord. 2005-002] [Ord. 2008-037] [Relocated to Art. 7.F.5.C.1.a.1).a), Review of Planting Plant, above]~~

4) ***Standards***

~~The Zoning Division shall consider the following criteria in reviewing the planting plan: 1) whether or not the ground treatment and other landscape materials are consistent with the established character of the neighborhood; 2) Whether or not alternative or temporary irrigation methods such as hand watering are acceptable. [Ord. 2005-002] [Ord. 2008-037] [Relocated to Art. 7.F.5.C.1.a.1).b), Standards, above]~~

g. Vacant Lot Plant Installation, Maintenance, Pruning and Irrigation

~~Native vegetation, drought tolerant vegetation, or ground treatment shall be installed, maintained, pruned and irrigated in accordance with the requirements of Art. 7.F, Installation, Maintenance, as may be amended from time to time, and conditions of approval for the planting plan in Art. 7.E.5.G.5.f.1), above. [Partially relocated to Art. 7.F.5.C.1.a.2), Plant Installation, Maintenance, Pruning and Irrigation, above] Temporary irrigation methods may be approved for native vegetation only, subject to a maintenance/replacement agreement. [Ord. 2005-002] [Ord. 2008-037] [Partially relocated to Art. 7.F.5.C.1.a.1).c), Vacant Lot Maintenance and Pruning Requirements, above]~~

Section 64 Pruning After Installation

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

A. General Pruning Requirements

1. A maximum of one-fourth of the tree canopy may be removed from a tree within a one-year period, provided that the removal conforms to the standards of crown reduction, crown cleaning, crown thinning, crown raising, vista pruning, and crown restoration pruning techniques. All pruning shall comply with the most recent published version of the American National Standards Institute, ANSI provisions related to tree, shrub and other woody plant maintenance, as amended. The crown of a tree required by this Code or condition of approval shall not be reduced below the minimum spread or height requirements of Article 7.D.2.A, Canopy Trees, or specific conditions of approval. A tree which is pruned in excess of these requirements shall be replaced with a tree that meets the minimum requirements of Article 7.D.2.A, Canopy Trees, and Table 7.D.2.E, Tree Credit and Replacement. **[Ord. 2014-025]**
2. If other than the mature height and spread is desired for any required tree, the size and shape shall be indicated on an approved site plan, planting plan, landscape plan. Shaping of a tree shall be permitted if the tree is to be used as an accent, focal point, or as part of an overall landscape design. A maintenance program shall be clearly outlined on the approved landscape plan to explain the care and upkeep of a shaped tree.
3. When cutting back trees, care shall be taken to promote the shape and form typical of the tree's species in similar settings in PBC.
4. Tree topping (hatracking) is prohibited.

Notes:

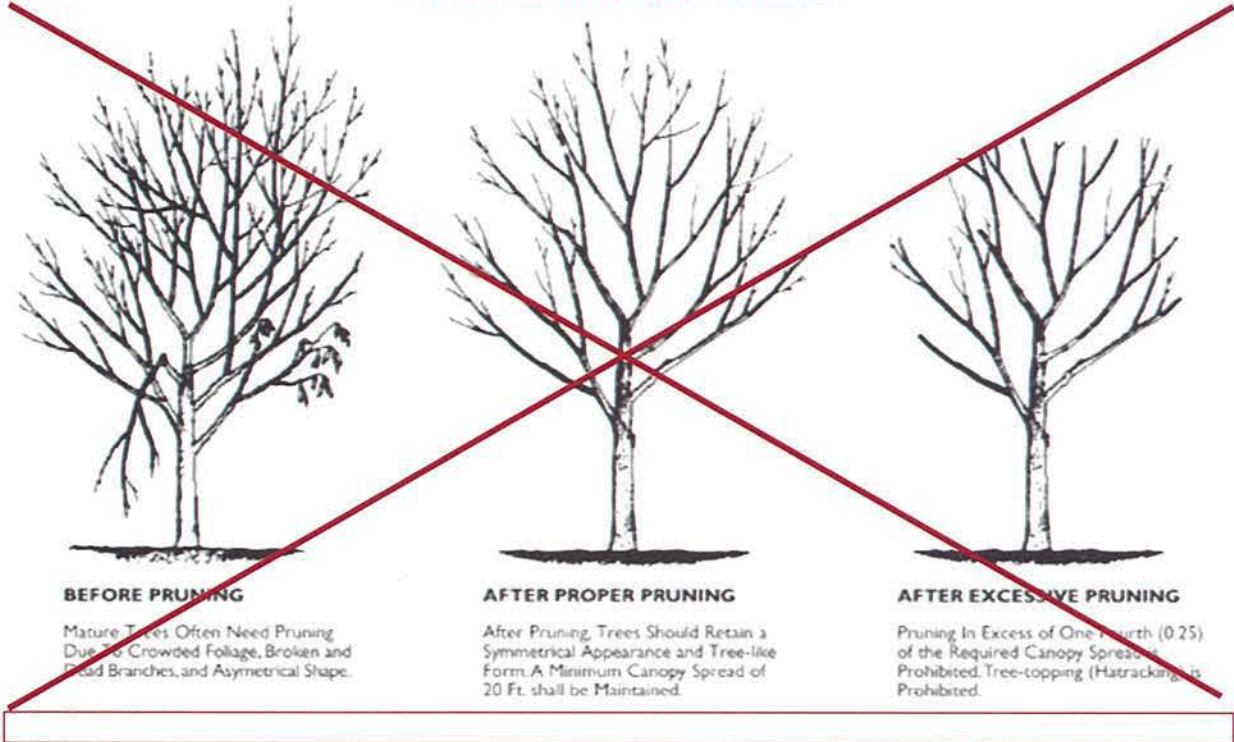
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5. No large or medium canopy trees shall be pruned before it has reached a minimum 20 foot canopy height and spread.

Figure 7.E.6.A -- Pruning Guidelines



- B. Palm Pruning Requirements**
1. No more than one-third of fronds shall be removed.
 2. No pruning above the horizon line, except for dead or diseased fronds.

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Figure ~~7.E.6.B~~ 7.F.5.B – Palm Pruning Guidelines



C. Pruning Exemptions

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

1. Trees affected by FAA and airport safety regulations, to the extent required to comply with these regulations.
2. Trees that interfere with corner clips, utility lines, or utility structures, to the extent required to comply with regulations for these areas or structures.
3. Trees that have insect or disease damage, crown dieback, or decay greater than one third of the tree canopy.
4. Trees that have suffered damage due to natural or accidental causes.
5. Trees on single-family lots unless pruned by a commercial tree service business, landscape company, lawn service business, or other related businesses.
6. Trees in botanical gardens, or botanical research centers.
7. Trees under DOT, DEPW, and FPL management.

Section ~~75~~ Irrigation

The licensed professional or irrigation contractor responsible for the installation of irrigation shall demonstrate compliance with the ~~following~~ irrigation standards ~~in a form acceptable to the Zoning Division~~. Landscaped areas shall be irrigated to maintain required plant materials in good and healthy condition. Irrigation systems shall comply with the following standards:

~~A. The landscape design and final landscape plan shall incorporate acceptable xeriscape industry standards.~~

~~BA.~~ All landscaped areas requiring irrigation shall be provided with an automated irrigation system that provides 100 percent coverage. Areas requiring minimal irrigation to establish plants shall use drip irrigation.

~~CB.~~ Irrigation systems shall be designed to apply water to shrub and tree areas on a less frequent schedule than lawn areas. A rain-sensor switch shall be installed on systems with automatic controllers.

~~DC.~~ Irrigation systems shall be designed as not to overspray water impervious areas. All irrigation systems shall be continuously maintained in working order.

~~ED.~~ Where feasible, irrigation systems shall not be installed or maintained on areas adjacent to a public street which causes water from the system to spray onto the roadway or strike passing pedestrian or vehicular traffic.

~~FE.~~ The use of irrigation quality or re-used water is encouraged for parks and recreation facilities:

1. Within the Irrigation Quality (IQ) effluent water service area of the PBCWUD; or
2. Where irrigation quality or re-used water is available and where such reuse is approved by the regulatory agencies.

~~GF.~~ Permanent irrigation systems are not required for areas set aside on approved site development plans for preservation of existing native vegetation.

~~HG.~~ Temporary irrigation systems installed pursuant to acceptable xeriscape practices may be used to meet the standards of this Section, upon approval of the Zoning Division.

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Section 8 — Restoration and Maintenance

~~Required or preserved vegetation that becomes damaged, diseased, removed or is dead shall be immediately replaced with plant material to comply with the approved standards and height requirements of this Article or conditions of approval, whichever is greater. Trees that are removed or damaged, shall be replaced in accordance with the tree replacement credit standards of Table 7.D.2.D, Tree Credit and Replacement. Landscape trees planted or preserved to meet the minimum landscape code requirements may be removed provided a Tree Removal Permit is approved. [Ord. 2005-002] [Partially relocated to Art. 7.F.4.B, Maintenance of Vegetation]~~

~~CHAPTER F PERIMETER BUFFER LANDSCAPE REQUIREMENTS~~[Relocated to Art. 7.C, Landscape Buffer and Interior Landscape Requirements]
~~Landscape buffers shall be installed and maintained in accordance with the following standards.~~

Section 1 — Buffer Types

~~A. R-O-W~~

~~R-O-W buffers shall be provided along all street R-O-W. [Ord. 2016-042] [Relocated to Art. 7.C.2.A.1, Applicability]~~

~~1. Exemptions~~

~~R-O-W buffers are not required for individual single-family residential, ZLL, townhouse lots, or lots that abut the Intercoastal Waterway, private street right-of-ways internal to a PDD, and alleys. [Ord. 2016-042] [Partially relocated to Art. 7.C.2.A.2, Exemptions]~~

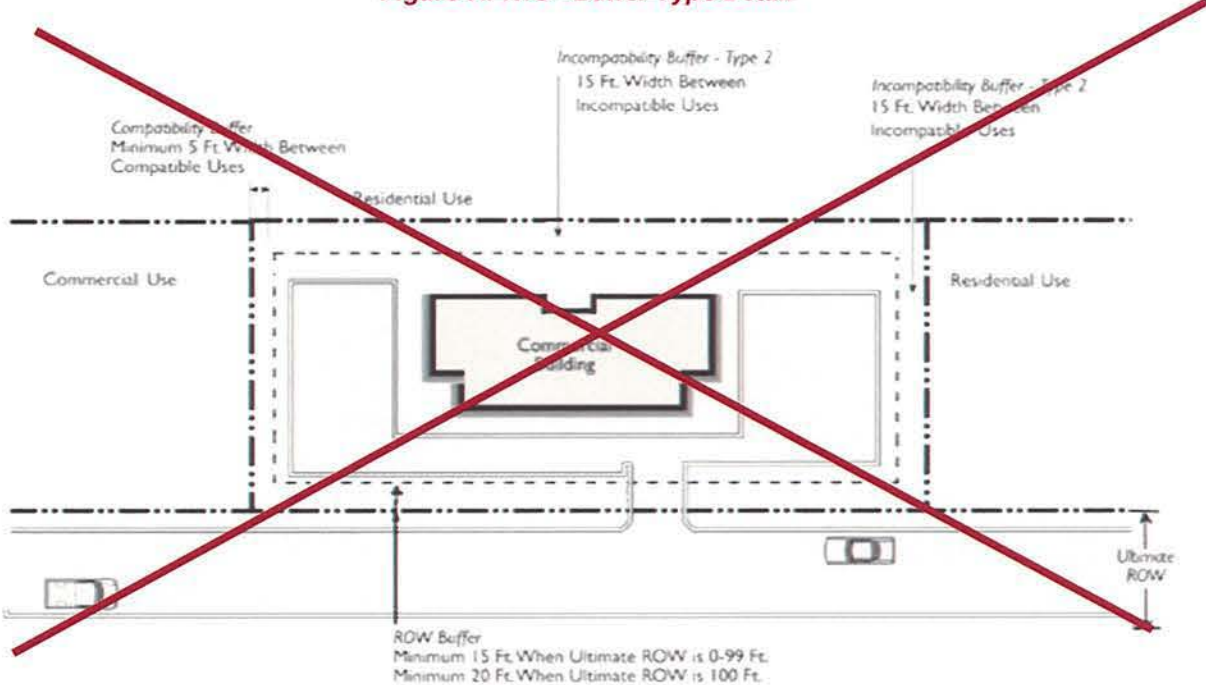
~~B. Compatibility~~

~~Compatibility buffers shall be provided between all compatible use [Relocated to Art. 7.C.2.B.1, Applicability] types, excluding: single family residential subdivisions or pods adjacent to single family residential subdivisions or pods; [Relocated to Art. 7.C.2.B.2.a, related to Exemptions] internal buffers within TDD's unless specifically stated otherwise; [Relocated to Art. 7.C.2.B.2.b, related to Exemptions] or where residential uses are not adjacent to other incompatible design elements such as roadways, useable open space areas, or where residential setbacks are less than adjacent residential development. [Ord. 2006-055] [[Relocated to Art. 7.C.2.B.2.c, related to Exemptions]~~

~~C. Incompatibility~~

~~Incompatibility buffers shall be provided between all incompatible use types or incompatible pods.~~

Figure 7.F.1.C – Buffer Type Detail



[Relocated to Art. 7.C.2, Types of Landscape Buffer]

Section 2 — Trees, Shrubs, and Hedges

~~Trees, shrubs, and hedges shall be provided in all perimeter buffers in accordance with the following standards:~~

~~A. Trees~~

~~1. Minimum Tree Quantities~~

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~~a. R-O-W Buffers~~

~~One canopy tree per 25 lineal feet.~~

~~b. Compatibility Buffers~~

~~One canopy tree per 25 lineal feet. [Relocated to Table 7.C.2.B, Compatibility Buffer Landscape Requirements]~~

~~c. Incompatibility Buffers~~

~~One canopy tree per 20 lineal feet.~~

~~2. Palms~~

~~Palms planted in groups of three or more may be counted as one required canopy tree, up to a maximum of 25 percent of all trees required in each buffer. In the case of palm species that characteristically grow in clumps, each clump may be counted as one canopy tree. [Relocated to Art. 7.D.2.B.1, Canopy Tree Substitute]~~

~~a. Exception~~

~~In R-O-W buffers only, Royal, Bismarck, Phoenix, Canary, Date or similar palm species determined to be acceptable by the Zoning Division may be counted as one required canopy tree. These palms shall be spaced a maximum of 20 feet on center and have a minimum of 12 feet of clear trunk, except Royals which shall require a six feet minimum Grey Wood. [Partially relocated to Art. 7.D.2.B.1.a, Exception, related to Canopy Tree Substitute]~~

~~3. Slash Pines~~

~~Slash pines planted in groups of three or more may be counted as one required canopy tree. Each group of slash pines shall be staggered in height and average a minimum of ten feet in height.~~

~~B. Shrubs~~

~~Shrubs shall be installed according to Table 7.F.7.B, Shrub Planting Requirements. [Ord. 2009-040] [Relocated to Art. 7.D.3.B, Shrubs]~~

~~C. Hedges~~

~~Hedges may be used in place of required shrubs in compatibility and incompatibility buffers. Hedges, in combination with a berm, shall be installed in a manner that provides the minimum height required for continuous solid opaque screen at time of planting. [Partially relocated to Art. 7.D.4.A.4, Hedge and Berm Combination] It is recommended that hedges collocated in a buffer with berm be located at the top of berm. Hedges shall be setback from the property line a sufficient distance to allow for maintenance, or additional landscape material if required. [Ord. 2016-016] [Relocated to Art. 7.D.4.A.4, Setback]~~

~~Section 3 — Walls and Fences~~

~~If a wall or fence is used, the following shall apply: [Ord. 2007-001] [Ord. 2007-013]~~

~~A. Location of Wall or Fence~~

~~It is recommended that walls and fences collocated in a buffer with a berm be located at the top of berm. Walls and fences with a continuous footer shall be setback a minimum of ten feet from the edge of the property line. [Partially relocated to Table 7.D.4.D, Location of Wall or Fence in a Landscape Buffer – Incompatibility – Setback for the wall or fence] Fences may be permitted adjacent to a property line only when used in compatibility buffers. Fences or walls located in Incompatibility or R-O-W Buffers shall be located a minimum of seven and one-half feet from the outside buffer edge, or the minimum necessary to provide for required trees and shrubs. [Ord. 2007-001] [Ord. 2007-013] [Ord. 2016-016]~~

