

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 H, DEFINITIONS AND ACRONYMS; **ARTICLE 2 – APPLICATION PROCESSES AND PROCEDURES:** CHAPTER A, GENERAL; CHAPTER B, PUBLIC HEARING PROCESSES; CHAPTER C, ADMINISTRATIVE PROCESSES; **ARTICLE 3 – OVERLAYS AND ZONING DISTRICTS:** CHAPTER B, OVERLAYS; CHAPTER D, PROPERTY DEVELOPMENT REGULATIONS (PDRs); CHAPTER E, PLANNED DEVELOPMENT DISTRICTS (PDDs); **ARTICLE 4 – USE REGULATIONS:** CHAPTER A, USER GUIDE AND GENERAL PROVISIONS; CHAPTER B, USE CLASSIFICATION; **ARTICLE 5 – SUPPLEMENTARY STANDARDS:** CHAPTER G, DENSITY BONUS PROGRAMS; **ARTICLE 6 – PARKING, LOADING, AND CIRCULATION:** CHAPTER B, PARKING AND LOADING; CHAPTER E, LOADING STANDARDS; 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:**

**Section 1. Adoption**

The Exhibits listed below, attached hereto and made a part hereof, are hereby adopted.

- Exhibit A Art. 1 and 2, Administrative Modifications
- Exhibit B Art. 2, Residential Type 1 Variances
- Exhibit C Art. 3, Palm Beach International Airport Overlay Landscaping, Notification, and Noise
- Exhibit D Art. 3, Zero Lot Line Residential Uses
- Exhibit E Art. 3 and 4, Plan Requirements for Planned Development Districts
- Exhibit F Art. 4, Commercial Recreation Zoning District with Rural Residential Future Land Use Designation
- Exhibit G Art. 4, Mobile Retail Sales
- Exhibit H Art. 5, Workforce Housing Program Low-Income Category Rental Requests
- Exhibit I Art. 1, 3, 4, and 6, Parking Reference Glitch Corrections



1           **Section 2. Interpretation of Captions**

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

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

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6 repealed to the extent of such conflict.

7           **Section 4. Severability**

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

12           **Section 5. Savings Clause**

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

19           **Section 6. Inclusion in the Unified Land Development Code**

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

23           **Section 7. Providing for an Effective Date**

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


26           **APPROVED and ADOPTED** by the Board of County Commissioners of Palm Beach  
27 County, Florida, on this the 27th day of August, 2020.

SHARON R. BOCK, CLERK &  
COMPTROLLER

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

By:   
Deputy Clerk  
APPROVED AS TO FORM AND  
LEGAL SUFFICIENCY

By:   
Dave Kerner, Mayor

By:   
for Scott A. Stone, County Attorney

28           **EFFECTIVE DATE:** Filed with the Department of State on the 3rd day of  
29 September, 2020.

EXHIBIT A

ARTICLE 1 – GENERAL PROVISIONS  
ARTICLE 2 – APPLICATION PROCESSES AND PROCEDURES  
ADMINISTRATIVE MODIFICATIONS

Part 1. ULDC Art. 2.A, Application Processes and Procedures, General (pages 15, 21, 22, 26, and 31 of 101, Supplement 27), is hereby amended as follows:

CHAPTER A GENERAL

Section 4 Concurrent or Separate Applications

D. Type 2 or 3 Concurrent Review

2. PAC

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

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

C. Withdrawal

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

Section 11 Violation of Condition of DO

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

- A. The violation shall be rectified prior to any public hearing, ~~or public meeting, or DRO review~~ on the issuance of any subsequent ~~Development Order~~DO for that project, unless the subsequent application seeks to amend the condition that has been violated. Unless otherwise specified in the DO, an approved use must comply with all conditions prior to implementing the approval.
- B. The violation shall be subject to any and all enforcement procedures available as provided by Art. 10, Enforcement and by all applicable laws and ordinances.

Section 12 Outstanding Liens or Fines

A. General

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

1. Applications ~~s~~Subject to Public Hearing Processes

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

2. Applications ~~s~~Subject to Administrative Processes

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

~~3. Time extension approved by the ZC or BCC~~

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

B. Contest by the Applicant

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

Notes:

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EXHIBIT A

ARTICLE 1 – GENERAL PROVISIONS  
ARTICLE 2 – APPLICATION PROCESSES AND PROCEDURES  
ADMINISTRATIVE MODIFICATIONS

1 ....

2 CHAPTER B PUBLIC HEARING PROCESSES

3 ....

4 Section 4 Review, Resubmittal, and Certification

5 ....

6 D. Certification

7 1. If the resubmitted document(s) satisfy Code requirements and address the DRO's list of

8 outstanding issues and comments, the DRO shall issue a ~~Result Letter~~written notification

9 indicating the certification of the application. [Ord. 2018-002] [Ord. 2020-001]

10 ....

11 ....

12 Section 6 Public Hearing Procedures

13 ....

14 C. Board Action

15 ....

16 2. Action by BCC

17 ....

18 b Final Decision by the BCC

19 The BCC shall consider the application, staff report, relevant support materials, DRO

20 certification, the ZC recommendation, public testimony submitted before and given at the

21 hearing. After close of the public hearing, the BCC shall by not less than a majority of a

22 quorum present approve, approve with conditions, modify, or deny the application. The

23 actions shall be based upon the applicable and any Standards specific to the use as

24 required in Art. 4.B, Use Classification, thereby adopting a resolution approving, approving

25 with conditions, or denying the proposed request. The resolution shall be filed with the

26 Clerk of the Circuit Court. For PO Deviations a ~~Result Letter~~written notification, in lieu of a

27 resolution, is prepared by the DRO, provided to the Applicant, and filed with the Zoning

28 Division. [Ord. 2008-003] [Ord. 2012-027] [Ord. 2017-007] [Ord. 2018-002] [Ord. 2019-

29 005] [Ord. 2020-001]

30 ....

Part 2. ULDC Art. 2.C, Application Processes and Procedures, Administrative Processes (pages 43-60 of 101, Supplement 27), is hereby amended as follows:

31 CHAPTER C ADMINISTRATIVE PROCESSES

32 Section 1 Purpose

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

34 A. Sufficiency determination of applications that are subject to the Administrative processes; [Ord.

35 2018-002]

36 B. Submittal, Review, Resubmittal, and Approval of applications that are subject to Table 2.C.3, DRO,

37 Administrative Processes; [Ord. 2018-002]

38 C. Finalization of approved BCC or ZC DOs by the DRO; [Ord. 2018-002]

39 D. Review and final decisions on requests that are subject to the Administrative processes by the

40 DRO; and, [Ord. 2018-002]

41 E. Considerations for other Administrative types of processes that will not result in the issuance of a

42 DO. [Ord. 2018-002]

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## EXHIBIT A

### ARTICLE 1 – GENERAL PROVISIONS ARTICLE 2 – APPLICATION PROCESSES AND PROCEDURES ADMINISTRATIVE MODIFICATIONS

#### Section 2 Sufficiency Review

##### A. Sufficiency

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

##### 2. Exemptions

a. A DROE application may be exempt from sufficiency review subject to the following:

- 1) The Justification Statement and supporting documents provided as part of the ZC or BCC application approval, previously identified all applicable Type 1 Waivers which were reviewed as part of the approved Preliminary Plans;
- 2) Revisions to the plan(s) are limited to only those amendments to address specific Conditions of Approval due at Final DRO; or any site modifications requested specifically by the Board;
- 3) Revisions are to reflect amendments necessary to address an approved Type 2 Waiver or a Type 2 Variance.

b. BCC or ZC Preliminary Plans such as a Master Plan or Site Plan that are not required to be amended at Final DRO, may be processed and finalized pursuant to Art. 2.C.5.A.2, Exceptions.

##### 3. Application Review

a. A DROE application may be exempted from sufficiency review, if the Applicant indicates at time of application submittal if the application meets any of the exemptions in Art. 2.C.2.A.2, Exemptions. Staff shall determine within five days of submittal if an application meets the exemptions for sufficiency review in order to continue to be processed. Applications not meeting the exemptions shall be subject to sufficiency review.

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

##### B. Insufficiency

If an application is determined to be insufficient pursuant to the Zoning Technical Manual, the DRO shall provide written notification to the Applicant specifying the deficiencies. The notification shall be forwarded to the Applicant within 30-calendar days from the date of the Application's Submittal. [Ord. 2018-002] [Ord. 2020-001]

1. No further action shall be taken on the application until the deficiencies are remedied. [Ord. 2018-002]
2. The Applicant shall address all insufficiencies no more than 30-calendar days after the application was determined to be insufficient, and resubmit the application on the Submittal date. [Ord. 2018-002] [Ord. 2020-001]
3. If the application is amended and determined to be sufficient by the DRO, the application shall be processed for review. [Ord. 2018-002]
4. If the deficiencies are not remedied, the DRO shall issue a second written notification to the Applicant indicating the application shall be considered withdrawn unless a written request for a time extension has been submitted and approved by the Zoning Director, pursuant to Art. 2.C.2.C, Time Extension. [Ord. 2018-002] [Ord. 2020-001]

##### C. Time Extension

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

##### D. Administrative Withdrawal

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

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EXHIBIT A

ARTICLE 1 – GENERAL PROVISIONS  
ARTICLE 2 – APPLICATION PROCESSES AND PROCEDURES  
ADMINISTRATIVE MODIFICATIONS

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

Table 2.C.3 – DRO, Administrative Processes

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

A. Finalization of BCC or ZC DOs

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

12. DRO Expedited ~~Process~~Review (DROE)

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

23. Concurrent Review

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

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## EXHIBIT A

### ARTICLE 1 – GENERAL PROVISIONS ARTICLE 2 – APPLICATION PROCESSES AND PROCEDURES ADMINISTRATIVE MODIFICATIONS

#### B. Administrative Approval

1. The DRO shall make a final decision on ~~a permanent or a temporary~~ uses pursuant to Art. 3, Overlays and Zoning Districts, and Art. 4, Use Regulations; Administrative applications pursuant to Table 2.C.3, DRO, Administrative Processes; or, where required by this Code.
2. **Concurrent Review**  
Applications may be reviewed ~~under either~~pursuant to the ~~Sequential or~~ Concurrent Review process, ~~where applicable in Art. 2.A.4.D, Type 2 or 3 Concurrent Review. *The DROE cannot be utilized for applications that are subject to the Administrative Approval.*~~ **[Partially relocated to: Art. 2.C.5.A, related to Types of Applications, below] *Final Plan review shall be required for all DOs even for those applications that do not include graphic changes to the Plan(s).*** **[Relocated to: Art. 2.C.3.A.1, related to Finalization of BCC or ZC DOs, above]**
3. All Zoning Plans shall be approved by the DRO prior to applying for a Building Permit; commencing related land development activities; or, utilizing any use subject to DRO approval, unless stated otherwise herein. **[Ord. 2018-002]**