~~B. Location of Planting~~

~~A minimum of 75 percent of required trees shall be located between the exterior of the wall or fence along a R-O-W, or facing adjacent property, except when a fence is used in a compatibility buffer and located along the property line. [Partially relocated to Table 7.D.4.D, Location of Wall or Fence in a Landscape Buffer – R-O-W / Incompatibility – Canopy Tree Planting] Shrubs or hedges shall be installed on both sides of the wall or fence along a R-O-W, or facing adjacent property, except when a fence is used in a compatibility buffer and located along the property line. [Ord. 2007-013] [Partially relocated to Table 7.D.4.D, Location of Wall or Fence in a Landscape Buffer – R-O-W / Incompatibility – Shrub Planting]~~

~~1. Exception~~

~~Electrified fencing in accordance with Art. 5.B.1.A.2.e.2), Electrified Fence — Exceptions and Regulations, shall not be required to provide shrubs or hedges on the inside of the electrified fencing or on the inside of the non-electrified fencing or wall which the electrified fencing is adjacent to. [2013-018] [Relocated to Art. 7.D.4.D., Exception, related to Location of Wall or Fence in a Landscape Buffer]~~

~~C. Conflict with Easements~~

~~If the placement of the wall or fence conflicts with an easement, the wall or fence shall not encroach upon the easement unless consistent with Article 3.D, PROPERTY DEVELOPMENT REGULATIONS (PDRs). [Ord. 2007-013] [Relocated to Art. 7.D.4.E, Conflict with Easements]~~

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D. ~~Architectural Treatment~~

~~If a wall is used in a compatibility or incompatibility buffer, both sides of a wall shall be given a finished architectural treatment that is compatible and harmonious with adjacent development. [Ord. 2007-013] [Partially relocated to At. 7.D.4.B.1, Architectural Treatment]~~

E. ~~Chain Link Fences~~

~~Chain link fences are prohibited in Incompatibility or R-O-W buffers unless vinyl coated. Vinyl coated chain link fences are only permitted in a R-O-W or Incompatibility buffer, when installed behind an opaque six foot high hedge, unless approved as a Type II Waiver. [Ord. 2007-001] [Ord. 2007-013] [Ord. 2016-016] [Partially relocated to Art. 7.D.4.C.1, Chain Link Fences]~~

~~1. Exception~~

~~An electrified fence in accordance with Art. 5.B.1.A.2.e.2), Electrified Fence — Exceptions and Regulations, shall not be required to be vinyl coated. [Ord. 2013-018] [Partially relocated to Art. 7.D.4.C.1.a, related to Chain Link Fences]~~

Section 4 — ~~Dedications~~

~~Required landscape buffers within or around residential pods of Planned Developments shall be platted and dedicated as separate tracts of land.~~

Section 5 — ~~Area Measurement~~

~~The width of access ways that traverse required perimeter landscape buffers shall be excluded in the calculation of linear dimension. [Ord. 2016-042]~~

Section 6 — ~~Buffer Width Reduction~~

~~The required buffer width may be reduced by 50 percent where a project is separated from a R-O-W by a canal, lake, open space, or combination thereof, with a minimum width of 80 feet subject to DRO approval. [Partially relocated to Art. 7.C.2.A.3.a, Width Reduction, related to R-O-W buffer] The DRO may reduce the required incompatibility buffer width by 50 percent for pods adjacent to a canal, lake, or open space area 100 feet in width or if the same type of buffer exists on the adjacent property. The width of compatibility buffers shall not be reduced. The required number of canopy trees or palms shall not be reduced. The required quantity of shrubs may be reduced in proportion to the reduction in the buffer width, a maximum of 50 percent, to ensure the viability of the material. A minimum of five clear feet for planting, or ten feet if a wall with a continuous footer is used, shall be maintained. [Ord. 2014-025]~~

Section 7 — ~~R-O-W Buffer~~

A. ~~Width~~

~~The total width of the buffer along streets, thoroughfares, or other means of vehicular access shall depend on the width of the street's ultimate R-O-W as indicated in Table 7.F.7.A-5, Width of R-O-W Buffer. The width of the ultimate R-O-W shall be determined by reference to the Thoroughfare R-O-W Identification Map in the Plan, or as determined by the County Engineer. R-O-W widths for non-thoroughfare plan streets shall be determined by reference to Article 11.C.1.C.1, Access and Circulation Systems. [Partially relocated to Art. 7.C.2.A.3, Width]~~

Table 7.F.7.A-5 – ~~Width of R-O-W Buffer (Feet)~~

| Width of Ultimate R-O-W (Feet) | Minimum Width of Buffer (Feet) |
|---|---|
| 100+ | 20 |
| 0-99 | 45 |

B. ~~Shrub Hierarchy~~

~~R-O-W buffers shall include each of the shrub types listed in Table 7.F.7.B, Shrub Planting Requirements.~~

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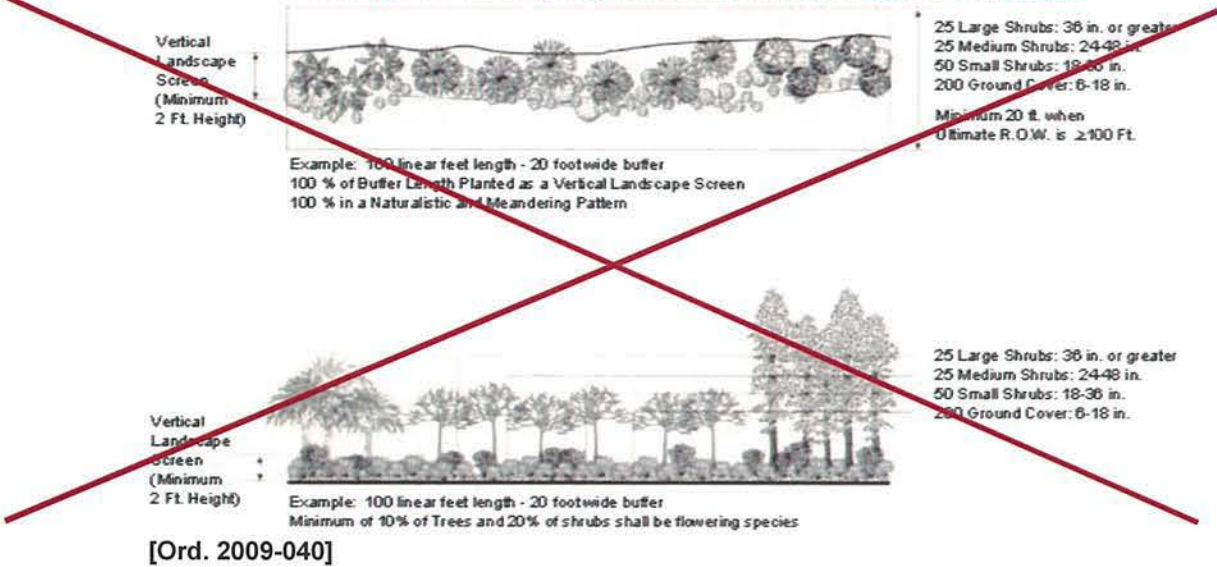
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Table 7.F.7.B - Shrub Planting Requirements

| Shrub Type | Minimum Height at Installation (Size) | Minimum Number of Shrubs Per Linear Foot ² of Buffer Length | Maximum Spacing at Installation | Maximum ¹ Maintained Height |
|--|---------------------------------------|--|---------------------------------|--|
| Ground Cover | 6 inches | 2 per 1 linear foot | 6 inches | N/A |
| Small Shrubs | 18 inches | 1 per 2 linear feet | 24 inches | 36 inches |
| Medium Shrubs | 24 inches | 1 per 4 linear feet | 48 inches | 48 inches |
| Large Shrubs | 36 inches | 1 per 4 linear feet | 48 inches | N/A |
| [Ord. 2009-040] | | | | |
| Notes | | | | |
| 1. Maximum maintained height is established to maintain the hierarchical visual effect for Perimeter R-O-W buffer. [Ord. 2009-040] | | | | |

Figure 7.F.7.B - Buffer Width, Trees and Shrub Layers
An Example of Planting Requirements for a Perimeter R-O-W Buffer



C. ~~Planting Pattern for a Perimeter R-O-W Buffer~~

~~One hundred percent of the buffer length shall be composed of a continuous opaque vertical landscape screen at least two feet in height, [Relocated to Table 7.C.2.A- ROW Buffer Landscaping Requirements note #6] planted in a meandering pattern as illustrated in Figure 7.F.7.B, Buffer Width, Trees and Shrub Layers, and composed of the shrub types listed in Table 7.F.7.B, Shrub Planting Requirements. The area of the buffer not planted with trees and shrubs shall be landscaped with ground treatment. [Ord. 2009-040] [Partially relocated to Table 7.C.2.A- ROW Buffer Landscaping Requirements note #5]~~

D. ~~Clustering~~

~~Canopy trees and same species palms may be clustered in R-O-W buffers for non-residential development, subject to the following standards: [Partially relocated to Art. 7.C.2.A.6, Clustering]~~

- ~~1. Clusters shall be spaced no more than 40 feet on center.~~
- ~~2. Clusters shall consist of trees of varied height, which when averaged, equal the minimum tree height requirements of Article 7.D.2.A, Canopy Trees.~~
- ~~3. Created visible openings to the site shall only be permitted on properties with a minimum of 300 feet of lot frontage. [Ord. 2016-042]~~
- ~~4. A maximum of two visible openings to the site are allowed for a frontage that is 300 feet. A maximum of three openings are allowed for a frontage that is 301 feet to 1,000 feet. A maximum of four openings for frontage that is over 1,001 feet. [Ord. 2016-042]~~
- ~~5. The minimum distance between visible openings to the site created by clusters shall be 100 feet. [Ord. 2016-042]~~

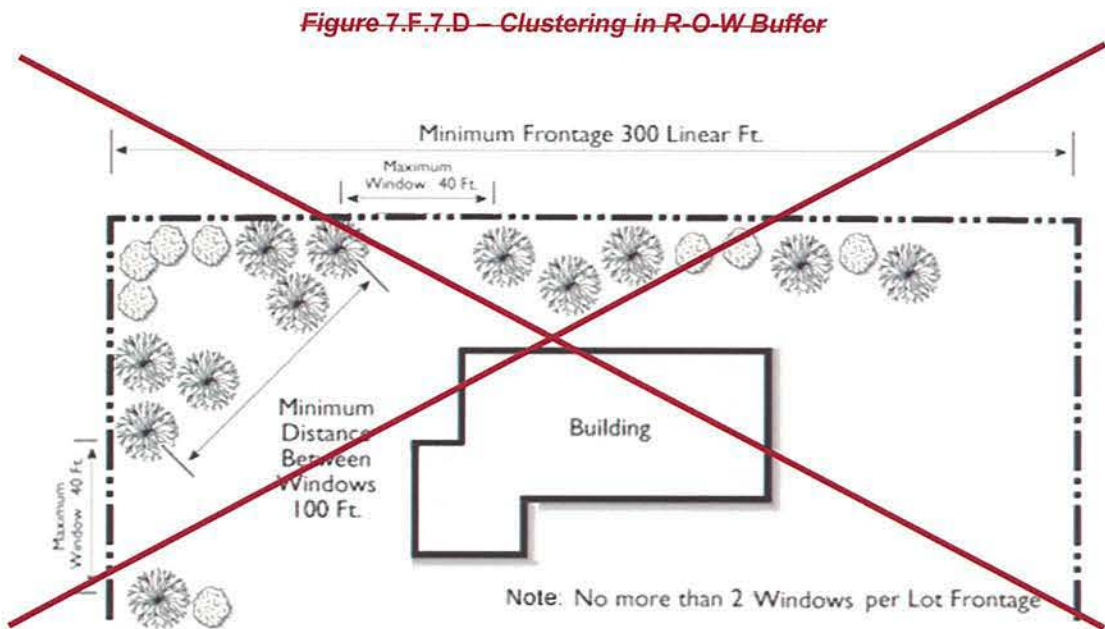
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6. ~~In the WCRAO, clustering is not permitted in conjunction with the R-O-W buffer in the NRM, NG, and NC Sub-areas. [Ord. 2006-004] [Relocated to Art. 3.B.14, Westgate Community Redevelopment Area Overlay]~~

E. Walls and Fences

Walls or fences shall be setback a minimum of ten feet from the edge of the ultimate R-O-W, unless waived or reduced by the County Engineer, provided there remains a minimum of five clear feet for planting, or if a wall with a continuous footer is used, a minimum of ten clear feet for planting. [Partially relocated to Table 7.D.4.D, Location of Wall or Fence in a Landscape Buffer: R-O-W - Setback for the Wall or Fence; and, Note 1]

Section 8 — Compatibility Buffer

The minimum width of a compatibility buffer is five feet. Compatibility buffers shall provide a continuous solid opaque visual screen at least three feet in height composed of hedges or shrubs, either alone or in combination with a wall, fence or berm. Hedges and shrubs shall reach the required height within two years of installation. [Partially relocated to Art. 7.C.2.B.3, Width]

Section 9 — Incompatibility Buffer

An incompatibility buffer shall be required between all incompatible use types located on adjacent parcels, or incompatible pods in a Planned Development. [Ord. 2009-040] [Ord. 2016-016]

A. Determining Incompatibility Buffer Type

Incompatibility buffers shall be one of the types listed in, Table 7.F.9.A, Required Incompatibility Buffer Types. The type of incompatibility buffer required shall be the most restrictive buffer type based on the use difference between adjacent uses. Where required between pods in a PDD, only one incompatibility Buffer shall be required. [Ord 2016-016] [Partially relocated to Art. 7.C.2.C, Types and Width of Incompatibility Buffers]

Table 7.F.9.A - Required Incompatibility Buffer Types

| Difference Between Adjacent Uses (1) | | | |
|--------------------------------------|----------|---------------------------------|----------------------|
| Use Classification | Abutting | Use Classification | Required Buffer Type |
| Single-Family | ↔ | Multi-Family, Type II CLF | Type 1 |
| Residential | ↔ | Commercial | Type 2 |
| Residential | ↔ | Recreational | Type 2 |
| Residential | ↔ | Institutional, Public and Civic | Type 2 |
| Residential | ↔ | Agricultural | Type 3 |
| Residential | ↔ | Industrial | Type 3 |
| Residential | ↔ | Utility (2) | Type 3 |

[Ord. 2008-003] [Ord. 2016-016]

Notes:

1. Determination of use classification shall be consistent with Art. 4, Use Regulations. Where proposed development abuts vacant parcels, use classification shall be based upon Future Land Use (FLU) designation.

2. Buffer for Minor Utilities or Electric Distribution Substation shall be determined by the DRO. [Ord. 2017-007]

[Relocated to Table 7.C.2.C – Incompatibility Buffer Types]

B. Incompatibility Buffer Standards

1. Landscape Requirements

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~~An Incompatibility buffer shall consist of a continuous opaque landscape barrier in accordance with Table 7.F.9.B, Incompatibility Buffer Standards. The landscape barrier shall either be a hedge, fence or a wall. Berms may be used in conjunction with fences, walls or hedges to meet total height requirements where permitted by Art. 7.D.9, Berms. [Ord. 2009-040] [Ord. 2016-016] [Partially relocated to Art. 7.C.2.C, Incompatibility]~~

Table 7.F.9.B—Incompatibility Buffer Standards

| Buffer Type | Minimum Width (in feet) | Minimum Landscape Barrier Height (in feet) (1) | Walls Required | Minimum Row of Shrubs | Maximum Tree Spacing (in feet, on center) |
|---|-------------------------|--|----------------|-----------------------|---|
| Type 1 | 10 | 6 | No | 2 | 20 |
| Type 2 | 15 | 6 | No | 2 | 20 |
| Type 3 | 20 | 6 | Yes (2) | 3 | 20 |
| [Ord. 2008-003] [Ord. 2009-040] [Ord. 2016-016] | | | | | |
| Note: | | | | | |
| 1. Minimum required landscape barrier height shall be measured on the subject site from the nearest adjacent top of curb (parking lot), nearest adjacent crown of road, or nearest adjacent finished floor elevation. | | | | | |
| 2. The wall requirement does not apply where a Type 3 Incompatibility Buffer is required in an AGR PUD in accordance with Art. 3.E.2.F.4.d, Landscape Buffer. [Ord. 2008-003] [Partially relocated to Table 7.C.2.C – Incompatibility buffer Landscape Requirements note #5] | | | | | |

~~2. Required Shrub Mix~~

- ~~a. Groundcover is not allowed to substitute for shrubs. [Ord. 2009-040]~~
- ~~b. Type 1 shall have a mix of small and medium shrubs to complete the required rows of shrubs. [Ord. 2009-040] [Ord. 2016-016]~~
- ~~c. Types 2 and 3 shall have a mix of small, medium and large shrubs to complete the required minimum rows of shrubs. [Ord. 2009-040] [Ord. 2016-016]~~
- ~~d. Refer to Table 7.F.7.B, Shrub Planting Requirements. [Ord. 2009-040] [Ord. 2016-016]~~

~~C. Berms~~

~~Landscape berms may be used in conjunction with shrubs, hedges, walls or fences to meet minimum visual screen height requirements.~~

~~Section 10—Perimeter Buffers with Grade Changes~~

~~The height of a fence, wall or hedge may be increased when located in a perimeter buffer where a retaining wall is used, subject to the following: [Ord. 2016-016] [Relocated to Art. 7.D.5, Landscape Buffers with Grade Changes]~~

~~A. Grade Measurement~~

~~The difference in grade shall be determined by measuring the elevation of the retaining wall and the elevation of the abutting lot at the property line. [Ord. 2016-016] [Relocated to Art. 7.D.5.A, Grade Measurements]~~

~~B. Compatibility Buffer—Maximum Height Increase~~

~~1. Fences~~

~~The height of a fence located on a retaining wall in a Compatibility Buffer may be increased by the difference in grade up to a maximum of four feet, whichever is less, as illustrated in Figure 7.F.10, Height Requirements for Compatibility Buffers with Grade Changes Using Retaining Walls. The fence shall be of the minimum height necessary to comply with Florida Building Code requirements for guardrails. [Ord. 2016-016] [Relocated from Art. 7.D.5.B.1, Fences]~~

~~2. Hedges~~

~~Maximum permitted hedge height abutting a retaining wall may only be increased subject to the requirements of Art. 7.F.10.C, Incompatibility or R-O-W Buffer—Maximum Height. A guardrail shall be installed on the retaining wall if required by Florida Building Code, subject to the height limitations for fences and walls. [Ord. 2016-016] [Relocated from Art. 7.D.5.B.2, Hedges]~~

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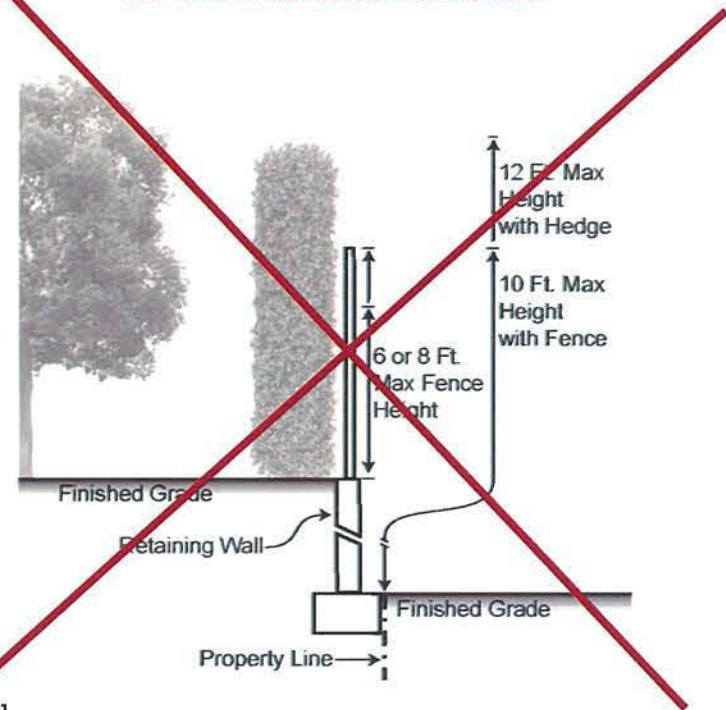
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Figure 7.F.10.B – Height Requirements for Compatibility Buffers With Grade Changes Using Retaining Walls



[Ord. 20016-016]

[Relocated to Figure 7.D.5.B - Height Requirement for Compatibility Buffers With Grade Changes Using Retaining Walls]

C. Incompatibility or R-O-W Buffer – Maximum Height Increase

~~The height of a fence, wall or hedge located in an Incompatibility or R-O-W Buffer with a retaining wall may be increased by the difference in grade in accordance with Figure 7.F.10 Height Requirements for Incompatibility or R-O-W Buffers with Grade Changes Using Retaining Walls, and the following: [Ord. 2016-016] [Relocated to Art. 7.D.5.C, Incompatibility or ROW Buffer – Maximum Height Increase]~~

1. Fences and Walls

~~The height of a fence or wall located on a retaining wall setback a minimum of ten feet from the outer edge of the perimeter buffer may be increased by the difference in grade, up to a maximum overall height of 14 feet, whichever is less. The fence or wall shall be of the minimum height necessary to comply with Florida Building Code requirements for guardrails, or minimum required landscape barrier height. [Ord. 2016-016] [Relocated to Art. 7.D.5.C.1, Fences and Walls]~~

2. Hedges

~~The height of a hedge abutting a retaining wall setback a minimum of ten feet from the outer edge of the perimeter buffer may be increased by the difference in grade, up to a maximum height of 16 feet, whichever is less. A guardrail shall be installed on the retaining wall if required by Florida Building Code, subject to the height limitations for fences and walls. [Ord. 2016-016] [Relocated to Art. 7.D.5.C.2, Hedge]~~

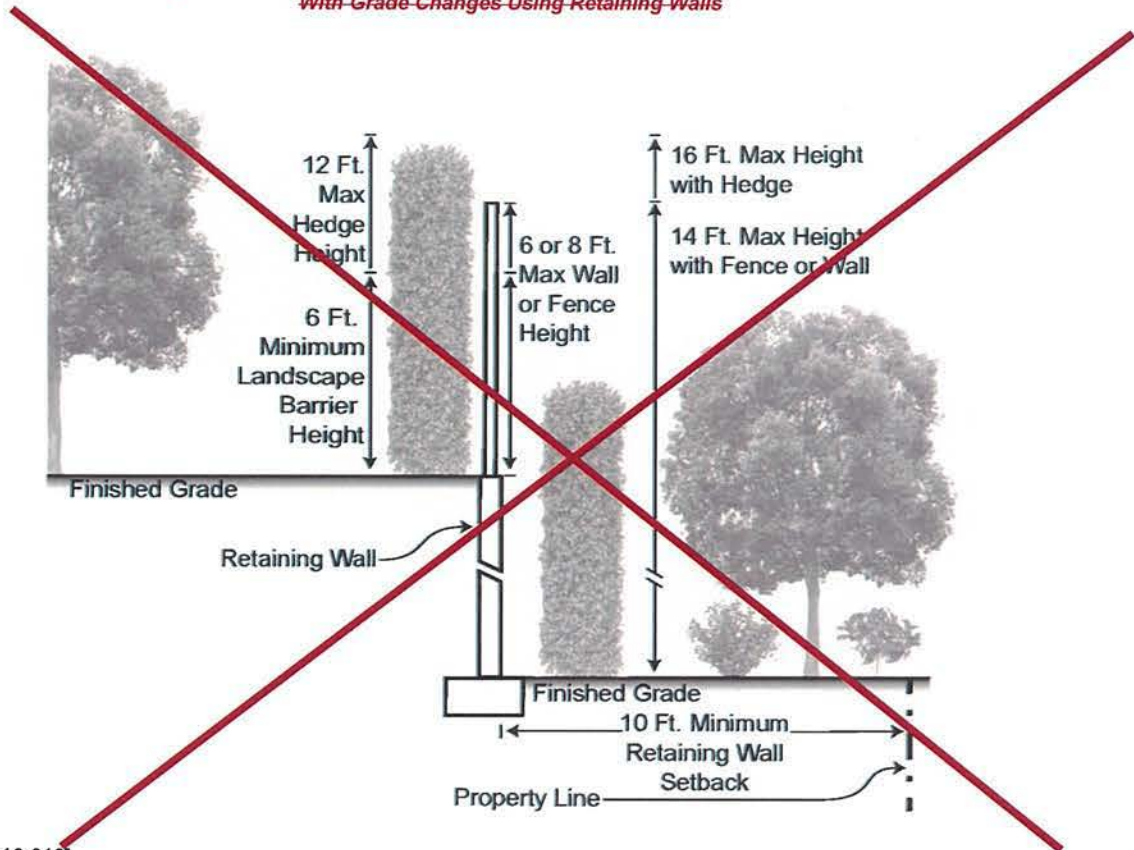
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*Figure 7.F.10.C – Height Requirement for Incompatibility or R-O-W Buffers
With Grade Changes Using Retaining Walls*



[Ord. 2016-016]

[Relocated to Figure 7.D.5.C - Height Requirement for Incompatibility or R-O-W Buffers With Grade Changes Using Retaining Walls]

Section 11 — WCRAO Deviations

Parcels located in the WCRAO may deviate from perimeter landscape requirements pursuant to Art. 3.B.14.J, WCRAO Landscape Deviations. [Ord. 2010-022] [Ord. 2016-016]

Section 12 — Large Scale Commercial Development [Relocated to Art. 7.C.7, Large Scale Commercial Development]

A. Perimeter Buffer

In addition to the requirements of this Code, developments with single tenants 65,000 gross square feet or more shall be subject to the following standards: [Ord. 2005-002] [Relocated to Art. 7.C.7.A, Perimeter Buffer]

1. R-O-W Buffers

The width, berm and planting requirements along streets, thoroughfares and/or other means of vehicular access shall be upgraded as follows: [Ord. 2005-002] [Relocated to Art. 7.C.7.A.1, R-O-W Buffers]

a. U/S Tier

- 1) *A minimum 25 foot wide buffer.* [Ord. 2005-002] [Relocated to Art. 7.C.7.A.1.a.1), related to U/S Tier]
- 2) *A three foot high berm.* [Ord. 2005-002] [Relocated to Art. 7.C.7.A.1.a.2), related to U/S Tier]

b. Glades and Rural/Ex Tiers

- 1) *A minimum 50 foot wide buffer. If a lake/retention area is located along a R-O-W, the buffer may be split to border the perimeter of the lake, 25 feet along the street and 25 feet along the interior side of the lake.* [Ord. 2005-002] [Relocated to Art. 7.C.7.A.1.b.1), related to Glades and Rural/Ex Tiers]
- 2) *Required trees, palms and shrubs shall be double the quantities required under Art. 7.F.2, Trees, Shrubs and Hedges.* [Ord. 2005-002] [Relocated to Art. 7.C.7.A.1.b.2), related to Glades and Rural/Ex Tiers]

2. Compatibility Buffers

The width, berm and planting requirements along property lines adjacent to compatible uses shall be upgraded as follows: [Ord. 2005-002] [Relocated to Art. 7.C.7.A.2, Compatibility Buffers]

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~~1) A minimum 25 foot wide buffer. [Ord. 2005-002] [Relocated to Art. 7.C.7.A.2.a, related to U/S Tier]~~

~~4) A minimum 50-foot wide buffer. [Ord. 2005-002] [Relocated to Art. 7.C.7.A.2.b.1), related to Glades and Rural/Exurban Tiers]~~

~~4) A minimum 50 foot wide buffer. [Ord. 2005-002] [Relocated to Art. 7.C.7.A.3.a.1), related to U/S Tier]~~

4) ~~A minimum 50 foot wide buffer.~~ ~~[Ord. 2005-002]~~ [Relocated to Art. 7.C.7.A.3.b.1), related to Glades and Rural/Exurban Tiers]

related to Glades and Rural/Exurban Tiers]

~~No easement encroachment shall be permitted in required perimeter buffers, except for bisecting utility easements and required safe sight distance easements not to exceed a maximum of fifty percent of the required buffer width. [Ord. 2005-002] [Relocated to Art. 7.C.7.C. Encroachment]~~

~~A perimeter sidewalk a minimum of shall be required in all R-O-W buffers 50 feet in width, and shall meander through the buffer. [Ord. 2005-002]~~ [Relocated to Art. 7.C.7.D, Perimeter Sidewalk]

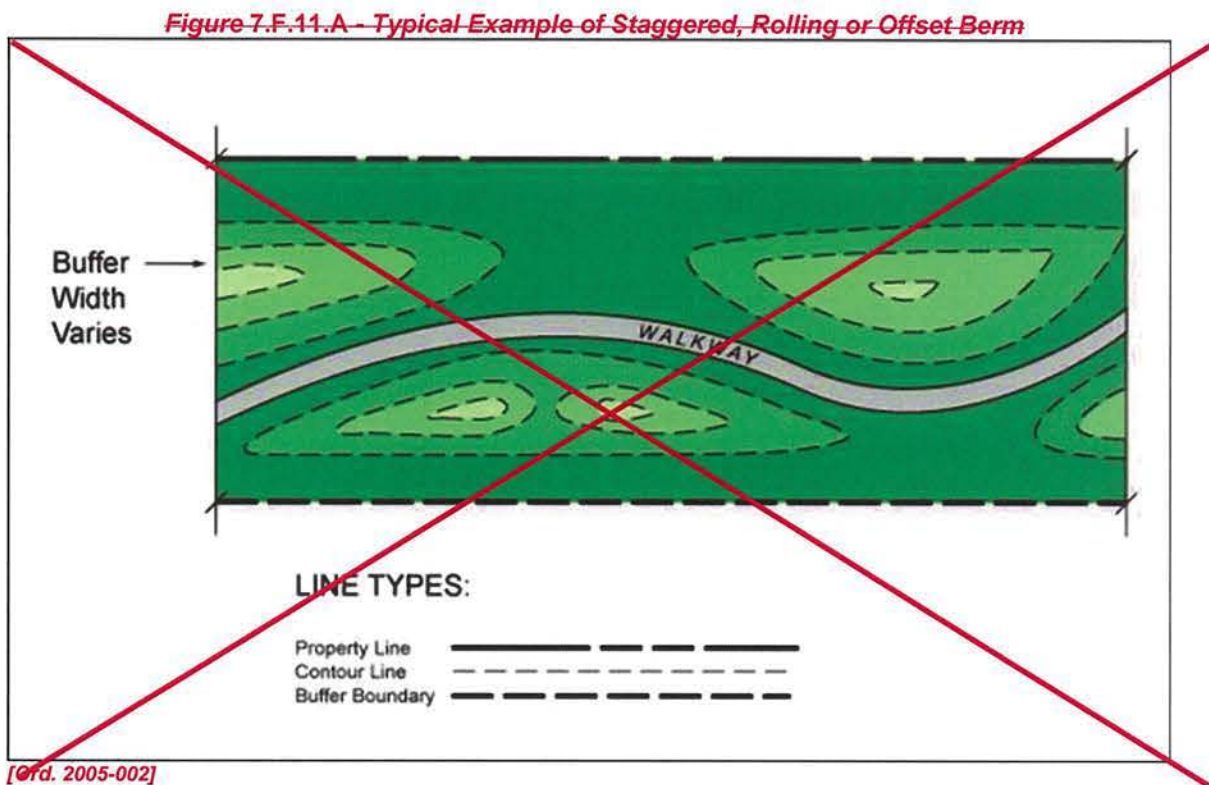
Berms shall be staggered, rolling or offset, as indicated in Figure 7.F.11.A, Typical Example of Staggered, Rolling or Offset Berm. [Ord. 2005-002] [Relocated to Art. 7.C.7.E, Berm]

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CHAPTER G — OFF-STREET PARKING REQUIREMENTS

~~Off-street parking and interior vehicular use areas shall be subject to the following landscaping requirements. Planting within perimeter buffers required by Article 7.F, PERIMETER BUFFER LANDSCAPE REQUIREMENTS, shall not be used to satisfy these requirements. [Partially relocated to Art. 7.C.4, Landscaping Requirements for Off-Street Parking]~~

Section 1 — Trees

~~A minimum of 75 percent of all trees required in the interior of vehicular use areas shall be canopy trees. Palms may count as one required tree, not to exceed 25 percent of the total required trees. [Relocated to Art. 7.C.4, Landscape Island and Divider Median – Planting and Dimensional Requirements]~~