#### Section 4 Review, Resubmittal, and Final Decision

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

##### A. Review

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

1. Significant modifications shall include, but not limited to the following: **[Ord. 2020-001]**
  - a. Additional requests to the application; or **[Ord. 2020-001]**
  - b. Modifications to the site layout or submitted document(s) that would require a new review of the document(s) or impact the timing of a final decision by the DRO. **[Ord. 2020-001]**
2. If the DRO determines that the revised requests and documents are significantly modified from the original request that was deemed to be sufficient, the DRO shall provide a written notification to the Applicant describing what changes significantly modified the application. The Applicant shall: **[Ord. 2020-001]**
  - a. revise the requests and modify plans to eliminate the significant modification; **[Ord. 2020-001]**
  - b. submit a written request for a time extension to the Zoning Director to determine if the application is still sufficient or if a new sufficiency review is required. Both parties may agree to a reasonable request for an extension of time; or, **[Ord. 2020-001]**
  - c. request withdrawal of the application. **[Ord. 2020-001]**

##### 3. **Zoning Agency Review (ZAR)**

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

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

##### 1. Not Approved

If the revised document(s) fail to address all listed outstanding issues and comments, the DRO shall issue a Result List indicating that the application is not approved. **[Ord. 2018-002] [Ord. 2020-001]**

##### a. Resubmittal Requirements

The Applicant shall provide a written response addressing all outstanding issues and comments for those applications that were not approved in a manner and form acceptable to the DRO. The revised document(s) shall be submitted on the Resubmittal date as established on the Annual Zoning Calendar. **[Ord. 2008-003] [Ord. 2018-002] [Ord. 2020-001]**

##### b. Time Extension

Applicants who have applications for a DO that are not approved within 120-calendar days of Sufficiency determination by the DRO, must submit a written request and receive approval for an extension of time from the Zoning Director within the 120-calendar day

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- 1 deadline. Both parties may agree to a reasonable request for an extension of time. [Ord.  
2 2005-002] [Ord. 2018-002] [Ord. 2018-018] [Ord. 2020-001]
- 3 c. **Failure to Address Issues and Comments**  
4 If the Applicant fails to address the listed outstanding issues and comments within the 120-  
5 calendar day deadline, and fails to request and receive approval for a reasonable request  
6 for an extension of time from the Zoning Director, within the 120-calendar day deadline,  
7 the application shall receive a decision of denial from the DRO for failure to comply with  
8 the Standards pursuant to Art. 2.C.5, Types of Applications, including the outstanding  
9 issues and comments provided by Staff. [Ord. 2020-001]
- 10 2. **Approved**  
11 If the resubmitted document(s) satisfy Code requirements and address the DRO's list of  
12 outstanding issues and comments, the DRO shall issue a ~~Result Letter~~written notification  
13 indicating the approval of the application. [Ord. 2018-002] [Ord. 2020-001]
- 14 C. **Action by the DRO for Type 1 Variance DO Applications**  
15 1. **Not Certified**  
16 If the revised document(s) fail to address all listed outstanding issues and comments, the DRO  
17 shall issue a Result List indicating that the application is not certified. [Ord. 2020-001]
- 18 a. **Resubmittal Requirements**  
19 The Applicant shall provide a written response addressing all outstanding issues and  
20 comments for those applications that were not certified in a manner and form acceptable  
21 to the DRO. The revised document(s) shall be submitted on the Resubmittal date as  
22 established on the Annual Zoning Calendar. [Ord. 2020-001]
- 23 b. **Time Extension**  
24 Applicants who have applications for a DO that are not certified within 90-calendar days of  
25 Sufficiency determination by the DRO, must submit a written request and receive approval  
26 for an extension of time from the Zoning Director. Both parties may agree to a reasonable  
27 request for an extension of time. [Ord. 2020-001]
- 28 2. **Certification**  
29 a. If the resubmitted document(s) satisfy Code requirements and address the DRO's list of  
30 outstanding issues and comments, the DRO shall issue a ~~Result Letter~~written notification  
31 indicating the certification of the application. [Ord. 2020-001]
- 32 b. If the Applicant fails to address the listed outstanding issues and comments within the 90-  
33 calendar day deadline, and fails to request and receive approval for a reasonable request  
34 for an extension of time from the Zoning Director within the 90-calendar day deadline, the  
35 application shall be scheduled to proceed to a public meeting to comply with the timeframes  
36 enumerated in the F.S. An Applicant shall receive a recommendation of denial from Staff  
37 for failure to comply with the Standards pursuant to Art. 2.C.5.D, Type 1 Variance, including  
38 the outstanding issues and comments provided by Staff. [Ord. 2020-001]
- 39 3. **Application Modification after Certification**  
40 Applications shall not be significantly modified after certification, unless requested or agreed to  
41 by the DRO. Significant modifications to the certified plan(s) and applications within ten days  
42 of a scheduled public meeting date shall result in a postponement when a decision can be  
43 rendered within the timeframe enumerated in the F.S., or if both parties agree to a reasonable  
44 request for an extension of time. For the purposes of the Article, a modification shall be  
45 considered significant if it exceeds 30 percent or more change from the certified plan or  
46 application request. The DRO may consider, but not limited to, intensity, density, land area, or  
47 vehicular use areas, to determine whether the certified plans or document(s) exceed the 30-  
48 percent threshold. [Ord. 2020-001]
- 49 D. **Public Meeting Procedures for Type 1 Variance**  
50 1. **Notification**  
51 Refer to Art. 2.B.5, Notification. [Ord. 2018-018]
- 52 2. **Scheduling**  
53 Once an application has been certified by the DRO, the DRO shall schedule a public meeting  
54 in accordance with the dates established in the Annual Zoning Calendar and pursuant to the  
55 F.S. The scheduling of the application for public meeting shall ensure the public notice  
56 requirements are satisfied and a decision is rendered pursuant to F.S. [Ord. 2018-018] [Ord.  
57 2020-001]
- 58 a. **Number of Meetings**  
59 The DRO shall hold at least one public meeting on applications that are subject to the Type  
60 1 Variance process. [Ord. 2018-018]
- 61 3. **Continuance or Postponement of the Meeting**  
62 The DRO conducting the public meeting, may on its own motion or at the request of an  
63 Applicant, consider an application be continued or postponed, when a decision can be  
64 rendered within the timeframe enumerated in the F.S., or if both parties agree to a reasonable  
65 request within the timeframe enumerated in the F.S., or if both parties agree to a reasonable

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## EXHIBIT A

### ARTICLE 1 – GENERAL PROVISIONS ARTICLE 2 – APPLICATION PROCESSES AND PROCEDURES ADMINISTRATIVE MODIFICATIONS

request for an extension of time. The DRO shall determine if an application shall be postponed when an Applicant fails to submit a written request from postponement five days prior to the meeting. All subsequent requests for continuance or postponement shall be granted at the discretion of the DRO. [Ord. 2020-001]

#### a. Postponement by Right

An Applicant may submit a written request to the Zoning Director, no less than five days prior to the public meeting, for an application be postponed when a decision can be rendered within the timeframe enumerated in the F.S., or if both parties agree to a reasonable request for an extension of time. If the postponement is requested less than five days prior to the date of the scheduled meeting, the request for postponement shall be presented at the hearing and at the discretion of the DRO. [Ord. 2020-001]

#### Section 5. Types of Applications

##### A. Finalization of BCC or ZC DOs

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

##### 1. DRO Expedited Review (DROE)

*a. Final DRO applications are considered DROE when they are submitted within the next two submittal dates indicated in the Zoning Calendar, after the final decision date of the BCC or ZC. [Partially relocated from: Art. 2.C.3.A.1, DRO Expedited Process (DROE), above]*

*b. The DROE shall not be utilized for applications that are subject to the Administrative Approval. [Partially relocated from: Art. 2.C.3.B, Administrative Approval]*

##### 2. Exceptions

*a. Applications approved by the BCC or ZC may be exempt from the submittal requirements for a DROE or Final DRO when the application meets the following:*

*1) The Preliminary Plans do not require changes other than labeling "Final" Plans;*

*2) The Final Plan is required to reflect the Type 2 Waiver or Type 2 Variance tables that do not result in modifications to the plan(s).*

*b. After the BCC or ZC approval, the Applicant shall indicate intent to take advantage of this provision to submit the Final Plan(s) and obtain final application approval. An application shall be finalized once the resolution is signed.*

##### ~~AB. Administrative Approval of New Use~~

##### 1. Purpose

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

##### a. New Use

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

##### 2. Standards

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

##### a. Consistency with the Plan

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

##### b. Consistency with the Code

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

##### c. Adequate Public Facilities

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

##### 3. Conditions

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

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## EXHIBIT A

### ARTICLE 1 – GENERAL PROVISIONS ARTICLE 2 – APPLICATION PROCESSES AND PROCEDURES ADMINISTRATIVE MODIFICATIONS

#### **34.** Effect of an Issuance of a DO

~~Shall be in effect pursuant to Art. 2.C.7, Effect of an Issuance of a DO. A DO approved by the DRO shall have the following effect and authority: [Ord. 2009-040] [Relocated to: Art. 2.C.7, Effect of an Issuance of a DO]~~