Section 2 — Landscape Islands

A. — Terminal Islands

~~Each row of parking spaces in excess of three spaces, or four spaces in industrial zoning districts, shall be terminated by a landscape island. Terminal islands shall have a minimum length of 15 feet and include a minimum of one tree per island. The minimum width of terminal islands, exclusive of sidewalks or utilities, shall be subject to the standards in Figure 7.G.2.A, Terminal and Interior Landscape Islands. For non-residential planned development, terminal islands facing major internal driveways shall be landscaped on both sides with a minimum two foot high continuous opaque hedge for a minimum of 60 percent of the island length. Terminal islands shall not overlap perimeter or other required buffers.~~

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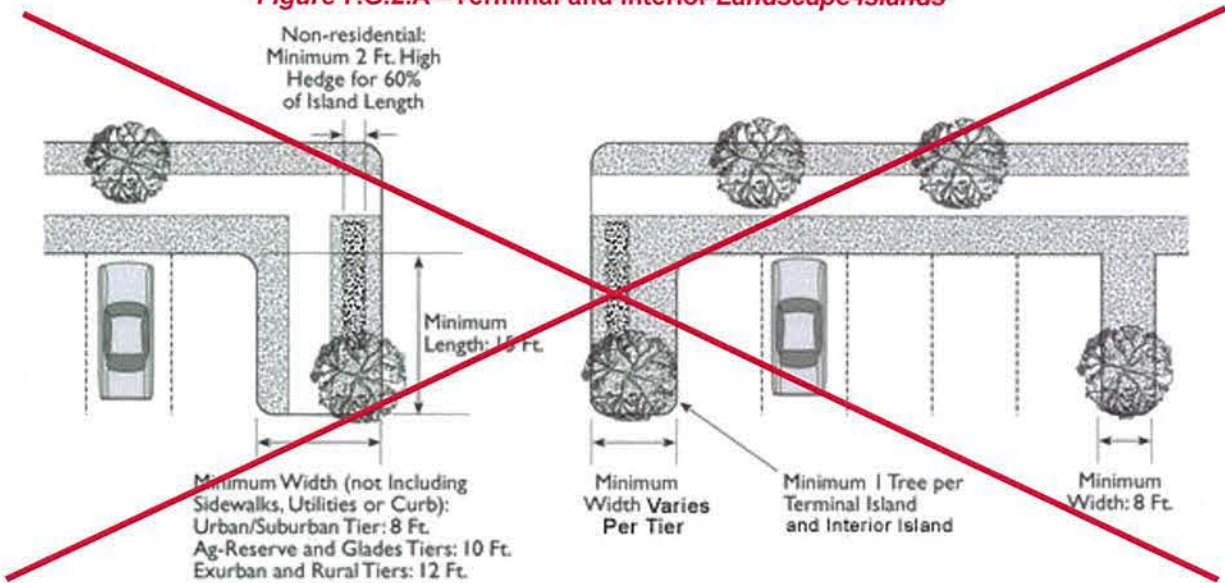
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Figure 7.G.2.A – Terminal and Interior Landscape Islands



[Relocated to Figure 7.C.4, Landscape Islands]

B. Interior Islands

Interior landscape islands shall have a minimum length of 15 feet and a minimum width of eight feet landscape area. If an interior island includes a sidewalk or utilities, the minimum width shall increase by the minimum amount necessary to meet the needs of the utility providers or sidewalk. Interior islands shall contain one tree and appropriate ground coverage.

1. Maximum Spacing

a. U/S Tier

One per ten spaces (maximum 100 feet apart). [Relocated to Art. 7.C.4.A.1.a, U/S Tier]

b. AGR and Glades Tiers

One per eight spaces (maximum 80 feet apart). [Relocated to Art. 7.C.4.A.1.b, AGR and Glades Tiers]

c. Rural and Exurban Tiers

One per six spaces (maximum 60 feet apart). [Relocated from Art. 7.C.4.A.1.c, Rural and Exurban Tiers]

C. Divider Median

Divider medians with a minimum width of eight feet shall be required for parking lots with at least two or more vehicular parking aisles in the U/S, AGR, and Glades Tiers. Divider medians shall be installed between every third row of parking and between all parking/vehicular use areas. Divider medians shall contain a minimum of one canopy tree for every 30 linear feet with a maximum spacing of 30 feet on center, shrubs with a minimum height of three feet and a maximum spacing of 30 inches, and appropriate ground coverage.

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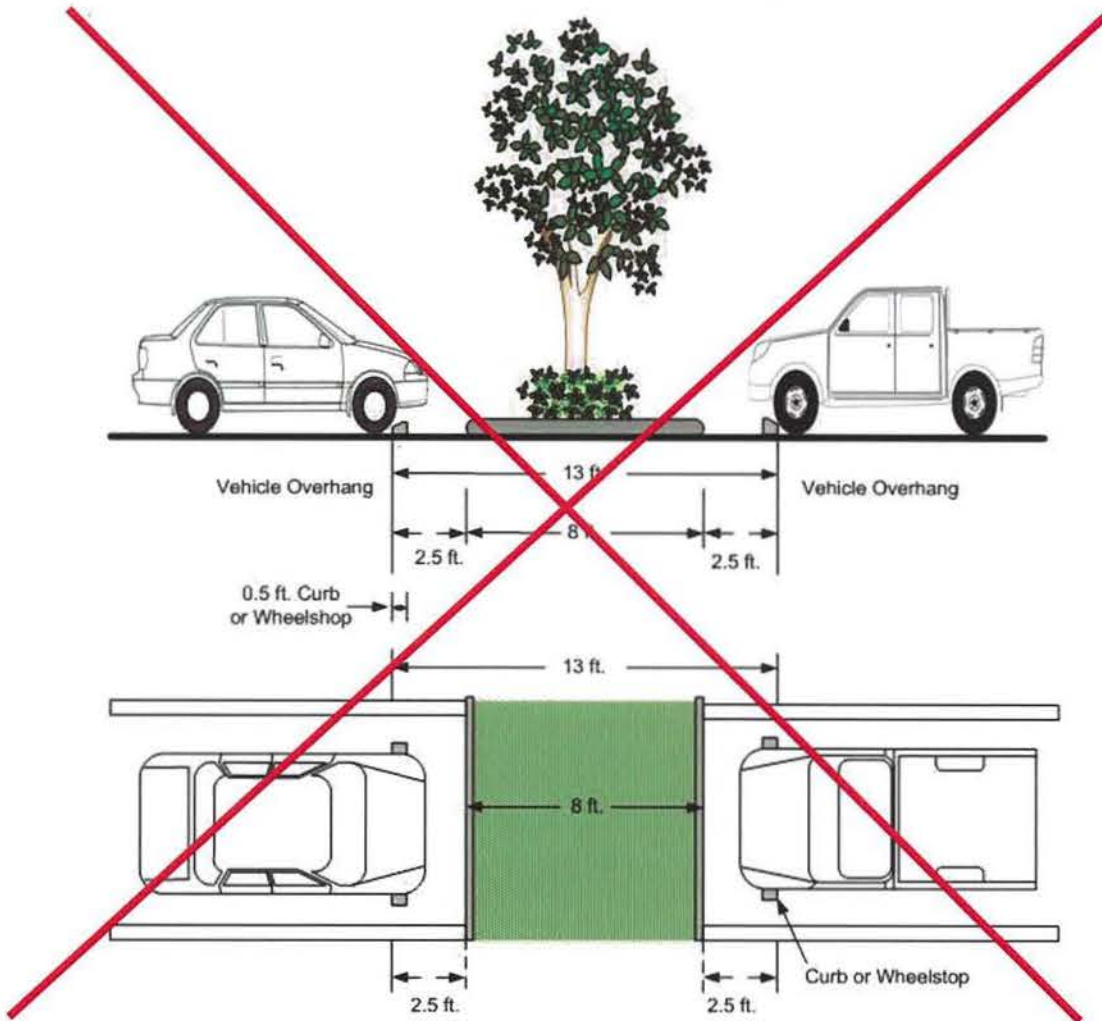
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Figure 7.G.2.C – Divider Median Requirements



~~[Ord. 2015-031]~~

[Relocated to Figure 7.C.4.B – Divider Median Requirements]

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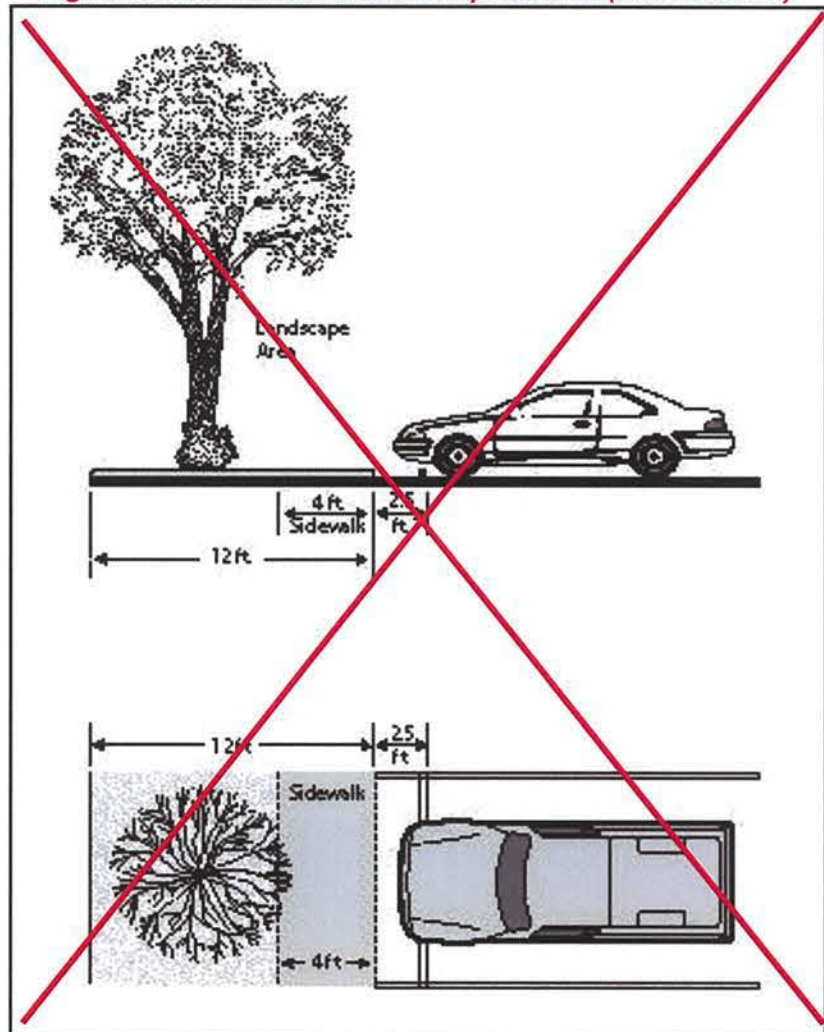
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Figure 7.G.2.C – Divider Median Requirements (with Sidewalk)



[Partially relocated to Figure 7.C.4.B – Divider Median Requirements (with sidewalk)]

D. Landscape Diamonds

~~Landscape diamonds containing one tree and appropriate ground cover may be distributed throughout the interior of an off-street parking area as an alternative to median islands. Grade-level tree-planting areas shall be located only at the common intersection of four parking spaces and spaced a maximum of four parking spaces apart. The minimum tree-planting area shall be 25 square feet with minimum dimension of five feet by five feet. [Relocated to Art. 7.C.4.C, Landscape Diamond Detail]~~

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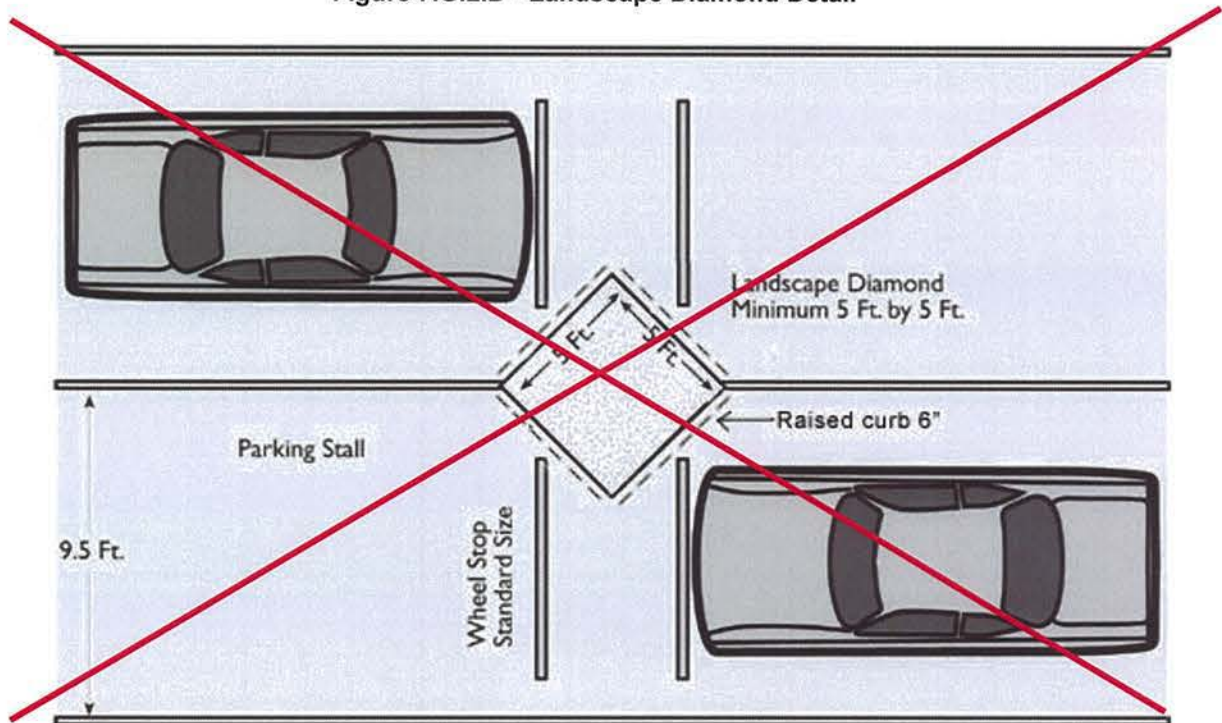
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Figure 7.G.2.D - Landscape Diamond Detail



A raised curb is required around the entire landscape diamond when wheel stops are not used

[Partially relocated to Figure 7.C.4.C – Landscape Diamond Detail]

~~E. Landscape Protection Measures~~

~~The landscape area adjacent to any off-street parking space or vehicular use area shall be protected from vehicular encroachment by the use of wheel stops or continuous concrete curbing. Alternative protection may be allowed in the AGR, Exurban, Glades and Rural Tiers by the Zoning Division. [Partially relocated to Art. 7.C.4.E, Landscape Protection Measures]~~

~~1. Curbing~~

~~All landscape areas subject to vehicular encroachment shall be separated from vehicular use areas by six inch, non-mountable, FDOT-type "D" or FDOT-type "F", concrete curbing. Curbing shall be machine-laid, formed-in-place or integrally installed with the pavement. Landscaped areas adjacent to vehicular use areas shall be surrounded with a continuous raised curb. [Ord. 2010-022] [Relocated to Art. 7.C.4.E.1, Curbing]~~

~~a. Exemptions~~

- ~~1) Divider medians that abut parking spaces with wheel stops; or, [Ord. 2010-022] [Relocated to Art. 7.C.4.E.1.a.1), related to Curbing Exemptions]~~
- ~~2) Properties located in the AGR, AP, or AR zoning districts that support bona fide agricultural uses. [Ord. 2010-022] [Relocated to Art. 7.C.4.E.1.a.2), related to Curbing Exemptions]~~

~~b. Alternative~~

- ~~1) For properties located in the PO zoning district, alternative landscape protection measures may be allowed when it can be demonstrated to the Zoning Director that the curbing will interfere with the traffic circulation of the proposed use. [Ord. 2010-022] [Relocated to Art. 7.C.4.E.3, Alternative Landscape Protection]~~

~~c. Properties located in the AGR, AP, AR, and PO zoning districts. [Partially relocated to Art. 7.C.4.E.2.a and b, related to Alternative to Curbing]~~

~~d. Alternative landscape protection measures approved by the Zoning Division.~~

~~2. Wheel Stops~~

~~Wheel stops shall have a minimum height of six inches above the finished grade of the parking area, properly anchored, and continuously maintained in good condition. The space between the wheel stop and the front end of the parking space may be paved for anchoring and maintenance purposes. Wheel stop anchor rods shall be set through the wheelstop and the pavement. The bottom of the wheel stop must rest fully on the pavement to prevent rocking. Public parks in the PO District that are exempt from curbing requirements shall also be exempt from wheel stop requirements. [Ord. 2006-004] [Relocated from Art. 7.C.4.E.4, Wheel Stops]~~

~~F. Parking Structures~~

~~Perimeter planters shall be provided along the exterior of parking structures located within 500 feet of a public R-O-W or residential zoning district. Planters shall provide a total of one-half square foot of planting area for each linear foot of facade per parking level. Planting areas may be arranged in~~

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~~linear fashion or clustered at intervals or on levels, and shall be provided with permanent irrigation to permit watering of plant materials. The perimeter planter requirement may be altered if in conflict with the architectural character of the structure, subject to approval of an ALP. [Relocated to Art. 7.C.4.F, Parking Structures]~~

Part 7. ULDC Art. 7.H, ENFORCEMENT (page 46-47 of 49), are hereby amended as follows:

CHAPTER ~~HG~~ ENFORCEMENT

Section 1 Temporary Suspension of Landscape Standards

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

A. Performance Surety

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

B. Application Requirements

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

~~Section 2 Administration~~

~~A. Landscape Permit~~

~~Landscape Plan applications for review shall be submitted in compliance with the provisions of this Chapter. When all requirements are satisfied, the appropriate staff shall issue a Landscape Permit that shall reference the approved Landscape Plan associated with the permit in addition to any necessary inspections, conditions and maintenance obligations. The Permit shall be maintained on-site until the final landscape inspection is signed off by the PBC Inspector. A copy of the landscape permit shall be maintained in the associated official Building Permit record, as well as the Zoning Division file. [Ord. 2009-040] [Partially relocated to Art. 7.B.3.B, Review of Landscape Plans and Art. 7.B.3.C, Issuance of Landscape Plans]~~

~~B. Field Inspections~~

~~Unless otherwise provided in this Article, all development subject to this Article may be inspected by PZB prior to and after installation of required landscaping. Required landscaping shall be approved by PZB prior to the issuance of a paving permit, CO, or Certificate of Completion, whichever occurs first. Partially relocated to Art. 7.B.3.D, Landscape Inspections]~~

~~1. Types of Landscape Inspection~~

~~a. Preliminary Inspection — required to verify existing grades, vegetation and necessary site preparation has been completed prior to any plant material being installed on the site to comply with the Landscape Permit; [Ord. 2009-040] [Relocated to Art. 7.B.3.D.1,a, related to Types of Landscape Inspection]~~

~~b. Final Inspection — required as part of the typical building permit process to ensure landscape material, irrigation and conditions of approval on a development order are in compliance prior to final sign-off that the landscape is completed and installed in accordance to the Landscape Permit. [Ord. 2009-040] [Relocated to Art. 7.B.3.D.1,b, related to Types of Landscape Inspection]~~

~~c. Annual Inspection — scheduled on the one year anniversary date from the date of the Final Inspection noted on the Landscape Permit. Inspection shall be performed to ensure all landscape and irrigation continually complies with the Landscape Permit. If material or irrigation is missing, dead or damaged the property owner shall be provided with a Notice to Correct, pursuant to Article 10, ENFORCEMENT. [Ord. 2009-040] [Relocated to Art. 7.B.3.D.1,c, related to Types of Landscape Inspection]~~

~~d. Monitoring Inspection — performed to respond to complaint of missing or damaged plant material or changes to the landscape not approved in accordance with the Landscape~~

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~~Permit. [Ord. 2009-040]~~ [Relocated to Art. 7.B.3.D.1,d, related to Types of Landscape Inspection]

~~C. Certification of Compliance~~

~~In addition to Final Inspection and certification by PZB, the land owner shall submit a Certificate of Compliance, in a form approved by the Zoning Director, to the County Landscape Section as a condition of issuance of a CO or Certificate of Completion. This certificate shall be prepared and signed by a landscape architect licensed by the State of Florida and demonstrate that all of the provisions of this Article have been met. The certification statement, included in Art. 7, LANDSCAPING, as Appendix C, Certification of Compliance, shall be made part of the documentation in the official building permit file. [Ord. 2009-040]~~ [Partially relocated to Art. 7.B.3.E, Certification of Compliance]

~~1. Field Verification of Certification~~

~~PZB may elect to conduct a field inspection to verify the Certificate of Compliance.~~ [Relocated to Art. 7.B.3.E.1, Field Verification of Certification]

~~2. Acceptance of Certification~~

~~If no field verification is conducted by PZB within 30 days, the Certificate of Compliance shall be deemed to have been accepted provided it is complete with all the required information. Upon acceptance, the Certificate of Compliance shall be filed and maintained with the official records of the development.~~ [Relocated to Art. 7.B.3.E.2, Acceptance Certification]

~~Section 32~~ Enforcement

Failure to install or maintain landscaping according to the terms of this Article or any approved plan or permit shall constitute a violation of this Article. PZB may issue a Cease and Desist Order or withhold a CO or Certification of Completion until the provisions of this Article have been met. In the alternative, PZB may refer any violation of this Article to Code Enforcement for corrective action or penalties set forth in Article 10, Enforcement.

A. Fines

Violations of the provisions of this Section shall be subject to the following fines or requirements:

1. Such fines, site improvements and replacement landscaping as may be required by Article 10, ~~Code~~ Enforcement, or the PBC Code Enforcement Citation Ordinance. [Ord. 2005 – 002]
2. Such fines and imprisonment as provided for in F.S. §125.69; or
3. A triple permit fee for removal of trees without a valid tree removal and replacement permit.

B. Violations

The following deficiencies shall be considered a separate and continuing violation of this Article:

1. Each tree or shrub that is not properly installed or properly maintained on site as required by this Section;
2. Each day in which landscaping is not properly installed or properly maintained on site as required by this Section or by the order of the Special Magistrate; and
3. Each tree removed without a permit.

C. Additional Sanctions

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

1. Replacement of Landscaping

- a. Canopy trees shall be replaced pursuant to Art. 7.E.3.C, Tree Credit and Replacement.
- b. Any other landscape materials shall be replaced pursuant to Art. 7.D, Landscape Standards.

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Notes:

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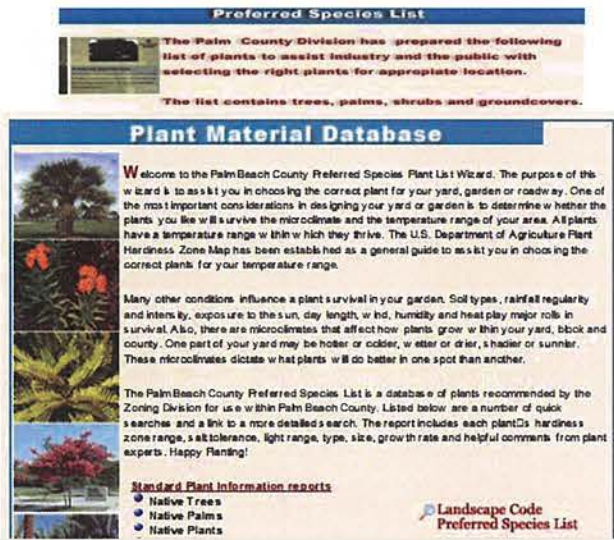
EXHIBIT J

ARTICLE 7, LANDSCAPING

1

APPENDIX A – PBCS Preferred Species List, as amended

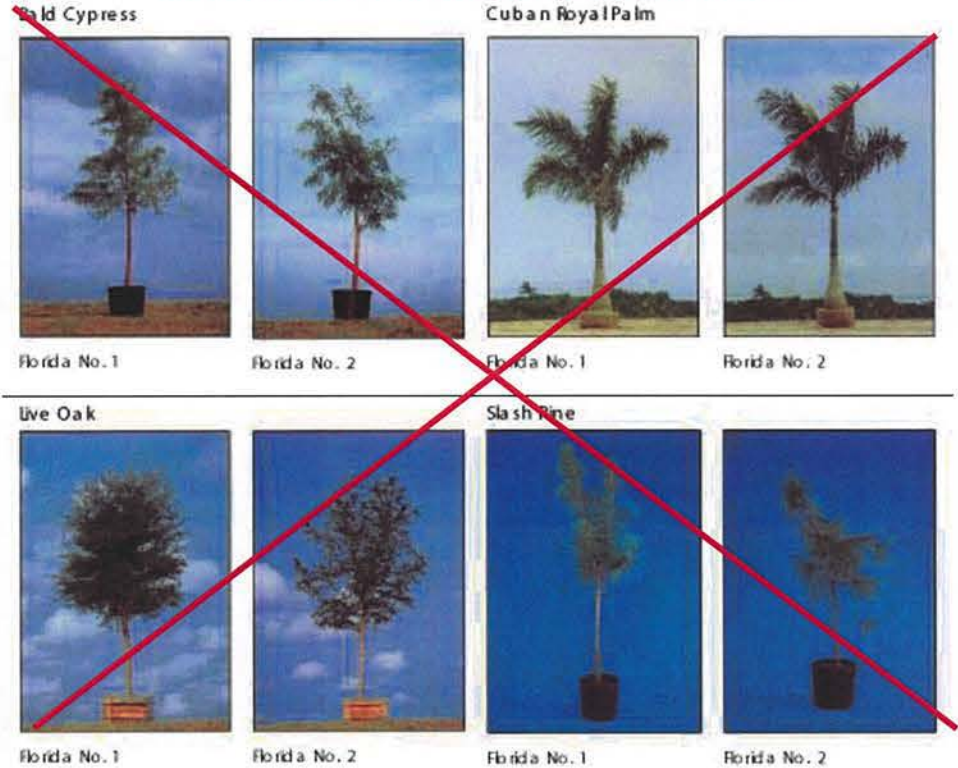
PBCs Preferred Species List available at PZB Zoning Division or on-line at PBC PZB Web Page at:
http://www.pbcgov.com/epzbccommon/asp_html/epzbgateway.aspx?ReferrerID=einfo&FROM=EZ&TargetMenuitem=Plant%20Material%20Database



APPENDIX B—Examples of Florida Number 1 Quality Plants

The following two pages include photographic examples of Florida Number 1 and Florida Number 2 for selected plant types from the 1998 Edition of the "Grades and Standards for Nursery Plants, Parts I and II", prepared by the State of Florida Department of Agriculture and Consumer Services. Plants installed pursuant to this Section shall conform to or exceed the minimum standards for Florida Number 1.

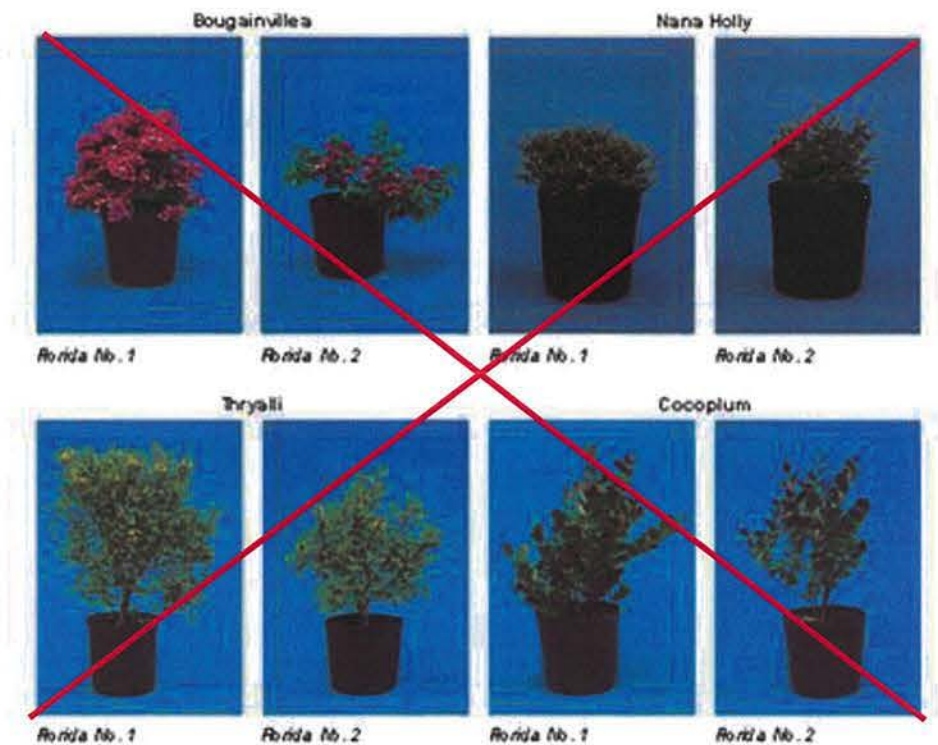
Figure 7.A.1.N—Examples of Florida's Quality Plants



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EXHIBIT J

ARTICLE 7, LANDSCAPING



Appendix **CB** – Certification of Compliance

The following certification statement must appear on the Certification of Compliance required by Art. ~~7.3.H.2.B~~ 7.B.3.E, **Certification of Compliance**.

I HEREBY NOTIFY THE PALM BEACH COUNTY DEPARTMENT OF PLANNING, ZONING, AND BUILDING OF THE COMPLETION OF THE INSTALLATION OF LANDSCAPING FOR THE REFERENCED PROJECT AND CERTIFY THAT THE INSTALLATION OF PLANT MATERIAL AND IRRIGATION COVERAGE ARE IN SUBSTANTIAL CONFORMANCE WITH THE PLANS AND SPECIFICATIONS PERMITTED BY THE COUNTY. (A COPY OF THE APPROVED PROJECT DRAWINGS IS ATTACHED, WITH DEVIATIONS, IF APPLICABLE). SEAL, THIS DAY OF _____, 20__.

Signature and seal: _____ Date: _____

Name: _____

Registration Number: _____

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Notes:

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EXHIBIT J

ARTICLE 7, LANDSCAPING

Part 8. ULDC Art. 1.1.2, (page 56, 77 and 85 of 110), is hereby amended as follows:

CHAPTER I DEFINITIONS & ACRONYMS

Section 2 Definitions

F. Terms defined herein or referenced Article shall have the following meanings:

52. Front Facade –

- a. For the purposes of Art. 3, the wall of a building parallel with and facing a frontage line.
- b. For the purposes of Art. 5.C, Design Guidelines and Art. 7.C.3.B, Foundation Planting, the main pedestrian entrance of a building or structure shall be designated as the front façade.

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

36. Pervious Surface –

- a. ground cover through which water can penetrate at a rate comparable to that of water through undisturbed soils.
- b. For the purposes of Art. 7, Landscaping, pervious surface is the area that can be utilized for planting that is covered by permeable material.