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

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

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

#### **BC.** Administrative Modifications to Prior DOs

##### **1.** Purpose

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

##### **a.** Exceptions

1. All Class A or Class B Conditional Uses shall remain in the location consistent with the plan(s) approved by the BCC or ZC; unless a Condition of Approval allows an alternative location on the same site. [Ord. 2018-002]
2. Modifications shall not be allowed if there is a ~~BCC or ZC~~ Condition of Approval that prohibits the amendment request. [Ord. 2018-002]

##### **b2.** Modifications to BCC or ZC Approved Plans

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

##### **23.** Standards

When considering a DO request for Administrative Modifications, the DRO shall utilize the same Standards a through c pursuant to ~~the Art. 2.C.5.B.2, for Administrative Approval of a new use.~~ † The DRO shall also consider the ~~limitations and~~ criteria stated in ~~the following~~ Table: 2.C.5.C, Administrative Modifications to Prior DOs. [Ord. 2018-002]

##### **4.** Applicability

~~The authority of the DRO to modify a prior approval shall include but not be limited to Table 2.C.5.C, Administrative Modifications to Prior DOs.~~

~~a. The DRO shall consider the request(s) to determine which Agencies will review the application, and whether the review shall be subject to the Full DRO or ZAR process pursuant to Art. 2.C.4.A.3, Zoning Agency Review (ZAR). A combination of requests may require review through the Full DRO process. In making a decision on the requested modification(s), the DRO shall evaluate the application based on the Table listed below. [Relocated from: Art. 2.C.5.C.1, Purpose, above]~~

~~b. The Zoning Director shall maintain PPM #ZO-O-029, Administrative Modifications to Approved Site Plans, outlining a list of minor amendments and establishing items that are exempt from the Administrative Modifications process. [Relocated from: Art. 2.C.5.C.1, Purpose, above]~~

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EXHIBIT A

ARTICLE 1 – GENERAL PROVISIONS  
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ADMINISTRATIVE MODIFICATIONS

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

Request/Allowable Modification	Criteria
Relocation of Building Square Footage (1)(2)(5)	<ul style="list-style-type: none"><li>• 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;</li><li>• 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;</li><li>• Relocated square footage may be requested in conjunction with the increase of square footage;</li><li>• Relocated square footage shall not be used to create additional freestanding buildings or structures; (4)</li><li>• 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,</li><li>• 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.</li></ul>
Increase in Square Footage for a Use, Building, Structure, or Outdoor Area that is Considered as Square Footage (1)(2)(4)(5)	<ul style="list-style-type: none"><li>• 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;</li><li>• The increase shall not exceed a maximum of 5,000 square feet of the total square feet approved by the BCC or ZC;</li><li>• 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;</li><li>• The increase shall not be used to create new freestanding building(s) or structure(s); (4)</li><li>• 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;</li><li>• Relocated square footage may be requested in conjunction with the increase of square footage; and,</li><li>• Subject to Adequate Public Facilities Review.</li></ul>
Reduction in Building Size or Elimination of Building Area	<ul style="list-style-type: none"><li>• The reduction or elimination of building square feet shall not negatively impact the layout and design of the approved plan; and</li><li>• The approved Adequate Public Facilities (Concurrency) is amended to indicate a reduction in or elimination of square feet.</li></ul>
Overall Height Increase of Any Building or Structure	<ul style="list-style-type: none"><li>• Allow a maximum of ten percent;</li><li>• Shall meet setback requirements.</li></ul>
Architectural Elevations	<ul style="list-style-type: none"><li>• The proposed modifications shall be consistent with the approved Architectural Elevations, and Art. 5.C, Design Standards.</li></ul>
Relocation of Site Elements	<ul style="list-style-type: none"><li>• Change in location of freestanding ground-mounted signs is based on an approved Master Sign Plan.</li><li>• Relocation of parking or loading spaces does not affect pedestrian and vehicular safety.</li></ul>
Relocation, Addition, or Deletion of Internal Access Points	<ul style="list-style-type: none"><li>• Determine whether the proposed location is in proximity to a street intersection; and</li><li>• Whether the proposed location will not negatively impact the existing sidewalk, and maintain the safety of pedestrians.</li></ul>
Addition of External Access Way for Properties within the URAO	<ul style="list-style-type: none"><li>• The property is in the UC or UI Zoning District;</li><li>• Interconnectivity shall comply with Art. 3.B.16.F.5, Interconnectivity Standards;</li><li>• Interconnectivity shall align with the existing access way located on an adjacent UC or UI parcel;</li><li>• Both parcels shall have a recorded cross-access easement and agreement;</li><li>• No significant increase in traffic above that approved by the BCC as determined by the County Engineer; and,</li><li>• Notice to the District Commissioner by the Zoning Division.</li></ul>
Addition of External Emergency Access Ways	<ul style="list-style-type: none"><li>• Required by the PBC Fire-Rescue Department;</li><li>• Notice to the District Commissioner by the Zoning Division; and,</li><li>• 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.</li></ul>
Addition of an External Access Way to a Civic Pod	<ul style="list-style-type: none"><li>• Pod supports a Fire-Rescue station, Government-Owned Towers, or a Government Facility;</li><li>• Notice to the District Commissioner by the Zoning Division prior to DRO approval; and,</li><li>• No substantial increase in traffic impact above that approved by the BCC as determined by the County Engineer.</li></ul>

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EXHIBIT A

ARTICLE 1 – GENERAL PROVISIONS  
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ADMINISTRATIVE MODIFICATIONS

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

Request/Allowable Modification	Criteria
Relocation of Open Space or Recreation Area(s)	<ul style="list-style-type: none"><li>Relocation shall be within the same overall site or pod;</li><li>The acreage of the required open space or recreation area(s) shall remain the same; and,</li><li>By relocating the open space or recreation area, it will not result in an incompatibility issue from the adjacent properties or pods that are internal to the site.</li></ul>
Phase Lines <u>Addition, Deletion, or Modification</u>	<ul style="list-style-type: none"><li>The addition or modifications are consistent with the intensity or density of the approved DO; and</li><li>Addition or modification of the phase lines shall not exceed the approved concurrency.</li></ul>
Phase Lines Relocation	<ul style="list-style-type: none"><li>The ZC or BCC DO has approved phase lines;</li><li>Relocation is allowed if the phase lines are consistent with the intensity or density of the approved DO; and,</li><li>Relocation of the phase lines shall not exceed the approved concurrency.</li></ul>
Addition or Modification of ATM or Freestanding Unmanned Retail Structure	<ul style="list-style-type: none"><li>Proposed location shall not impede vehicular or pedestrian traffic circulation.</li></ul>
Reconfiguration of a Type 1B Excavation	<ul style="list-style-type: none"><li>Modification shall not bring the excavation closer to the property line.</li></ul>
<u>Increase Number of Renewable Energy Wind Facilities within the AP Zoning District</u>	<ul style="list-style-type: none"><li>Allow an increase of ten percent or a maximum of ten wind turbines approved by the BCC if the separation or setback requirements from streets, and residential uses and districts as contained for the use in Art. 4, Use Regulations. (3)</li></ul>
Relocation of Wind Turbines, Buildings, or Structures of a Renewable Energy Wind Facility within the AP Zoning District	<ul style="list-style-type: none"><li>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)</li></ul>
Density Transfer	<ul style="list-style-type: none"><li>Units must be from one Residential Pod to another Residential Pod in the same PDD; and</li><li>The maximum number of units transferred to a Residential Pod or TDD Neighborhood shall not exceed 30 percent above the number of units approved by the BCC for that pod or TDD Neighborhood.</li></ul>
<u>Change in Housing Classification for PDD or TDD (Table 3.E.1.E, Housing Classification)</u>	<ul style="list-style-type: none"><li>No height increase from the original BCC DO; and</li><li>If there is a density transfer along with this request, comply with criteria listed below.</li></ul>
Density Decrease	<ul style="list-style-type: none"><li>The reduction in the number of units shall not negatively impact the layout and design of the approved plan; and</li><li>The approved Adequate Public Facilities (Concurrency) is amended to indicate a reduction in the number of units.</li></ul>
<u>Relocation/Transfer of WHP Between Pods of the Same Project or Off-Site Construction Units</u>	<ul style="list-style-type: none"><li>Allow transfer of WHP units between the sending and the receiving projects that have received an approved DO.</li><li>Both sending and receiving projects for the WHP units shall be submitted concurrently.</li></ul>
Type 2 Waiver or Type 2 Variance	<ul style="list-style-type: none"><li>Modification of the approved Waiver or Variance shall increase the degree of conformity with the current Code requirements.</li></ul>
[Ord. 2008-003] [Ord. 2009-040] [Ord. 2011-001] [Ord. 2011-016] [Ord. 2013-021] [Ord. 2014-001] [Ord. 2014-025] [Ord. 2015-006] [Ord. 2015-008] [Ord. 2016-016] [Ord. 2017-007] [Ord. 2018-002] [Ord. 2018-018] [Ord. 2019-005]	
Notes:	
1.	Shall not apply to accessory structures which are not subject to concurrency review in accordance with PPM #ZO-O-049, Permits Not Subject to Concurrency Review.
2.	Clubhouse located in the Recreation Pod of a PDD shall be exempt from the relocation thresholds. [Ord. 2016-016]
3.	Applicable to the Project Boundary instead of the individual property lines.
4.	Except for Freestanding ATMs and accessory structures.
5.	Relocation and increase of building square footage can be combined between multiple buildings on sites with one single use and ownership for the entire development, as long as the location of buildings adjacent to residential uses keep the setbacks shown on the original Final DRO plan(s) following the BCC or ZC approval.