Part 9. ULDC Art. 2.D.1.G.2.c.3.), Administrative Process (page 41 of 87), is hereby amended as follows:

CHAPTER D ADMINISTRATIVE PROCESS

Section 1 Development Review Officer (DRO)

G. Modifications to Prior Development Orders

2. Administrative Modifications

c. Zoning Review

- 3) Relocation of ~~terminal~~ landscape islands to accommodate trees or utility lines; [Ord. 2008-003]

Part 10. ULDC Art. 3.B, OVERLAYS (page 85 of 216), is hereby amended as follows:

CHAPTER B OVERLAYS

Section 4 GAO, Glades Area Overlay

F. Planned Industrial Park Development (PIPD)

1. Development Standard Exceptions

f. Landscaping in Industrial Pods

1) Foundation Planting

Industrial buildings visible from a public street or residential zoning district may be exempt from the foundation planting requirements of Art. 7.~~D.11~~C.3.B, Foundation Plantings if the adjacent perimeter ROW or incompatibility buffer is increased in width by eight feet and the foundation planting requirements are relocated to the buffer. For those parcels that use this exemption, only that portion of the building facade with the main public and employee entrances, and extending along the facade a minimum of 100 feet in each direction from each entrance, including around corners unless interfering with a loading area/space/dock/bay, are subject to the provisions. If the distance between foundation planting treatments is less than 10 percent of the overall length of the building facade, the treatment shall be extended. If the Architectural Review exemption in Art. 3.B.4.F.1.d, Architectural Review is utilized, the additional buffer width and planting is not required to utilize the Foundation Planting exemption. [Ord. 2014-025]

2) Interior Landscaping Exceptions

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EXHIBIT J
ARTICLE 7, LANDSCAPING

- b) Interior Vehicular Use Areas not used for parking of passenger vehicles are not required to provide ~~terminal or interior~~ landscape islands. [Ord. 2014-025]

Section 14 WCRAO, Westgate Community Redevelopment Area Overlay

F. Property Development Regulations (PDRs)

2. Build to Line and Frontages

a. Build to Line

2) R-O-W/Easement Exception

The build to line may be adjusted by the DRO where a site plan is required, or at Building Permit review for projects Permitted by Right, to accommodate requirements such as increased R-O-W buffers due to location of existing utility easements, or required safe sight distance or corner clips. [Ord. 2017-025]

G. Supplementary Standards

In addition to the requirements of Art. 5, Supplementary Standards, and Table 3.B.14.G, WCRAO Supplementary Standards by Sub-Area, the following shall apply: [Ord. 2006-004]

Table 3.B.14.G - WCRAO Supplementary Standards by Sub-Area

| Sub-areas | NR | NRM | NG | NC | UG | UH | UI |
|---|----|-----|-----|-----|----|----|----|
| | | | | | | | |
| Landscaping: | | | | | | | |
| See <u>Article 7, Art.3.B.14.J. WCRAO Landscaping Modifications</u> Landscaping for provisions allowing for reduction in Perimeter and foundation planting requirements. | | | | | | | |
| Min. Pervious Surface Area | - | 20% | 20% | 20% | - | - | - |
| | | | | | | | |

J. WCRAO Landscape ~~Deviations~~ Modifications

1. Foundation Planting

b. Foundation Planting Deviations

The following ~~deviations~~ modifications shall be permitted subject to DRO approval of an ALP: [Ord. 2010-022]

2. Perimeter Buffer Width Reductions

A required R-O-W or ~~incompatibility~~ Incompatibility buffer width may be reduced by up to 50 percent in the NRM, NG, NC, UG and UI Sub-areas for commercial or mixed use projects, provided that a minimum five foot wide planting areas is provided with no encroachments, and that all other code requirements are met, unless indicated otherwise. A side interior perimeter buffer shall not be required when a zero side setback is used. [Ord. 2010-022]

3. R-O-W Planting Reductions

Shrubs and hedges shall not be required for any R-O-W buffer along the Westgate Avenue corridor from Congress Avenue to the L-10 Canal, provided that required trees are planted 20 feet on center. This provision may also be used along the frontage of any mixed use project in the NRM, NC, NG and UG Sub-areas. [Ord. 2010-022]

a. Clustering

In the WCRAO, clustering is not permitted in conjunction with the R-O-W buffer in the NRM, NG, and NC Sub-areas. [Ord. 2006-004] [Relocated from Art. 7.F.7.D.6, Clustering]

Section 15 INFILL REDEVELOPMENT OVERLAY (IRO)

F. Design and Development Standards

Table 3.B.15.F - Block Building Configuration PDRs

| |
|---|
| Notes: |
| 1. Required maximum build to line may be increased, where necessary, to accommodate utility easements, landscape buffer, slip street, safe sight lines distance , corner clips, or other similar need as may be required by the County Engineer. [Ord. 2010-005] |

Table 3.B.15.F - Liner Building Configuration PDRs

| |
|---|
| Notes |
| 1. Required maximum build to line may be increased, where necessary, to accommodate utility easements, landscape buffer, slip street, safe sight lines distance , corner clips, or other similar need as may be required by the County Engineer. [Ord. 2010-005] |

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EXHIBIT J
ARTICLE 7, LANDSCAPING

Table 3.B.15.F - Courtyard Building Configuration PDRs

| |
|--|
| |
| Notes: |
| 1. Required maximum build to line may be increased, where necessary, to accommodate utility easements, landscape buffer, slip street, safe sight lines <u>distance</u> , corner clips, or other similar need as may be required by the County Engineer. [Ord. 2010-005] |
| |

Table 3.B.15.F. - Townhouse Lot and Building Configuration PDRs

| |
|--|
| |
| Notes: |
| 1. Required maximum build to line may be increased, where necessary, to accommodate utility easements, landscape buffer, slip street, safe sight lines <u>distance</u> , corner clips, or other similar need as may be required by the County Engineer. [Ord. 2010-005] |
| |

11. Landscape Standards

c. Alternative Parking Lot Design Options

1) Option 1

Projects that are one-half acre or less in size, with 20 or fewer parking spaces may consolidate all required ~~interior~~ landscape island areas and planting materials into one or more locations anywhere within the project; [Ord. 2010-005] [Ord. 2014-025]

2) Option 2

Projects that are two acres or less in size may reduce required ~~terminal-landscape~~ island ~~landscape~~ width to a minimum of five feet in width of landscape area. This option may not be used in conjunction with any option relocating these landscape areas; [Ord. 2010-005] [Ord. 2014-025]

3) Option 3

Landscape shrub or groundcover requirements for ~~terminal, interior landscape islands~~ and divider median islands may be replaced with bio-swaes and appropriate landscaping, provided that required canopy trees can be accommodated. Alterations to required curbing may be permitted subject to demonstration that vegetated areas are protected from vehicles; [Ord. 2010-005] [Ord. 2014-025]

4) Option 4

Up to a maximum of 25 percent of required ~~terminal, interior landscape islands~~ and divider median landscape islands shall not be required provided that covered parking that utilizes appropriate solar reflectance index (SRI) materials are installed where islands are removed. [Ord. 2010-005] [Ord. 2014-025]

6) Option 6

No ~~interior-landscape~~ islands are required if parking spaces are abutting landscape buffers, street walls or tree planting areas. [Ord. 2010-005] [Ord. 2014-025]

Section 16 Urban Redevelopment Area Overlay (URAO)

F. PRA Design and Development Standards

Table 3.B.16.F. - PRA Block Building PDRs

| |
|--|
| |
| Notes: |
| 1. Required maximum build to line may be increased, where necessary, to accommodate utility easements, landscape buffer, slip street, safe sight lines <u>distance</u> , corner clips, or other similar need as may be required by the County Engineer. [Ord. 2010-022] |
| |

Table 3.B.16.F. – PRA Liner Building Configuration PDRs

| |
|--|
| |
| Notes: |
| 1. Required maximum build to line may be increased, where necessary, to accommodate utility easements, landscape buffer, slip street, safe sight lines <u>distance</u> , corner clips, or other similar need as may be required by the County Engineer. [Ord. 2010-022] |
| |

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EXHIBIT J

ARTICLE 7, LANDSCAPING

Table 3.B.16.F - PRA Townhouse Lot and Building Configuration PDRs

| | |
|---|---|
| | |
| [Ord. 2010-022] [Ord. 2011-016] [Ord. 2017-007] | |
| Notes: | |
| | |
| 2. | Required maximum build to line may be increased, where necessary, to accommodate utility easements, landscape buffer, slip street, safe sight lines <u>distance</u> , corner clips, or other similar need as may be required by the County Engineer. [Ord. 2010-022] [Ord. 2011-016] |
| | |

Part 11. ULDC Art. 3.E, PLANNED DEVELOPMENT DISTRICTS (page 135,152,158,159-160 of 216), is hereby amended as follows:

CHAPTER E PLANNED DEVELOPMENT DISTRICTS (PDDs)

Section 1 General

J. Phasing and Platting

2. Platting

All land in a PDD shall be platted in accordance with Art. 11, Subdivision, Platting and Required Improvements. [Ord. 2005 – 002] [Ord. 2011-001] [Ord. 2012-003]

c. **Dedications**

Required landscape buffers within or around residential pods of Planned Developments shall be platted and dedicated as separate tracts of land. [Relocated from Art. 7.F.4, Dedications]

Section 2 Planned Unit Development (PUD)

F. AGR PUD

4. Development Area

~~d.~~ **Landscape Buffer**

~~A Type 3 incompatibility buffer shall be required between the Development Area and all adjacent properties zoned AGR, AP, SA, or AR; including Preservation Areas. The buffer shall be a minimum of 50 feet in width and installed in accordance with Article 7, LANDSCAPING, except that a wall shall not be required. [Ord. 2006-004] [Ord. 2008-003] [Partially relocated to Art. 7.C.2.C.4, AGR PUD Landscape Buffer]~~

~~1)~~ **Buffer Width Reduction**

~~The minimum 50 foot buffer width required along the perimeter of an AGR PUD Development Area may be reduced for the following: [Ord. 2013-001] [Relocated to Art. 7.C.2.C.4.a, Buffer Width Reduction]~~

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

~~A 50 percent reduction (minimum of 25 feet in width) shall be permitted if: [Ord. 2013-001] [Relocated to Art. 7.C.2.C.4.a.1), Abutting R-O-W, Open Space or Another Buffer]~~

~~(1) the buffer is within a nonresidential pod and adjacent to a R-O-W greater than 50 feet in width; [Relocated to Art. 7.C.2.C.4.a.1).a), related to Abutting R-O-W, Open Space or Another Buffer]~~

~~(2) the buffer is adjacent to another platted PUD buffer a minimum of 20 feet in width; or [Relocated to Art. 7.C.2.C.4.a.1).b), related to Abutting R-O-W, Open Space or Another Buffer]~~

~~(3) the buffer is adjacent to open space (e.g. lake, canal, etc.) greater than 50 feet in width [Relocated to Art. 7.C.2.C.4.a.1).c), related to Abutting R-O-W, Open Space or Another Buffer]~~

~~b)~~ **Abutting a Rural Parkway**

~~A reduction to a minimum of 15 feet in width shall be permitted if the buffer is abutting a Rural Parkway a minimum of 100 feet in width. [Ord. 2013-001] [Relocated to Art. 7.C.2.C.4.a.2), Abutting a rural Parkway]~~

[Renumber Accordingly]

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EXHIBIT J

ARTICLE 7, LANDSCAPING

Section 3 Multiple Use Planned Development (MUPD)

B. Objectives and Standards

2. Performance Standards

c. Landscape Buffers

A Type 3 incompatibility buffer shall be provided in any area of an MUPD adjacent to a residential use type or undeveloped land with a residential FLU designation. The applicant may request for an alternative buffer subject to a Type 2 Waiver process BGC may allow an alternative buffer as a condition of approval.

e. Parking

Off street parking areas shall comply with Article 6, PARKING, Article 7, LANDSCAPING, and the following:

1) Parking Areas

- a) Groundcover or small shrubs 18 to 24 inches in height at installation, and maintained to achieve a maximum of 30 inches in height shall be planted in all terminal-landscape islands and divider medians.
- b) Where pedestrian access ways cross terminal-landscape islands or are provided within divider medians, they shall consist of brick, decorative concrete, or similar

Part 12. ULDC Art. 3.F.2.A.4.c.2), Terminal Islands [Related to Off Street Parking Areas] (page 192 of 216), is hereby amended as follows:

CHAPTER F TRADITIONAL DEVELOPMENT DISTRICTS (TDDs)

Section 2 General Standards

A. Applicability

4. Landscaping and Buffering

c. Off-Street Parking Areas

2) Terminal-Landscape Islands

Terminal Landscape islands, subject to the requirements of Art. 7.G, Off-Street Parking Requirements. ~~Terminal and interior~~ Landscape islands shall be provided on both sides of all vehicular access points.

Part 13. ULDC Art. 5.B.1.A.2.b.4), General Exceptions (page 14 of 107), is hereby amended as follows:

CHAPTER B ACCESSORY USES AND STRUCTURES

Section 1 Supplementary Regulations

A. Accessory Uses and Structures

2. Fences and Walls

b. Height and Related Standards

4) General Exceptions

f) Walls subject to noise mitigation shall comply with Art. 7.D.4.B.2, Noise Mitigation Walls.

Part 14. ULDC Art. 5.D.2.G.3.a., Interior Islands [Related to Off Street Parking Requirements] (page 58 of 107), is hereby amended as follows:

CHAPTER D PARKS & RECREATION – RULES AND RECREATION STANDARDS

Section 2 Types of Parks

G. Public Park Landscape Standards

3. Off Street Parking Requirements

a. Interior-Islands-Landscape Islands

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EXHIBIT J
ARTICLE 7, LANDSCAPING

One interior landscape island a minimum of ten feet in width shall be required per ten spaces, in all Tiers (maximum 100 feet apart). [Ord. 2006-004]

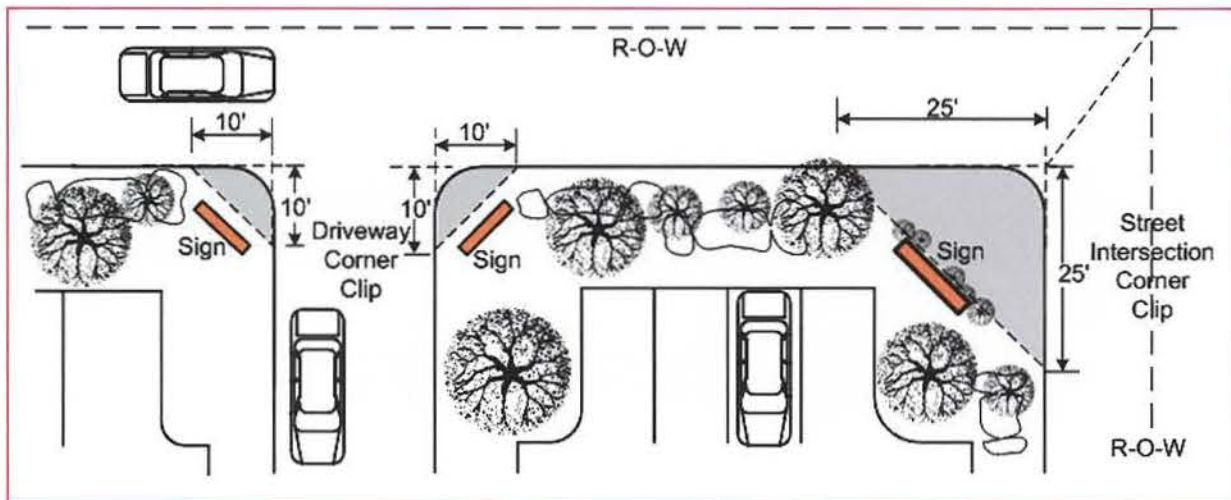
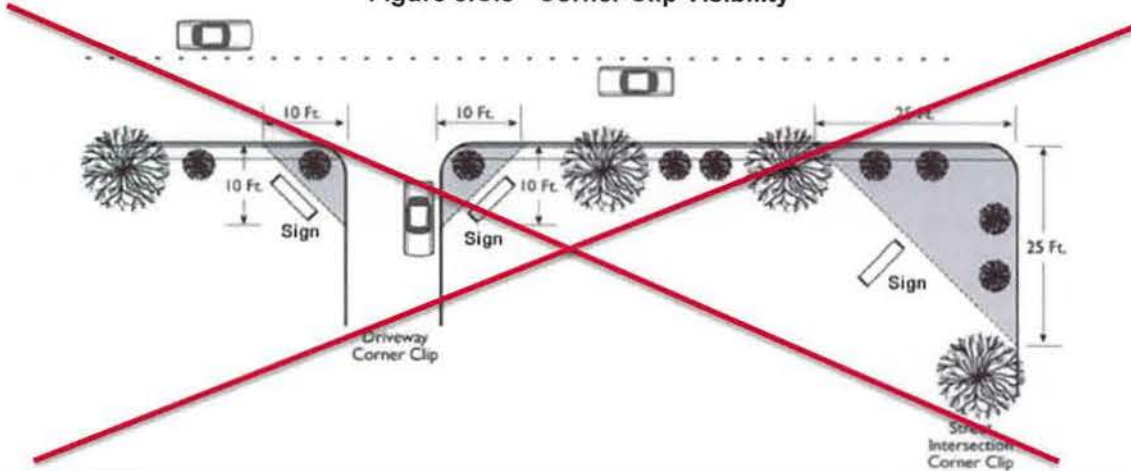
Part 15. ULDC Art. 8.C.8., Obstructions to Driver Visibility (page 12-13 of 42), is hereby amended as follows:

CHAPTER C PROHIBITIONS

Section 8 Obstructions to Driver Visibility

Signs in corner clips and line-of-sight safe sight distance in accordance with PBC standards that do not meet the visibility requirements in accordance with PBC standards.