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

Request	Allowable Modification	Criteria
Full DRO		
<del>Relocation of Building Square Footage (1)(2)</del> [Relocated to: Relocation of Building Square Footage in Table 2.C.5.C, Administrative Modifications to Prior DOs]	<del>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.</del> [Partially relocated to: Relocation of Building Square Footage in Table 2.C.5.C, Administrative Modifications to Prior DOs]	<ul style="list-style-type: none"><li><del>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;</del> [Relocated to: Relocation of Building Square Footage in Table 2.C.5.C, Administrative Modifications to Prior DOs]</li><li><del>Relocated square footage may be requested in conjunction with the increase of square footage;</del> [Relocated to: Relocation of Building Square Footage in Table 2.C.5.C, Administrative Modifications to Prior DOs]</li><li><del>Relocated square footage shall not be used to create additional freestanding buildings or structures;</del> (4) [Relocated to: Relocation of Building Square Footage in Table 2.C.5.C, Administrative Modifications to Prior DOs]</li><li><del>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,</del> [Relocated to: Relocation of Building Square Footage in Table 2.C.5.C, Administrative Modifications to Prior DOs]</li><li><del>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.</del> [Relocated to: Relocation of Building Square Footage in Table 2.C.5.C, Administrative Modifications to Prior DOs]</li></ul>
<del>Increase in Square Footage for Building, Structure or Outdoor Area that is Considered as Square Footage (1)(2)</del> [Relocated to: Increase in Square Footage for a Use, Building, Structure, or Outdoor Area that is Considered as Square Footage in Table 2.C.5.C, Administrative Modifications to Prior DOs]	<del>Allow an increase of a maximum of five percent or 5,000 square foot of any building, structure or outdoor area that is considered as square footage, whichever is less.</del> [Partially relocated to: Increase in Square Footage of a Use, Building, Structure, or Outdoor Area that is Considered as Square Footage in Table 2.C.5.C, Administrative Modifications to Prior DOs]	<ul style="list-style-type: none"><li><del>The increase shall not exceed a maximum of 5,000 square foot of the total square foot approved by the BCC or ZC;</del> [Relocated to: Increase in Square Footage for a Use, Building, Structure, or Outdoor Area that is Considered as Square Footage in Table 2.C.5.C, Administrative Modifications to Prior DOs]</li><li><del>The increase shall not exceed a maximum of five percent or 5,000 square foot of any building, structure or outdoor area considered as square footage, whichever is less;</del> [Relocated to: Increase in Square Footage for a Use, Building, Structure, or Outdoor Area that is Considered as Square Footage in Table 2.C.5.C, Administrative Modifications to Prior DOs]</li><li><del>The increase shall not be used to create new freestanding building(s) or structure(s);</del> (4) [Relocated to: Increase in Square Footage for a Use, Building, Structure, or Outdoor Area that is Considered as Square Footage in Table 2.C.5.C, Administrative Modifications to Prior DOs]</li><li><del>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;</del> [Relocated to: Increase in Square Footage for a Use, Building, Structure, or Outdoor Area that is Considered as Square Footage in Table 2.C.5.C, Administrative Modifications to Prior DOs]</li><li><del>Relocated square footage may be requested in conjunction with the increase of square footage; and,</del> [Relocated to: Increase in Square Footage for a Use, Building, Structure, or Outdoor Area that is Considered as Square Footage in Table 2.C.5.C, Administrative Modifications to Prior DOs]</li><li><del>Subject to Adequate Public Facilities Review.</del> [Relocated to: Increase in Square Footage for a Use, Building, Structure, or Outdoor Area that is Considered as Square Footage in Table 2.C.5.C, Administrative Modifications to Prior DOs]</li></ul>
<del>External Emergency Access Ways</del> [Relocated to: Addition of External Emergency Access Ways in Table 2.C.5.C, Administrative Modifications to Prior DOs]	<del>Addition of emergency access ways.</del> [Partially relocated to: Addition of External Emergency Access Ways in Table 2.C.5.C, Administrative Modifications to Prior DOs]	<ul style="list-style-type: none"><li><del>Required by the PBC Fire Rescue Department;</del> [Relocated to: Addition of External Emergency Access Ways in Table 2.C.5.C, Administrative Modifications to Prior DOs]</li><li><del>Notice to the District Commissioner by the Zoning Division; and,</del> [Relocated to: Addition of External Emergency Access Ways in Table 2.C.5.C, Administrative Modifications to Prior DOs]</li><li><del>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.</del> [Relocated to: Addition of External Emergency Access Ways in Table 2.C.5.C, Administrative Modifications to Prior DOs]</li></ul>

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

Request	Allowable Modification	Criteria
Full DRQ		
<del>External Access Way to a Civic Pod</del> [Relocated to: Addition of an External Access Way to a Civic Pod in Table 2.C.5.C, Administrative Modifications to Prior DOs]	<del>Addition of access ways.</del> [Partially relocated to: Addition of an External Access Way to a Civic Pod in Table 2.C.5.C, Administrative Modifications to Prior DOs]	<ul style="list-style-type: none"><li><del>Pod supports a Fire-Rescue station, Government Owned Towers or a Government Facility;</del> [Relocated to: Addition of an External Access Way to a Civic Pod in Table 2.C.5.C, Administrative Modifications to Prior DOs]</li><li><del>Notice to the District Commissioner by the Zoning Division prior to DRQ approval; and,</del> [Relocated to: Addition of an External Access Way to a Civic Pod in Table 2.C.5.C, Administrative Modifications to Prior DOs]</li><li><del>No substantial increase in traffic impact above that approved by the BCC as determined by the County Engineer.</del> [Relocated to: Addition of an External Access Way to a Civic Pod in Table 2.C.5.C, Administrative Modifications to Prior DOs]</li></ul>
<del>External Access Way for Property within the URAO</del> [Relocated to: Addition of External Access Way for Properties within the URAO in Table 2.C.5.C, Administrative Modifications to Prior DOs]	<del>Addition of access ways for Interconnectivity.</del> [Partially relocated to: Addition of External Access Way for Properties within the URAO in Table 2.C.5.C, Administrative Modifications to Prior DOs]	<ul style="list-style-type: none"><li><del>The property has a UI or UC Zoning district;</del> [Partially relocated to: Addition of External Access Way for Properties within the URAO in Table 2.C.5.C, Administrative Modifications to Prior DOs]</li><li><del>Interconnectivity shall comply with Art. 3.B.16.F.5, Interconnectivity Standards;</del> [Partially relocated to: Addition of External Access Way for Properties within the URAO in Table 2.C.5.C, Administrative Modifications to Prior DOs]</li><li><del>Interconnectivity shall align with the existing access way located on an adjacent UI or UC parcel;</del> [Relocated to: Addition of External Access Way for Properties within the URAO in Table 2.C.5.C, Administrative Modifications to Prior DOs]</li><li><del>Both parcels shall have a recorded Cross Access Easement and Agreement;</del> [Partially relocated to: Addition of External Access Way for Properties within the URAO in Table 2.C.5.C, Administrative Modifications to Prior DOs]</li><li><del>No significant increase in traffic above that approved by the BCC as determined by the County Engineer; and,</del> [Relocated to: Addition of External Access Way for Properties within the URAO in Table 2.C.5.C, Administrative Modifications to Prior DOs]</li><li><del>Notice to the District Commissioner by the Zoning Division</del> [Relocated to: Addition of External Access Way for Properties within the URAO in Table 2.C.5.C, Administrative Modifications to Prior DOs]</li></ul>
<del>Relocation of Open Space or Recreation Area(s)</del> [Relocated to: Relocation of Open Space or Recreation Area(s) in Table 2.C.5.C, Administrative Modifications to Prior DOs]	<del>Allow the relocation of open space or recreation area(s).</del>	<ul style="list-style-type: none"><li><del>Relocation shall be within the same overall site or pod;</del> [Relocated to: Relocation of Open Space or Recreation Area(s) in Table 2.C.5.C, Administrative Modifications to Prior DOs]</li><li><del>The acreage of the required open space or recreation area(s) shall remain the same; and,</del> [Relocated to: Relocation of Open Space or Recreation Area(s) in Table 2.C.5.C, Administrative Modifications to Prior DOs]</li><li><del>By relocating the open space or recreation area, it will not result an incompatibility issue from the adjacent properties or pods that are internal to the site.</del> [Relocated to: Relocation of Open Space or Recreation Area(s) in Table 2.C.5.C, Administrative Modifications to Prior DOs]</li></ul>
<del>Phase Lines of the Development</del> [Relocated to: Phase Lines Addition, Deletion, or Modification in Table 2.C.5.C, Administrative Modifications to Prior DOs]	<del>Allow addition and modification of phase line of the development. This may apply to these ZC or BCC approved DO that have no Phase lines.</del> [Partially relocated to: Phase Lines Addition, Deletion, or Modification in Table 2.C.5.C, Administrative Modifications to Prior DOs]	<ul style="list-style-type: none"><li><del>If the addition or modifications are consistent with the intensity or density of the approved DO; and</del> [Partially relocated to: Phase Lines Addition, Deletion, or Modification in Table 2.C.5.C, Administrative Modifications to Prior DOs]</li><li><del>Addition or modification of the Phase lines shall not exceed the approved Concurrence.</del> [Relocated to: Phase Lines Addition, Deletion, or Modification in Table 2.C.5.C, Administrative Modifications to Prior DOs]</li></ul>
<del>Type 2 Waiver or Type 2 Variance</del> [Relocated to: Type 2 Waiver or Type 2 Variance in Table 2.C.5.C, Administrative Modifications to Prior DOs]	<del>Modification of the approved Waiver or Variance.</del> [Partially relocated to: Type 2 Waiver or Type 2 Variance in Table 2.C.5.C, Administrative Modifications to Prior DOs]	<del>Modification shall increase the degree of conformity with the current Code requirements.</del> [Relocated to: Type 2 Waiver or Type 2 Variance in Table 2.C.5.C, Administrative Modifications to Prior DOs]
<del>Renewable Energy Wind Facility within the AP Zoning District</del> [Partially relocated to: Increase Number of Renewable Energy Wind Facilities within the AP Zoning District in Table 2.C.5.C, Administrative Modifications to Prior DOs]	<del>Allow an increase of ten percent or a maximum of ten wind turbines approved by the BCC.</del> [Partially relocated to: Increase Number of Renewable Energy Wind Facilities within the AP Zoning District in Table 2.C.5.C, Administrative Modifications to Prior DOs]	<del>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)</del> [Partially relocated to: Increase Number of Renewable Energy Wind Facilities within the AP Zoning District in Table 2.C.5.C, Administrative Modifications to Prior DOs]

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EXHIBIT A

ARTICLE 1 – GENERAL PROVISIONS  
ARTICLE 2 – APPLICATION PROCESSES AND PROCEDURES  
ADMINISTRATIVE MODIFICATIONS

1

Table 2.C.5.B—Administrative Modifications to Prior DOs, Cont'd.

Request	Allowable Modification	Criteria
ZAR		
<del>Relocation of Building Square Footage (1)(2)</del> [Relocated to: Relocation of Building Square Footage in Table 2.C.5.C, Administrative Modifications to Prior DOs]	<del>Allow relocation of no more than 25 percent of the total approved square foot or other area indicated as being covered by buildings or structures to portions of the site not previously covered.</del> [Partially relocated to: Relocation of Building Square Footage in Table 2.C.5.C, Administrative Modifications to Prior DOs]	<ul style="list-style-type: none"><li><del>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;</del></li><li><del>Relocated square footage may be requested in conjunction with the increase of square footage;</del> [Relocated to: Relocation of Building Square Footage in Table 2.C.5.C, Administrative Modifications to Prior DOs]</li><li><del>Relocated square footage shall not be used to create additional freestanding buildings or structures;</del> (4) [Relocated to: Relocation of Building Square Footage in Table 2.C.5.C, Administrative Modifications to Prior DOs]</li><li><del>Relocation of square footage may be integrated vertically provided the overall height will not exceed ten percent of the approved height and meet setback requirement; and,</del> [Relocated to: Relocation of Building Square Footage in Table 2.C.5.C, Administrative Modifications to Prior DOs]</li><li><del>Shall not be relocated or constructed closer to perimeter property lines than what was originally shown on the BCC or ZC approved plan, unless the FLU designation, zoning district, or existing use of the adjacent parcel is compatible.</del> [Relocated to: Relocation of Building Square Footage in Table 2.C.5.C, Administrative Modifications to Prior DOs]</li></ul>
<del>Increase in Square Footage for Building, Structure or Outdoor Area that is Considered as Square Footage (1)(2)</del> [Relocated to: Increase in Square Footage for a Use, Building, Structure, or Outdoor Area that is Considered as Square Footage in Table 2.C.5.C, Administrative Modifications to Prior DOs]	<del>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.</del>	<ul style="list-style-type: none"><li><del>The increase shall not exceed a maximum of 2,500 sq. ft. of the total square feet approved by the BCC or ZC;</del></li><li><del>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;</del></li><li><del>The increase in square feet shall not be used to create new freestanding building(s) or structure(s) (4); and,</del> [Partially relocated to: Increase in Square Footage for a Use, Building, Structure, or Outdoor Area that is Considered as Square Footage in Table 2.C.5.C, Administrative Modifications to Prior DOs]</li><li><del>Subject to Adequate Public Facilities Review.</del> [Relocated to: Increase in Square Footage for a Use, Building, Structure, or Outdoor Area that is Considered as Square Footage in Table 2.C.5.C, Administrative Modifications to Prior DOs]</li></ul>
<del>Overall Height Increase</del> [Relocated to: Overall Height Increase of Any Building or Structure in Table 2.C.5.C, Administrative Modifications to Prior DOs]	<del>Allow a maximum of ten percent</del> [Relocated to: Overall Height Increase of Any Building or Structure in Table 2.C.5.C, Administrative Modifications to Prior DOs]	<del>Shall meet setback requirements.</del> [Relocated to: Overall Height Increase of Any Building or Structure in Table 2.C.5.C, Administrative Modifications to Prior DOs]
<del>Internal Access Points</del> [Relocated to: Relocation, Addition, or Deletion of Internal Access Points in Table 2.C.5.C, Administrative Modifications to Prior DOs]	<del>Allow relocation, addition or deletion.</del> [Partially relocated to: Relocation, Addition, or Deletion of Internal Access Points in Table 2.C.5.C, Administrative Modifications to Prior DOs]	<ul style="list-style-type: none"><li><del>Determine whether the proposed location is in proximity to a street intersection; and</del> [Partially relocated to: Relocation, Addition, or Deletion of Internal Access Points in Table 2.C.5.C, Administrative Modifications to Prior DOs]</li><li><del>Whether the proposed location will not negatively impact the existing sidewalk, and maintain the safety of pedestrians.</del> [Partially relocated to: Relocation, Addition, or Deletion of Internal Access Points in Table 2.C.5.C, Administrative Modifications to Prior DOs]</li></ul>
<del>Relocation of Site Elements: Signs</del> [Partially relocated to: Relocation of Site Elements in Table 2.C.5.C, Administrative Modifications to Prior DOs]	<del>Allow change in location of freestanding ground mounted signs.</del> [Partially relocated to: Relocation of Site Elements in Table 2.C.5.C, Administrative Modifications to Prior DOs]	<del>Request is based on an approved Master Sign Plan.</del> [Partially relocated to: Relocation of Site Elements in Table 2.C.5.C, Administrative Modifications to Prior DOs]
<del>Relocation of Site Elements: Parking and Loading</del> [Partially relocated to: Relocation of Site Elements in Table 2.C.5.C, Administrative Modifications to Prior DOs]	<del>Allow relocation of parking or loading spaces.</del> [Partially relocated to: Relocation of Site Elements in Table 2.C.5.C, Administrative Modifications to Prior DOs]	<del>Shall be consistent with Art. 6, Parking, Loading, and Circulation.</del>
<del>Architectural Elevations</del> [Relocated to: Architectural Elevations in Table 2.C.5.C, Administrative Modifications to Prior DOs]	<del>Allow modifications to approved Architectural elevations.</del>	<del>If the proposed modifications are consistent with the BCC, ZC or DRO approved Architectural elevations or any applicable Conditions of Approval</del> [Partially relocated to: Architectural Elevations in Table 2.C.5.C, Administrative Modifications to Prior DOs]

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EXHIBIT A

ARTICLE 1 – GENERAL PROVISIONS  
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ADMINISTRATIVE MODIFICATIONS

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

Request	Allowable Modification	Criteria
<b>ZAR</b>		
<del>Reduction in Building Size</del> [Relocated to: Reduction in Building Size or Elimination of Building Area in Table 2.C.5.C, Administrative Modifications to Prior DOs]	<del>Allow reduction in or elimination of building square feet.</del> [Partially relocated to: Reduction in Building Size or Elimination of Building Area in Table 2.C.5.C, Administrative Modifications to Prior DOs]	<ul style="list-style-type: none"><li><del>The reduction or elimination of building square feet shall not negatively impact the layout and design of the approved plan; and</del> [Relocated to: Reduction in Building Size or Elimination of Building Area in Table 2.C.5.C, Administrative Modifications to Prior DOs]</li><li><del>Amendment to the approved Adequate Public Facilities to indicate the reduction in or elimination of square feet.</del> [Partially relocated to: Reduction in Building Size or Elimination of Building Area in Table 2.C.5.C, Administrative Modifications to Prior DOs]</li></ul>
<del>Modification of Type 1B Excavation</del> [Relocated to: Reconfiguration of a Type 1B Excavation in Table 2.C.5.C, Administrative Modifications to Prior DOs]	<del>Allow reconfiguration.</del>	<del>Reconfiguration shall not bring the excavation closer to the property line.</del> [Relocated to: Reconfiguration of a Type 1B Excavation in Table 2.C.5.C, Administrative Modifications to Prior DOs]
<del>Phase Lines of the Development</del> [Partially relocated to: Phase Lines Relocation in Table 2.C.5.C, Administrative Modifications to Prior DOs]	<del>Allow relocation of phase line of the development. This shall apply to those ZC or BCC approved DO that have approved Phase lines.</del> [Partially relocated to: Phase Lines Relocation in Table 2.C.5.C, Administrative Modifications to Prior DOs]	<ul style="list-style-type: none"><li><del>Relocation is allowed if the Phase lines are consistent with the intensity or density of the approved DO; and</del> [Partially relocated to: Phase Lines Relocation in Table 2.C.5.C, Administrative Modifications to Prior DOs]</li><li><del>Relocation of the Phase lines shall not exceed the approved Concurrence.</del> [Partially relocated to: Phase Lines Relocation in Table 2.C.5.C, Administrative Modifications to Prior DOs]</li></ul>
<del>Freestanding Unmanned Structure</del> [Partially relocated to: Addition or Modification of ATM or Freestanding Unmanned Retail Structure in Table 2.C.5.C, Administrative Modifications to Prior DOs]	<del>Addition or modification of ATM or Unmanned Retail Structure.</del> [Partially relocated to: Addition or Modification of ATM or Freestanding Unmanned Retail Structure in Table 2.C.5.C, Administrative Modifications to Prior DOs]	<del>Proposed location shall not impede vehicular or pedestrian traffic circulation.</del> [Relocated to: Addition or Modification of ATM or Freestanding Unmanned Retail Structure in Table 2.C.5.C, Administrative Modifications to Prior DOs]
<del>Renewable Energy Wind Facility within the AP Zoning District</del> [Relocated to: Relocation of Wind Turbines, Buildings, or Structures of a Renewable Energy Wind Facility within the AP Zoning District in Table 2.C.5.C, Administrative Modifications to Prior DOs]	<del>Relocation of wind turbines, buildings and structures.</del> [Partially relocated to: Relocation of Wind Turbines, Buildings, or Structures of a Renewable Energy Wind Facility within the AP Zoning District in Table 2.C.5.C, Administrative Modifications to Prior DOs]	<del>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)</del> [Relocated to: Relocation of Wind Turbines, Buildings, or Structures of a Renewable Energy Wind Facility within the AP Zoning District in Table 2.C.5.C, Administrative Modifications to Prior DOs]
<del>Change in Housing Classification for PDD or TDD</del> [Relocated to: Change in Housing Classification for PDD or TDD (Table 3.E.1.E, Housing Classification) in Table 2.C.5.C, Administrative Modifications to Prior DOs]	<del>Refer to Table 3.E.1.E, Housing Classification.</del> [Partially relocated to: Change in Housing Classification for PDD or TDD (Table 3.E.1.E, Housing Classification) in Table 2.C.5.C, Administrative Modifications to Prior DOs]	<ul style="list-style-type: none"><li><del>No height increase from the original BCC DO; and</del> [Relocated to: Change in Housing Classification for PDD or TDD (Table 3.E.1.E, Housing Classification) in Table 2.C.5.C, Administrative Modifications to Prior DOs]</li><li><del>If there is a density transfer along with this request, comply with criteria listed below.</del> [Relocated to: Change in Housing Classification for PDD or TDD (Table 3.E.1.E, Housing Classification) in Table 2.C.5.C, Administrative Modifications to Prior DOs]</li></ul>
<del>Density Transfer</del> [Relocated to: Density Transfer in Table 2.C.5.C, Administrative Modifications to Prior DOs]	<del>A maximum of 30 percent.</del>	<ul style="list-style-type: none"><li><del>Units must be from one Residential Pod to another Residential Pod in the same PDD; and</del> [Relocated to: Density Transfer in Table 2.C.5.C, Administrative Modifications to Prior DOs]</li><li><del>The maximum number of units transferred to a Residential Pod or TDD Neighborhood shall not exceed 30 percent above the number of units approved by the BCC for that pod or TDD Neighborhood.</del> [Relocated to: Density Transfer in Table 2.C.5.C, Administrative Modifications to Prior DOs]</li></ul>
<del>Density Decrease</del> [Relocated to: Density Decrease in Table 2.C.5.C, Administrative Modifications to Prior DOs]	<del>Allow reduction in the number of units.</del>	<ul style="list-style-type: none"><li><del>The reduction in the number of units shall not negatively impact the layout and design of the approved plan; and</del> [Relocated to: Density Decrease in Table 2.C.5.C, Administrative Modifications to Prior DOs]</li><li><del>Amendment to the approved Adequate Public Facilities to indicate a reduction in the number of units.</del> [Partially relocated to: Density Decrease in Table 2.C.5.C, Administrative Modifications to Prior DOs]</li></ul>
<del>[Ord. 2008-003] [Ord. 2009-040] [Ord. 2011-001] [Ord. 2011-016] [Ord. 2013-021] [Ord. 2014-001] [Ord. 2014-025] [Ord. 2015-006] [Ord. 2015-008] [Ord. 2016-016] [Ord. 2017-007] [Ord. 2018-002] [Ord. 2018-018] [Ord. 2019-005]</del>		
<b>Notes:</b>		
1.	<del>This shall not apply to accessory structures which are not subject to Concurrence review in accordance with PPM #ZO-O-049, Permits Not Subject to Concurrence Review.</del> [Partially relocated to: Table 2.C.5.C, Administrative Modifications to Prior DOs, Note #1]	