Figure 8.C.8 - Corner Clip Visibility



Part 16. ULDC Art. 8.G.2.A.3, Limitations in Median [Related to Freestanding Signs] (page 28 of 42), is hereby amended as follows:

CHAPTER G STANDARDS FOR SPECIFIC SIGN TYPES

Section 2 Ground Mounted Signs

A. Freestanding Signs

3. Limitations in Median

Freestanding signs erected in a median within a driveway to a development shall not be located in corner clips or visibility areas safe sight distance unless they are less than 30 inches high and shall be set back a minimum of five feet from the face of curb, or from the edge of adjacent pavement where no curb exists. Signs that overhang a driveway shall be a minimum of 13.5 feet above the adjacent pavement

Notes:

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EXHIBIT K

ARTICLE 8 – SIGNAGE
[RELATED TO TEMPORARY SIGNS]
SUMMARY OF AMENDMENTS

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

CHAPTER A GENERAL

Section 1 General

C. Applicability

3. Conflict with Graphics and Other Provisions

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

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

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

CHAPTER B EXEMPTIONS

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

Section 1 Change of Ownership Signs

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

Section 2 Small Signs

Notes:

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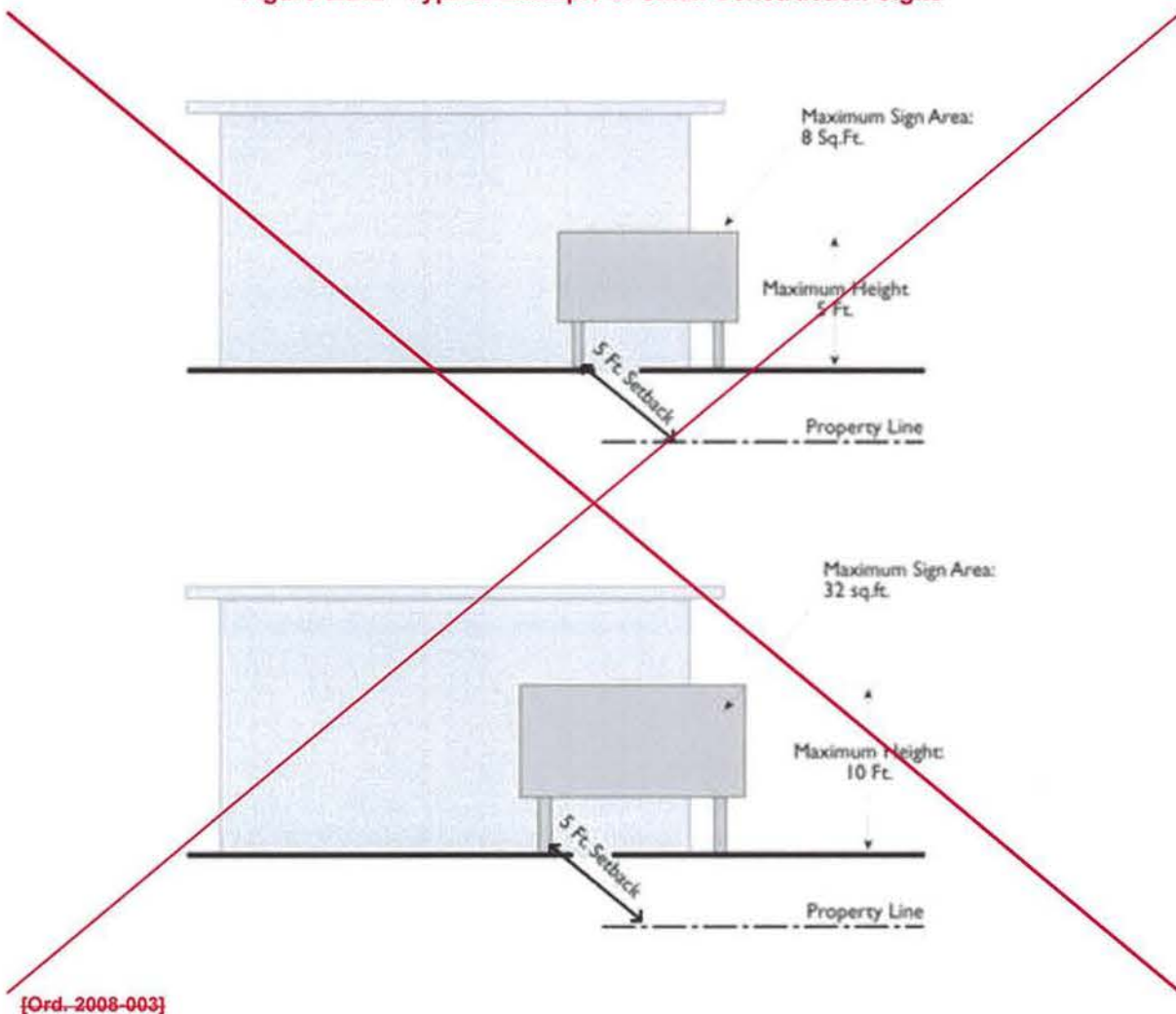
EXHIBIT K

ARTICLE 8 – SIGNAGE [RELATED TO TEMPORARY SIGNS] SUMMARY OF AMENDMENTS

Small signs shall include but not be limited to the following types of temporary or permanent signage: equipment; real estate sale or rental; freedom of speech; campaign, provided they are removed within ten days after the election date; public warning; official government; and commemorative plaques, and corresponding limitation on sign face area. Sign location shall comply with the provisions indicated in Art.8.A.F.1 – Minimum Setbacks. The size and height of the signs shall comply with the following: [Ord. 2008-003] [Partially relocated from Art. 8.B.2.B, below]

- A. Signs located on residential parcels five acres or less in size shall not exceed eight square feet of sign face area and eight feet in height. Equipment, mobile vendor, and on-site directional signs shall be limited to a maximum of eight square feet in sign face area and five feet in height. [Ord. 2008-003]
- B. Signs located on any non-residential parcel and residential parcels greater than five acres in size shall not exceed 32 square feet of sign face area and ten feet in height. Other small signs shall include but not be limited to equipment or mobile vendor, temporary signs such as real estate for sale and for rent signs; construction signs which typically include names of the project, contractors, architects and other entities associated with the project; freedom of speech signs; campaign signs; provided such signs are removed within ten days after the election date; permanent signs such as public warning signs; official government signs and commemorative plaques. These small signs shall be limited to a maximum of eight square feet of sign face area and five feet in height on residential properties less than five acres in size, and a maximum of 32 square feet of sign face area and ten feet in height for all non-residential properties and residential properties greater than five acres in size. [Ord. 2006-036] [Ord. 2008-003] [Partially relocated to Art. 8.B.2, Small Signs, above]

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



[Ord. 2008-003]

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EXHIBIT K

ARTICLE 8 – SIGNAGE
[RELATED TO TEMPORARY SIGNS]
SUMMARY OF AMENDMENTS

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

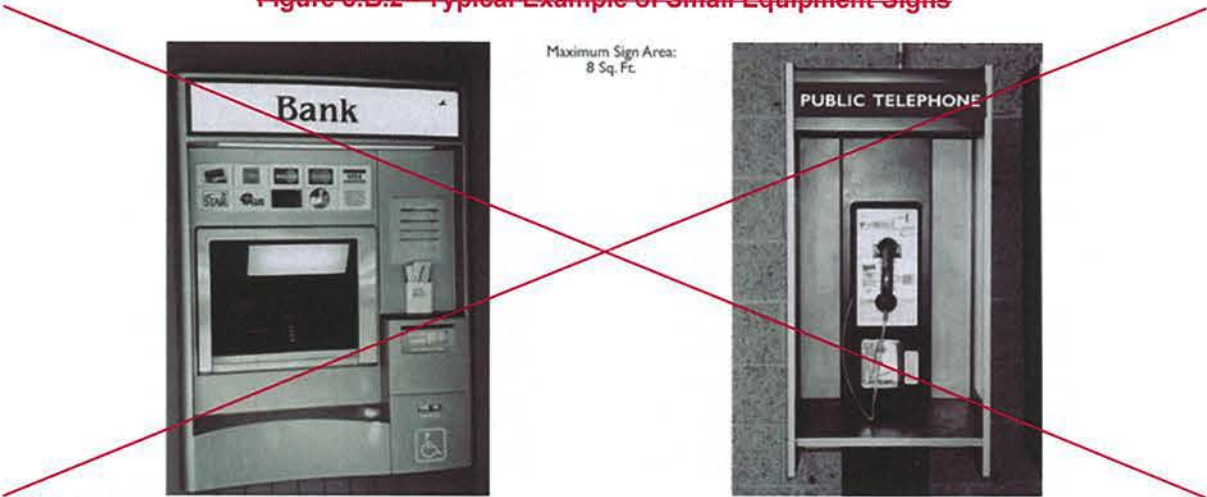


Figure 8.B.2 – Typical Example of Small Mobile Vendor Sign

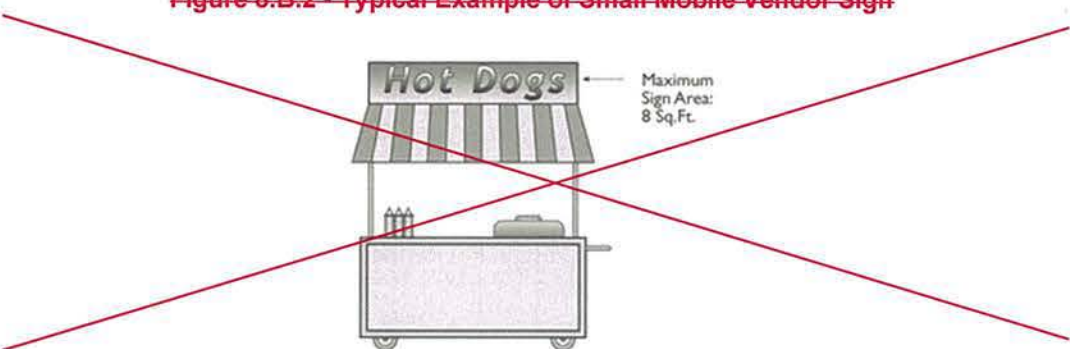
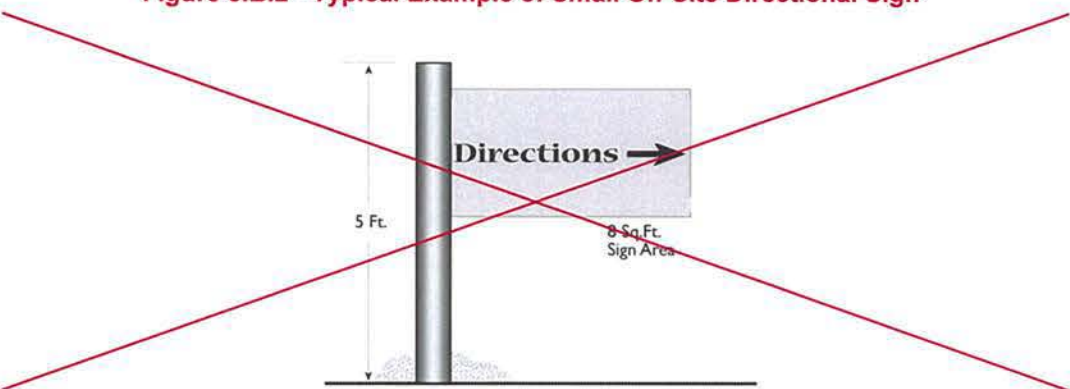


Figure 8.B.2 – Typical Example of Small On-Site Directional Sign



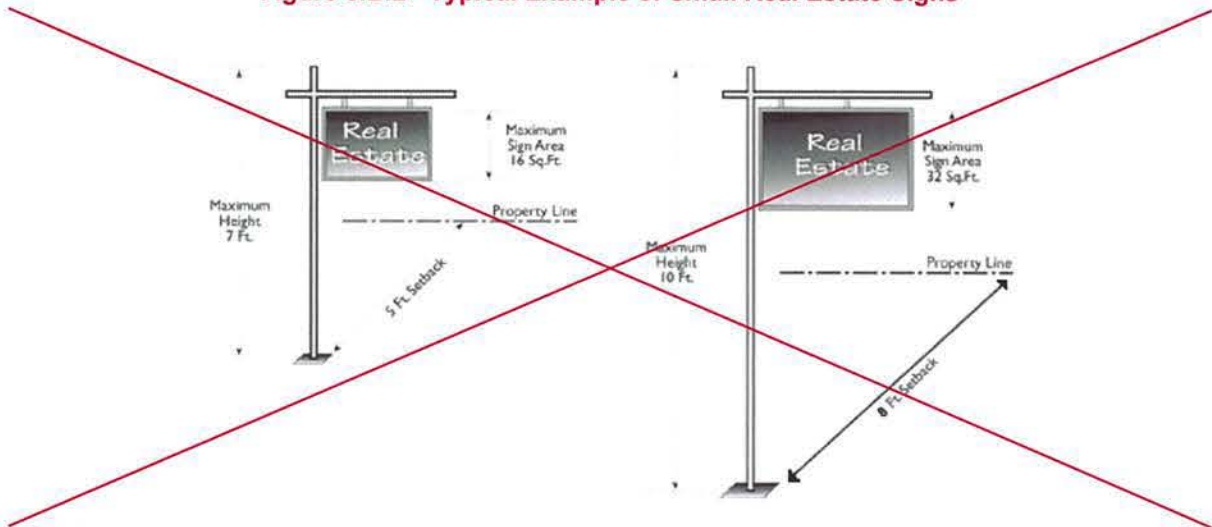
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EXHIBIT K

ARTICLE 8 – SIGNAGE
[RELATED TO TEMPORARY SIGNS]
SUMMARY OF AMENDMENTS

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



[Ord. 2008-003]

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

CHAPTER C PROHIBITIONS

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

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

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

Section 3 ~~Mechanical~~ Movement

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

Section 6 Obscenities

Signs that depict, describe, or relate to "specified sexual activities" or "specified anatomical areas" as defined in ~~ART. 1.1 DEFINITIONS AND ACRONYMS Art. 4.B.2.C.1, Adult Entertainment.~~

Section 11 Signs On Public Bus Shelters

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

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

Notes:

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EXHIBIT K

ARTICLE 8 – SIGNAGE
[RELATED TO TEMPORARY SIGNS]
SUMMARY OF AMENDMENTS

CHAPTER D TEMPORARY SIGNS ~~REQUIRING SPECIAL PERMIT~~

~~Signs that are intended to be used for a specific purpose for a limited time, may be permitted as set forth in this Chapter. These signs may be in ground or building mounted, banner or balloon form. The Zoning Director may approve special permits for the following signs pursuant to Art. 2.D.2., Special Permit. All temporary signs not removed within the time limit indicated on the permit or in this Chapter shall be removed subject to the provisions of Article 8.I.4, Removal of Signs in Violation of this Article.~~ [Partially relocated to Table 8.D.2 – Temporary Sign Standards, note #3, below].
~~Temporary signs may be sought for those Uses pursuant to Art. 4.B.11, Temporary Uses. Other temporary signs may be allowed subject to the requirements in Table 8.D.2 – Temporary Sign Standards.~~