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EXHIBIT A

ARTICLE 1 – GENERAL PROVISIONS  
ARTICLE 2 – APPLICATION PROCESSES AND PROCEDURES  
ADMINISTRATIVE MODIFICATIONS

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

Request	Allowable Modification	Criteria
ZAR		
2.	Clubhouse located in the Recreation Pod of a PDD shall be exempt from the relocation thresholds. <del>[Ord. 2016-016]</del>	[Relocated to: Table 2.C.5.C, Administrative Modifications to Prior DOs, Note #2]
3.	<del>Applicable to the Project Boundary instead of the individual property lines.</del>	[Relocated to: Table 2.C.5.C, Administrative Modifications to Prior DOs, Note #3]
4.	<del>Except for Freestanding ATMs or Unmanned Retail Structures, and accessory structures.</del>	[Partially relocated to: Table 2.C.5.C, Administrative Modifications to Prior DOs, Note #4]

35. Other Modifications

- a. Modifications to plans that were administratively approved by the DRO may be subject to the ZAR process pursuant to Art. 2.C.4.A.3, Zoning Agency Review (ZAR).
- b. ~~The addition or relocation of guard houses or other minor structures shall be allowed.~~ Additional modifications to a prior DO approved by the DRO may be processed through the ZAR pursuant to PPM #ZO-O-049, as amended 029. [Ord. 2018-002]

6. Conditions

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

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

~~See~~ Shall be in effect pursuant to Art. 2.C.5.A.37, Effect of an Issuance of a DO ~~for Administrative Modifications.~~ [Ord. 2018-002]

CD. Temporary Use

1. Purpose

To create standards and an approval process for certain uses, which are generally temporary in nature, but require monitoring for compliance with Code requirements to ensure compatibility with surrounding land uses. A temporary use may be accommodated in a temporary structure or a permanent structure that is legally approved. A temporary use shall include, but not limited to those items listed in Art. 4.B.11, Temporary Uses. [Ord. 2007-013] [Ord. 2015-006] [Ord. 2018-002]

2. Prior Approved and Authorized Special Permits

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

3. PAA

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

4. Sufficiency Determination

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

5. Review and Final Decision

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

a. Building Permit Process

The Applicant shall submit any required Permit application to the Building Division a minimum of 30 days prior to the date of the event. Prior to issuance of the DO approval of the temporary use, any associated Building Permits shall be secured and all required inspections scheduled with the Building and Code Enforcement Divisions and Fire Department. [Ord. 2007-013] [Ord. 2009-040] [Ord. 2015-006] [Ord. 2018-002]

6. Standards

When considering a DO request for a temporary use, the DRO shall utilize the Standards a through b, the DRO shall also consider the limitations and criteria stated for each temporary use pursuant to Art. 4.B.11.C, Definitions and Supplementary Use Standards for Specific Uses: [Ord. 2018-002] [Ord. 2018-018]

a. Consistency with the Plan

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

b. Consistency with the Code

The request meets all applicable standards and provisions of this Code, including but not limited to all applicable portions of Art. 4.B, Use Classification, and the proposed location,

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EXHIBIT A

ARTICLE 1 – GENERAL PROVISIONS  
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- design, layout, access, and duration of the use will not create potential adverse impacts on surrounding land uses. [Ord. 2018-002]
7. **Conditions**  
The DRO ~~shall have the authority to apply conditions to the temporary use which ensure compliance with Code requirements, time limitations, and the Standards listed above~~ may impose conditions pursuant to Art. 2.C.6, Conditions of Approval. ~~If a temporary use is found in violation of any condition or Code requirement, the DRO may withhold the Applicant from requesting the same temporary use for a period of 24 months.~~ [Ord. 2018-002] [Relocated to: Art. 2.C.5.C.10.b, Withholding Application, below]
- ~~a. **Withholding Application**~~  
~~In making a determination to withhold an application, the DRO shall consider the magnitude of the violation of the Conditions of Approval; which includes but not limited to, whether:~~ [Ord. 2018-002] [Relocated to: Art. 2.C.5.C.10.b, Withholding Application, below]
- ~~1.) it is a reoccurring violation;~~ [Ord. 2018-002] [Relocated to: Art. 2.C.5.C.10.b.1, related to Withholding Application, below]
- ~~2.) the violation has created an impact on the surrounding properties or uses; and,~~ [Ord. 2018-002] [Relocated to: Art. 2.C.5.C.10.b.2, related to Withholding Application, below]
- ~~3.) the Applicant has demonstrated an effort to correct the violation.~~ [Ord. 2018-002] [Relocated to: Art. 2.C.5.C.10.b.3, related to Withholding Application, below]
8. **Limited Timeframe**  
A ~~Temporary~~ ~~Use~~ shall be limited to the dates of approval shown on the DO. Each ~~Temporary~~ ~~Use~~ shall be reviewed as a new application and subject to the most current ~~Code~~ requirements, unless otherwise stated herein. [Ord. 2018-002]
9. **Expiration**  
Failure to utilize the ~~Temporary~~ ~~Use~~ DO within one year of the date of approval, or by the date specified in the DO or in a Condition of Approval, shall result in the approval becoming null and void. [Ord. 2018-002]
10. **Discontinuance**  
A ~~Temporary~~ ~~Use~~ DO shall expire if the use or activity is discontinued for more than 90 days. [Ord. 2018-002]
11. **Abandonment**  
~~A Temporary Use may be abandoned by filing a letter to the Zoning Director.~~
12. **Violation of Code Requirements or Conditions of Approval**
- ~~a. **Revocation**~~  
A ~~Temporary~~ ~~Use~~ DO may be revoked at any time by the Zoning Director if it is determined that the recipient is in violation of the Code, ~~a related standard,~~ or a Condition of Approval. Revocation of a ~~Temporary~~ ~~Use~~ DO shall result in the approval becoming null and void. The use or activity permitted by the DO shall cease immediately and the affected area shall be returned to its original state before the ~~Temporary~~ ~~Use~~ DO was issued. [Ord. 2018-002]
- ~~b. **Withholding Application**~~  
~~If a Temporary Use is found in violation of any condition or Code requirement, the DRO may withhold the Applicant from requesting the same temporary use for a period of 24 months. In making a determination to withhold an application, the DRO shall consider the magnitude of the violation of the Conditions of Approval; which includes but not limited to, whether:~~ [Ord. 2018-002] [Relocated from: Art. 2.C.5.C.7, Conditions and Art. 2.C.5.C.7.a, Withholding Application, above]
- ~~1) it is a reoccurring violation;~~ [Ord. 2018-002] [Relocated from: Art. 2.C.5.C.7.a.1, related to Withholding Application, above]
- ~~2) the violation has created an impact on the surrounding properties or uses; and,~~ [Ord. 2018-002] [Relocated from: Art. 2.C.5.C.7.a.2, related to Withholding Application, above]
- ~~3) the Applicant has demonstrated an effort to correct the violation.~~ [Ord. 2018-002] [Relocated from: Art. 2.C.5.C.7.a.3, related to Withholding Application, above]
- ~~DE.~~ **Type 1 Variance**
1. **Purpose**  
To allow minor variation from certain standards of this Code when special circumstances peculiar to the property exist, and the literal enforcement of this Code would result in undue and unnecessary hardship; and to provide the DRO the authority to review, approve, deny, and render conditions to an administrative variance as necessary to accomplish the goals, objectives and policies of the Plan and this Code, including, but not limited to, limitations on size, bulk, location, requirements for landscaping, buffering, lighting, and provisions of adequate ingress and egress. [Ord. 2018-002]