Section 1 Approval

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

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

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

Table 8.D.2 – Temporary Sign Standards

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

A. Residential Development

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

B. Non-Residential Development

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

Section 4 C. Balloon Type Signs

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

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EXHIBIT K

ARTICLE 8 – SIGNAGE
[RELATED TO TEMPORARY SIGNS]
SUMMARY OF AMENDMENTS

Table 8.D.42.C - Balloon ~~Type~~ Sign Standards

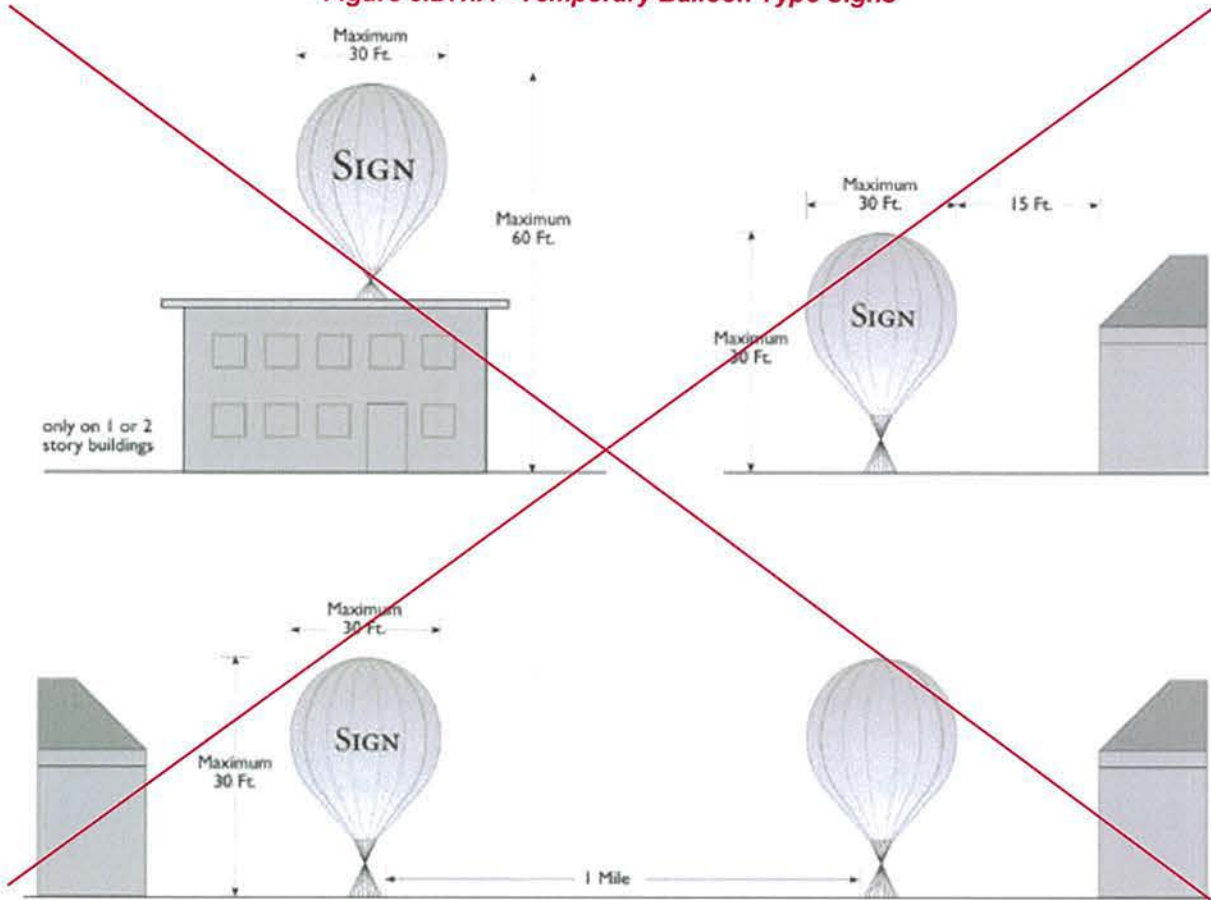
| | |
|--|---|
| Maximum Width | 30 ft. |
| Maximum Height | 30 ft. 60 ft. for balloons on top of buildings (allowed on 1 or 2 story buildings only) |
| Minimum Separation Between Other Permitted Balloon Type Signs | 1 mile |
| Minimum Setback from Base Building Line | 15 ft. |

A1. Permit Requirements

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

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

~~Figure 8.D.1.A – Temporary Balloon Type Signs~~



B2. Prohibitions in the WCRAO

Balloon type signs are prohibited in the WCRAO. [Ord. 2006-004]

Section 2 Campaign Drives or Civic Events

~~These signs are allowed 60 days prior to the campaign drive or event; they shall not exceed 32 square feet or ten feet in height. They shall be removed within 30 days following the end of the campaign drive or event.~~

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EXHIBIT K

ARTICLE 8 – SIGNAGE [RELATED TO TEMPORARY SIGNS] SUMMARY OF AMENDMENTS

Section 3 Grand Openings

~~One temporary sign, per business, per location for a grand opening shall be permitted, and may be displayed for up to 14 days.~~

~~A. Projects Less Than Five Acres~~

~~Grand opening signs shall not be more than eight square feet in sign area. Freestanding grand opening signs shall be a maximum of five feet in height and have a minimum setback of five feet.~~

~~B. Projects Over Five Acres~~

~~Grand opening signs shall not be more than 32 square feet in sign area. Freestanding grand opening signs shall be a maximum of ten feet in height and have a minimum setback of five feet.~~

Section 4 Temporary Sales

~~One temporary on-site and non-illuminated freestanding sign announcing a temporary sale, prior or in accordance with the Article 2.D.2, Special Permit shall be permitted for 30 days, subject to the standards in Table 8.D.4, Temporary Sales Sign Standards.~~

Table 8.D.4 – Temporary Sale Sign Standards

| | |
|-------------------|------------|
| Maximum Sign Area | 32 sq. ft. |
| Maximum Height | 10 ft. |
| [Ord. 2008-003] | |

Section 5 Temporary Residential Development Signs

~~A maximum of two temporary residential development signs shall be permitted per frontage for up to three years or until 95 percent of the development has received a CO, whichever occurs later. An additional sign shall be permitted for each 660 feet of frontage in excess of 1,320 feet. [Ord. 2008-037] [Relocated to Art. 8.D.2.A, Residential Development Signs]~~

~~A. Developments Less Than Five Acres~~

~~Temporary residential development signs shall be a maximum of eight square feet in sign area and not more than five feet in height. [Ord. 2008-037]~~

~~B. Developments Greater Than Five Acres~~

~~Temporary residential development signs shall not be more than 48 square feet in sign area and not more than ten feet in height. [Ord. 2008-037]~~

Section 6 Temporary Non-Residential Development Signs

~~For projects with DRO approval, no more than one temporary development sign shall be permitted, per frontage, for up to two years or until the development has received a CO. [Relocated to Art. 8.D.2.B, Non-Residential Development Signs]~~

~~A. Maximum height: ten feet; [Ord. 2008-003]~~

~~B. Maximum sign area: 32 square feet. [Ord. 2008-003]~~

CHAPTER F GENERAL PROVISIONS FOR ALL SIGN TYPES

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

Section 5 Illumination

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

A. General Requirements

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

....

Notes:

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EXHIBIT K

ARTICLE 8 – SIGNAGE
[RELATED TO TEMPORARY SIGNS]
SUMMARY OF AMENDMENTS

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

CHAPTER B USE CLASSIFICATION

Section 11 Temporary Uses

C. Definitions and Supplementary Use Standards for Specific Uses

6. Special Event

d. Duration

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

Notes:

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EXHIBIT L

ART. 8.G.3.B, ELECTRONIC MESSAGE SIGNS SUMMARY OF AMENDMENTS

Part 1. ULDC Art. 1.1.2 Definitions, (Page 89 of 110) are hereby amended as follows:

CHAPTER I DEFINITIONS AND ACRONYMS

Section 2 Definitions

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

....

R. Terms defined herein or referenced Article shall have the following meanings:

....

12. Regional Facility – For the purpose of Art. 8.G.3.B, Electronic Message Signs, a site or facility that because of its character, magnitude, events, programming and location is a destination or attraction to users who reside in an extended geographic region. Regional facility uses include, but are not limited to: Arenas, Stadiums, Amphitheaters, Regional Public Parks, state-chartered fairgrounds, and, live performance venues with a capacity of 2,000 or more.

Part 2. ULDC Art. 8.G.3.B, Electronic Message Signs (pages 29-34 of 42 [Supplement 21]), is hereby amended as follows:

CHAPTER G STANDARDS FOR SPECIFIC SIGN TYPES

Section 3 Other Sign Types

B. Electronic Message Signs

1. Applicability and Approval Process

Electronic message signs shall only be allowed as follows: [Ord. 2015-031]

Table 8.G.3.B, Electronic Message Sign Types and Approval Process

| Sign Type | Permitted Content | Approval Process |
|---|---|--------------------------------------|
| Type 1 | At regional facilities, facilities with serial performances, and, specialized attractions that, by their operating characteristics, have unique sign requirements as defined in Art. 1, to include events or activities scheduled. | Class A Conditional Use approval (1) |
| Type 2 (2) | Reserved for Future Use | N/A |
| Type 3 | Time and temperature | Building Permit |
| Type 3 | Fuel prices | Building Permit |
| Type 3 | Informational signs within residential Planned Unit Development (PUD) | DRO |
| [Ord. 2010-022] [Ord. 2014-025] [Ord. 2015-031] [Ord. 2016-020] [Ord. 2017-002] [Ord. 2017-007] [Ord. 2017-025] | | |
| Notes: | | |
| 1. | Unless exempt under Article 8.B, EXEMPTIONS | |
| 2. | Signs approved pursuant to the provisions of the Type 2 Electronic Changeable Copy Message Sign (PRA Pilot Program) shall be considered conforming, where in compliance with all of the standards established for the Pilot Program in Ord. 2016-020. | |

2. Prohibited Elements

- Electronic message signs in windows and externally visible; [Ord. 2014-025]
- Message units that change copy, light, ~~color~~, intensity, words or graphics more than once per eight seconds for Type 1 or Type 3 Electronic Message Signs. Any change in message shall be completed instantaneously. There shall be no special effects in-between messages; [Ord. 2014-025] [Ord. 2016-020] [Ord. 2017-025]
- Reflectorized lamps; [Ord. 2015-031]
- Lamps, light-emitting diodes or bulbs in excess of the amount and intensity of light generated by a 30-watt incandescent lamp or 300 lumens, whichever is less; and, [Ord. 2014-025] [Ord. 2015-031]
- The message shall be static. There shall be no animation, flashing, scintillating lighting, movement, or varying of light intensity during the message. Messages shall not scroll, undulate, pulse, blink, expand, contract, bounce, rotate, spin, twist, or otherwise give the appearance of optical illusion or movement as it comes onto, is displayed on, or leaves the sign board. [Ord. 2014-025] [Ord. 2015-031] [Ord. 2016-020]

3. General Standards

Electronic message signs are subject to the following: [Ord. 2014-025] [Ord. 2015-031]

- Each sign shall have a light sensing device that automatically adjusts brightness as ambient light conditions change in order to ensure that the message meets the standard for maximum brightness; [Ord. 2014-025]

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EXHIBIT L

ART. 8.G.3.B, ELECTRONIC MESSAGE SIGNS SUMMARY OF AMENDMENTS

- b. The maximum brightness shall be 0.2 foot candles above ambient light measured 150 feet perpendicular from the sign face area from a height of six feet. No sign shall display light of such intensity to cause glare or otherwise impair the vision of a driver, or interferes with the effectiveness of an official traffic sign, signal or device; [Ord. 2014-025]
- c. The sign shall be equipped with a default mechanism or setting that will cause the sign to turn off or show a full black or similar image if a visible malfunction or failure occurs; and, [Ord. 2014-025] [Ord. 2015-031]
- ~~d. Each message shall be monochromatic. Separate messages may have different colors; [Ord. 2014-025]~~

4. Standards for Type 1 Electronic Message Signs

a. Height, Sign Face Area and Setbacks

Type 1 electronic message signs are subject to the height standards for freestanding signs in Table 8.G.2.A, Freestanding Signs: Maximum Height, and the following: [Ord. 2015-031]

Table 8.G.3.B – Type 1 Electronic Message Sign Face Area and Setbacks

| | |
|---------------------------------|--|
| Maximum Sign Area | 50 percent of The total sign face area, including electronic and static signage, shall not exceed the allowable freestanding sign area (Table 8.G.2.A, Freestanding Sign Standards) |
| Minimum Setback: Front | 15 feet |
| Minimum Setback: Side and Rear | 30 feet |
| Minimum Setback: Side Street | 50 feet |
| [Ord. 2014-025] [Ord. 2015-031] | |

b. Location

A Type 1 electronic message sign may be located in the following areas and subject to the following provisions: [Ord. 2014-025] [Ord. 2015-031]

- 1) In a CG, CRE, PO, or IL zoning district or in a non-residential planned development.
- 2) Shall not be located within 100 feet of a residential zoning district, undeveloped property with a residential FLU designation, or residential use. [Ord. 2014-025]
- 3) Adjacent to roadways classified as arterials or expressways, ~~and a;~~
- ~~4) A~~ 4) A minimum of 1,000 feet from any signalized intersection or existing electronic message signs;
- ~~4)5)~~ 5) No more than one electronic message sign shall be permitted per ~~project frontage;~~ and,
- ~~5)6)~~ 6) Type 1 electronic message signs are prohibited in the WCRAO.

c. Additional Standards for Approval

In addition to the Standards of Art. 2.B.2.B, Standards for Conditional Uses and Development Order Amendments, when considering a Class A Conditional Use for a Type 1 Electronic Message Sign, the BCC shall consider whether or not the following standards have been met: [Ord. 2014-025] [Ord. 2015-031] [Ord. 2017-025]

- 1) The sign will not create confusion or a significant distraction to passing motorists;
- 2) The sign (including its supporting structure, if any) is consistent with Art. 8.A.1.B, General Design Principles; [Ord. 2017-025]
- 3) The sign will not be a nuisance to occupants of adjacent and surrounding properties; and
- 4) The sign is accessory to a use regional in scale and attraction that, by its nature, demonstrates a unique need to communicate more information than is ordinarily needed for an attraction. [Ord. 2017-025]

d. Conditions of Approval

In reviewing an application for a Type 1 electronic message sign, the BCC may impose conditions to assure the sign is compatible with and minimizes adverse impacts on the area surrounding the proposed sign. [Ord. 2014-025] [Ord. 2015-031]

7. Type ~~1~~ 2 Waivers for Electronic Message Signs

An ~~a~~ Applicant may apply for waivers for Electronic Message Sign standards in accordance with Art. 2.B.2.G, Type ~~1~~ 2 Waivers, in accordance with Table 8.G.3.B, Type ~~1~~ 2 Waivers for Electronic Message Signs, below: The Applicant shall demonstrate in the Justification Statement and provide supporting documents that all applicable criteria in the following Table have been met.

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EXHIBIT L

ART. 8.G.3.B, ELECTRONIC MESSAGE SIGNS
SUMMARY OF AMENDMENTS

1

Table 8.G.3.B, Type ~~1~~ **2** Waivers for Electronic Message Signs

| Article/Table Reference and Title | Maximum Waiver | Criteria |
|---|--|--|
| Art. 8.G.3.B.4.a, Standards for Type 1 Electronic Message Signs (Related to Maximum Height) | <u>Additional 15 feet in height.</u> | <ul style="list-style-type: none">▪ <u>Sign is adjacent to a R-O-W with a minimum of 6 existing lanes of vehicle travel.</u>▪ <u>Line of sight analysis is provided to demonstrate that the sign height is necessary to address visibility of the sign.</u> |
| Art. 8.G.3.B.4.a, Table 8.G.3.B, Standards for Type 1 Electronic Message Signs (Related to Setbacks) | 50 percent reduction. | <ul style="list-style-type: none">▪ Demonstrate reduced setback won't will not adversely impact traffic or pedestrian safety, or residential property, to include:<ul style="list-style-type: none">• Distractions to vehicular traffic caused by frequent message change and proximity to roadways or intersections; and,• Impacts of urban sky glow caused by sign lighting, inclusive of message changes, on residential properties. (1) |
| Art. 8.G.3.B.4.a, Table 8.G.3.B Standards for Type 1 Electronic Message Signs (Related to Maximum Sign Area) | <u>50 percent increase</u> | <ul style="list-style-type: none">▪ <u>The regional facility annually supports a variety of events and attractions on a frequent basis.</u>▪ <u>Sign is adjacent to a R-O-W with a minimum of 6 existing lanes of vehicle travel.</u>▪ <u>Demonstrate that the sign program related to the use of the site requires more sign area to address the text needed to inform the public of events and programs.</u> |
| Art. 8.G.3.B.4.b.2) Standards for Type 1 Electronic Message Signs (Related to Location and separation from residential) | <u>Minimum 50-foot setback.</u> | <ul style="list-style-type: none">▪ <u>Demonstrate that combination of sign orientation, location of buildings, walls, or other permanent natural or man-made barriers, additional separations, limits on hours of operation, or other similar measures, will mitigate any glare or light pollution, including urban sky glow, that may adversely impact residential uses. (1)</u>▪ <u>Sign is adjacent to a R-O-W with a minimum of 6 existing lanes of vehicle travel.</u> |
| Art. 8.G.3.B.4.b.3) Standards for Type 1 Electronic Message Signs (Related to roadway classification) | <u>Allow a Type 1 Sign on an Urban Collector road as classified on Map TE 3.1 Functional Classification of Roads</u> | <ul style="list-style-type: none">▪ <u>The sign shall not be located within 100 feet of a residential use, zoning district or FLU designation.</u>▪ <u>The regional facility annually supports a variety of events and attractions on a frequent basis.</u> |
| Art. 8.G.3.B.4.b.4) Standards for Type 1 Electronic Message Signs (Related to distance from signalized intersection) | <u>No minimum distance from signalized intersection.</u> | <u>Demonstrate that the reduced separation will not adversely impact vehicular or pedestrian safety, or be a distraction to vehicular traffic. (1)</u> |
| Notes: | | |
| (1) <u>Report must be prepared, signed and sealed by a licensed design professional as defined in Art. 1, with related experience.</u> | | |

2

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