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EXHIBIT A

ARTICLE 1 – GENERAL PROVISIONS  
ARTICLE 2 – APPLICATION PROCESSES AND PROCEDURES  
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- 1       **2. Application Procedures**  
2       This Section may not be combined with any other Section that allows variations from the same  
3       PDRs. **[Ord. 2015-006] [Ord. 2018-002]**
- 4       **3. Variance Request Limitations**  
5       Request that exceeds more than five variances or the following limitations shall be subject to a  
6       Type 2 Variance. Variance requests for density or intensity beyond the stated limits of the Plan  
7       shall be prohibited. Type 1 Variances may be considered for the following: **[Ord. 2006-036]**  
8       **[Ord. 2008-003] [Ord. 2012-003] [Ord. 2018-002]**
- 9       **a. Residential Lots of Three Units or Less**  
10       1) Reductions or increases of PDRs greater than five percent of the minimum or  
11       maximum requirement. **[Ord. 2006-036] [Ord. 2008-003] [Ord. 2012-003] [Ord. 2018-**  
12       **002]**  
13       2) Relief from Art. 5.B.1.A, Accessory Uses and Structures as follows: General; Fences,  
14       Walls, and Hedges; Docks; Entry Features; Fuel, Gas, or Chemical Storage Tanks;  
15       Dumpsters; Neighborhood Recreation Facility; Outdoor Recreation Amenities; Screen  
16       Enclosures; and, Permanent Generators. **[Ord. 2008-003] [Ord. 2013-001] [Ord.**  
17       **2018-002]**  
18       3) Relief from Residential Hedge Height in Art. 7.D.4.A.3, Height Measurement. **[Ord.**  
19       **2015-006] [Ord. 2018-002]**  
20       4) Relief from Excavation Standards in Art. 4.B.10.C.2, Type 1A Excavation and Art.  
21       4.B.10.C.3, Type 1B Excavation. **[Ord. 2008-003] [Ord. 2017-007] [Ord. 2018-002]**
- 22       **b. Non-Residential Projects**  
23       1) Setback reduction greater than five percent but not exceeding 15 percent of the  
24       minimum requirement. **[Ord. 2008-003] [Ord. 2018-002]**  
25       2) Reduction in the number of parking spaces not exceeding 15 percent of the minimum  
26       requirement. **[Ord. 2006-036] [Ord. 2008-003] [Ord. 2018-002]**  
27       3) Relief from Art. 5.B.1.A., Accessory Uses and Structures as follows: General; Fences,  
28       Walls, and Hedges; Outdoor Storage; Outdoor Display; Entry Features; Fuel, Gas, or  
29       Chemical Storage Tanks; Dumpsters; Neighborhood Recreation Facility; Outdoor  
30       Recreation Amenities; Screen Enclosures; and, Permanent Generators. **[Ord. 2008-**  
31       **003] [Ord. 2013-001] [Ord. 2018-002]**
- 32       **c. Permanent Generators on SFD and ZLL Lots**  
33       A Variance may be requested to reduce the minimum front and/or side setback  
34       requirements for permanent generators proposed on SFD or ZLL lots, provided that the  
35       generator complies with all other applicable ULDC requirements. **[Ord. 2007-001] [Ord.**  
36       **2018-002]**
- 37       **4. Standards**  
38       When considering a Type 1 Variance request, the DRO shall consider Standards a through g,  
39       indicated below. A Type 1 Variance which fails to meet any of these Standards shall be deemed  
40       adverse to the public interest, and shall not be approved. **[Ord. 2018-002]**
- 41       a. Special conditions and circumstances exist that are peculiar to the parcel of land, building,  
42       or structure, that are not applicable to other parcels of land, structures, or buildings in the  
43       same district; **[Ord. 2006-036] [Ord. 2018-002]**
- 44       b. Special conditions and circumstances do not result from the actions of the Applicant; **[Ord.**  
45       **2006-036] [Ord. 2018-002]**
- 46       c. Granting the variance shall not confer upon the Applicant any special privilege denied by  
47       the Plan and this Code to other parcels of land, structures, or buildings in the same district;  
48       **[Ord. 2006-036] [Ord. 2018-002]**
- 49       d. Literal interpretation and enforcement of the terms and provisions of this Code would  
50       deprive the Applicant of rights commonly enjoyed by other parcels of land in the same  
51       district, and would work an unnecessary and undue hardship; **[Ord. 2006-036] [Ord. 2018-**  
52       **002]**
- 53       e. Granting the variance is the minimum variance that will make possible a reasonable use of  
54       the parcel of land, building, or structure; **[Ord. 2006-036] [Ord. 2018-002]**
- 55       f. Granting the variance will be consistent with the purposes, goals, objectives and policies  
56       of the Plan and this Code; and, **[Ord. 2006-036] [Ord. 2018-002]**
- 57       g. Granting the variance will not be injurious to the area involved or otherwise detrimental to  
58       the public welfare. **[Ord. 2006-036] [Ord. 2018-002]**
- 59       **5. Staff Report and Recommendation**  
60       The DRO or the PBC Official responsible for reviewing the application shall prepare a report  
61       for the application. The DRO shall incorporate the analysis and Conditions of Approval of the  
62       Agencies who are responsible for reviewing the application, and a recommendation of  
63       approval, approval with conditions, or denial based on the applicable Standards. The report  
64       shall be made available to the public at least five days prior to the hearing date. **[Ord. 2018-**  
65       **018]**

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6. Conditions

The DRO may impose Conditions of Approval in a Type 1 Variance DO, as necessary to accomplish the goals, objectives and policies of the Plan and this Code, including, but not limited to, limitations on size, bulk, location, requirements for landscaping, buffering, lighting, and provisions of adequate ingress and egress. Any violation of the variance or condition shall be a violation of this Code. [Ord. 2018-002]

7. Time Limitation

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

8. Effect of a Type 1 Variance DO

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

~~EE~~. Type 1 Waiver

1. Purpose

To establish procedures and evaluation standards for a Type 1 Waiver. A Type 1 Waiver is to allow flexibility and minor adjustments to the property development regulations, site design, preservation, or incorporation of existing native vegetation; or for an improved site design where alternative solutions can be permitted subject to the criteria. Waivers are not intended to relieve specific financial hardship nor circumvent the intent of this Code. A Waiver may not be granted if it conflicts with other Sections of this Code, or the Florida Building Code. [Ord. 2011-016] [Ord. 2016-042] [Ord. 2018-002]

2. Applicability

Requests for Type 1 Waivers shall only be permitted where expressly stated within ~~the ULDC~~ this Code: [Ord. 2011-016] [Ord. 2012-027] [Ord. 2018-002]

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

Requests	ULDC Reference
Glades Area Overlay (GAO)	Table 3.B.4.F, Type 1 Waivers for Industrial Pods
NEO, Native Ecosystem Overlay	Art. 3.B.7.D, Property Development Regulations (PDRs)
Northlake Boulevard Overlay Zone (NBOZ) Design Guidelines	Table 3.B.8.E, Type 1 Waivers for NBOZ Design Guidelines
Infill Redevelopment Overlay (IRO)	Table 3.B.15.G, Type 1 Waivers
Urban Redevelopment Overlay (URAO)	Table 3.B.16.G, Type 1 and 2 URAO Waivers
Structural Setback – Reduction not to exceed five percent less than the minimum requirement (1)	Table. 3.D.1.A, Property Development Regulations (PDRs)
Required Parking in Type 1 Restaurant with Drive-Through	Art. 4.B.2.C.33.f.3)a)(2), Location Criteria – Exceptions, Design Criteria
Commercial Greenhouse Loading	Art. 4.B.6.C.17.c.4)b), Loading
Solid Waste Transfer Station	Art. 4.B.7.C.10.d, Buffer
Green Architecture	Art. 5.C.1.E.3, Type 1 Waiver – Green Architecture
Parking for Community Vegetable Garden	Table 6.B.1.B, Minimum Parking and Loading Requirements, Note 10
Parking Spaces	Art. 6.C.1.A, Type 1 Waiver
Loading Spaces	Art. 6.E.2.B.3, Type 1 Waiver – Reduction of Minimum Number of Required Loading Spaces
Loading Space Width or Length	Art. 6.E.4.A.1.d, Type 1 Waiver – Reduction of Loading Space Width or Length
Landscaping	Table 7.B.4.A, Type 1 Waivers for Landscaping
Billboard Location	Art. 8.H.2.D.4., Replacement
PUD Informational Signs	Art. 8.G.3.B.5.b, Standards for Type 3 Electronic Message Signs
[Ord. 2012-027] [Ord. 2014-025] [Ord. 2015-031] [Ord. 2016-016] [Ord. 2016-042] [Ord. 2018-002] [Ord. 2019-005] [Ord. 2020-001]	
Notes:	
1.	This Waiver shall only be utilized for detached housing types on individual lots, and shall not be utilized for multiple lots under one application, i.e. “blanket” application.

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3. Standards

When considering a DO application for a Type 1 Waiver, the DRO shall consider the following Standards in addition to any other Standards applicable to the specific Waiver as contained in this Code. For a Waiver application that requires the submittal of an ALP, the Applicant shall comply with additional standards pursuant to Art. 7.B.4, Type 1 Waiver for Landscaping. [Ord. 2010-022] [Ord. 2011-016] [Ord. 2012-027] [Ord. 2016-042] [Ord. 2018-002]

- a. The Waiver does not create additional conflicts with other requirements of the ULDC, and is consistent with the stated purpose and intent for the zoning district or overlay; [Ord. 2010-022] [Ord. 2011-016] [Ord. 2012-027] [Ord. 2018-002]
- b. The Waiver will not cause a detrimental effect on the overall design and development standards of the project, and will be in harmony with the general site layout and design details of the development; and, [Ord. 2010-022] [Ord. 2012-027] [Ord. 2018-002]
- c. The alternative design option recommended as part of the Waiver approval, if granted, will not adversely impact adjacent properties. [Ord. 2010-022] [Ord. 2012-027] [Ord. 2018-002]

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~~conditions pursuant to Art. 2.C.6, Conditions of Approval. [Ord. 2018-002]

5. Effect of a Type 1 Waiver DO

Shall be in effect pursuant to Art. 2.C.7, Effect of an Issuance of a DO.

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

1. Purpose

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

2. Applicability

~~An Applicant shall be required to apply for all applicable Development Review processes available in the ULDC prior to filing a request for reasonable accommodation, unless compliance with available Development Review processes would deprive the Applicant, or persons with disabilities served by the Applicant, of an equal opportunity to use and enjoy housing. [Ord. 2015-006] [Ord. 2018-002]~~ [Relocated to: Art. 2.C.8.C.2, Applicability]

3. Notice to the Public of Availability of Accommodation

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

4. Application Procedures

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

a. Application Contents

~~The following considerations shall be applicable for any application information or documentation required: [Ord. 2011-016] [Ord. 2018-002]~~ [Relocated to: Art. 2.C.8.C.4.a, Application Contents]

1) Confidential Information

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

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~~disabled individual. [Ord. 2011-016] [Ord. 2018-002]~~ [Relocated to: Art. 2.C.8.C.4.a.1), Confidential Information]

~~2) Address of Applicant~~

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

~~3) Address of Housing~~

~~Address of housing or other location at which accommodation is requested unless governed by 42 U.S.C. 290dd, in which case address shall not be required, but the Applicant may be requested to provide documentation to substantiate a claim verifying applicability. [Ord. 2011-016] [Ord. 2018-002]~~ [Relocated to: Art. 2.C.8.C.4.a.3), Address of Housing]

~~b. Sufficiency Determination~~

~~The County Administrator or designee shall determine whether the application is sufficient or insufficient within ten days of submittal by reviewing the information required in the application. If Staff determines the application is not sufficient, a written notice shall be sent to the Applicant specifying the deficiencies within the ten-day determination timeframe set forth herein. [Ord. 2015-006] [Ord. 2018-002]~~ [Relocated to: Art. 2.C.8.C.4.b, Sufficiency Determination]

~~c. Fee~~

~~There shall be no fee imposed by the County for a request for reasonable accommodation under this Section or an appeal of a determination on such request, and the County shall have no obligation to pay an Applicant's, or an appealing party as applicable, attorneys' fees or costs in connection with the request, or an appeal. [Ord. 2011-016] [Ord. 2015-006] [Ord. 2018-002]~~ [Relocated to: Art. 2.C.8.C.4.c, Fees]

~~d. County Assistance~~

~~The County shall provide such assistance and accommodation as is required pursuant to FHA and ADA in connection with a disabled person's request for reasonable accommodation, including assistance with reading application questions, and responding to questions related to completing application or appeal forms, among others, to ensure the process is accessible. [Ord. 2011-016] [Ord. 2018-002]~~ [Relocated to: Art. 2.C.8.C.4.d, County Assistance]

~~e. Findings for Reasonable Accommodation~~

~~In determining whether the reasonable accommodation request shall be granted or denied, the Applicant shall be required to establish that they are protected under the FHA or ADA by demonstrating that they are handicapped or disabled, as defined in the FHA or ADA. Although the definition of disability is subject to judicial interpretation, for purposes of this Ordinance the disabled individual must show: [Ord. 2011-016] [Ord. 2015-006] [Ord. 2018-002]~~ [Relocated to: Art. 2.C.8.C.4.e, Findings for Reasonable Accommodation]

~~1) a physical or mental impairment which substantially limits one or more major life activities; [Ord. 2011-016] [Ord. 2018-002]~~ [Relocated to: Art. 2.C.8.C.4.e.1)]

~~2) a record of having such impairment; or, [Ord. 2011-016] [Ord. 2018-002]~~ [Relocated to: Art. 2.C.8.C.4.e.2)]

~~3) that they are regarded as having such impairment. [Ord. 2011-016] [Ord. 2018-002]~~ [Relocated to: Art. 2.C.8.C.4.e.3)]

~~The Applicant shall demonstrate that the proposed accommodations being sought are reasonable and necessary to afford disabled persons equal opportunity to use and enjoy housing. The foregoing, as interpreted by the Courts, shall be the basis for a decision upon a reasonable accommodation request made by the appropriate PBC Official. [Ord. 2011-016] [Ord. 2015-006] [Ord. 2018-002]~~ [Relocated to: Art. 2.C.8.C.4.e.3)]

~~f. Authority~~

~~The determination of which appropriate PBC Official has the authority to consider and act on requests, or appeals of a decision for reasonable accommodation, shall be consistent with Art. 1.B.1.A, Authority. [Ord. 2011-016] [Ord. 2018-002]~~ [Relocated to: Art. 2.C.8.C.4.f, Authority]

~~g. Action by Appropriate PBC Official~~

~~A written response shall be issued within 45 days of the date of sufficiency advising the Applicant of the PBC Official's action. [Ord. 2011-016] [Ord. 2015-006] [Ord. 2018-002]~~ [Relocated to: Art. 2.C.8.C.4.g, Action by Appropriate PBC Official]

~~1) Request for Additional Information Timeframes~~

~~If additional information is required to make a final decision, the following shall apply: [Ord. 2011-016] [Ord. 2015-006] [Ord. 2018-002]~~ [Relocated to: Art. 2.C.8.C.4.g.1), Request for Additional Information Timeframes]

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- 1 a) ~~Within 45 days of Sufficiency determination, a written notice requesting additional~~  
2 ~~information may be requested, specifying what information is required. [Ord. 2011-~~  
3 ~~016] [Ord. 2015-006] [Ord. 2018-002] [Relocated to: Art. 2.C.8.C.4.g.1).a)]~~  
4 b) ~~The Applicant shall have 15 days from the date of the written notice to respond to~~  
5 ~~the request for additional information not to exceed 60 days from the date of the~~  
6 ~~Sufficiency determination. [Ord. 2011-016] [Ord. 2015-006] [Ord. 2018-002]~~  
7 ~~[Relocated to: Art. 2.C.8.C.4.g.1).b)]~~  
8 (1) ~~If the additional information provided by the Applicant satisfies Staffs' request,~~  
9 ~~a written determination shall be issued within 30 days. [Ord. 2011-016] [Ord.~~  
10 ~~2015-006] [Ord. 2018-002] [Relocated to: Art. 2.C.8.C.4.g.1).b)(1)]~~  
11 (2) ~~If the Applicant fails to provide the requested additional information within the~~  
12 ~~15-day period, a letter shall be issued to the Applicant advising the Applicant~~  
13 ~~that the application is considered withdrawn. [Ord. 2011-016] [Ord. 2015-006]~~  
14 ~~[Ord. 2018-002] [Relocated to: Art. 2.C.8.C.4.g.1).b)(2)]~~  
15 **2)–Determination**  
16 ~~In accordance with Federal law, the appropriate PBC Official, shall: [Ord. 2011-016]~~  
17 ~~[Ord. 2018-002] [Relocated to: Art. 2.C.8.C.4.g.2), Determination]~~  
18 a) ~~grant the accommodation request; [Ord. 2011-016] [Ord. 2018-002] [Relocated~~  
19 ~~to: Art. 2.C.8.C.4.g.2)a)]~~  
20 b) ~~grant a portion of the request and deny a portion of the request; [Ord. 2011-016]~~  
21 ~~[Ord. 2018-002] [Relocated to: Art. 2.C.8.C.4.g.2)b)]~~  
22 c) ~~impose conditions upon the grant of the request; or, [Ord. 2011-016] [Relocated~~  
23 ~~to: Art. 2.C.8.C.4.g.2)c)]~~  
24 d) ~~deny the request. Any such denial shall be in writing and shall state the grounds~~  
25 ~~therefore. [Ord. 2011-016] [Ord. 2018-002] [Relocated to: Art. 2.C.8.C.4.g.2)d)]~~  
26 **3)–Notice of Proposed Decision**  
27 ~~All written determinations shall give notice of the right to appeal. The notice of~~  
28 ~~determination shall be sent to the requesting party (i.e. the disabled individual or his/her~~  
29 ~~representative) by certified mail, return receipt requested. [Ord. 2011-016] [Ord. 2018-~~  
30 ~~002] [Relocated to: Art. 2.C.8.C.4.g.3), Notice of Proposed Decision]~~  
31 **h.—Appeal**  
32 ~~Within 30 days after the appropriate PBC Official has rendered a decision on a reasonable~~  
33 ~~accommodation, the Applicant may appeal the decision. This timeframe shall be based~~  
34 ~~upon the date of the letter mailed to the requesting party. All appeals shall contain a~~  
35 ~~statement containing sufficient detail of the grounds for the appeal. Appeals shall be to a~~  
36 ~~Hearing Officer as set forth in this Code. The Hearing Officer shall, after duly noticing the~~  
37 ~~Applicant of the public hearing for appeal, render a determination as soon as reasonably~~  
38 ~~practicable, but in no event later than 60 days after an appeal has been filed. Such hearing~~  
39 ~~shall be de novo. A Hearing Officer's decision may be appealed to the 15th Judicial Circuit~~  
40 ~~Court by Petition for Writ of Certiorari. [Ord. 2011-016] [Ord. 2018-002] [Relocated to:~~  
41 ~~Art. 2.C.8.C.4.h, Appeal]~~  
42 **i.—Stay of Enforcement**  
43 ~~While an application for reasonable accommodation, or appeal of a determination of same,~~  
44 ~~is pending before the County, the County will not enforce the subject ULDC requirement,~~  
45 ~~or related rules, policies, practices or procedures, against the Applicant. [Ord. 2011-016]~~  
46 ~~[Ord. 2018-002] [Relocated to: Art. 2.C.8.C.4.i, Stay of Enforcement]~~  
47 **j.—Time Limitation**  
48 ~~A determination granting, partially granting, or granting with conditions, a reasonable~~  
49 ~~accommodation, may remain valid either for one year from the date of issuance, or by the~~  
50 ~~date specified in a Development Order or associated Condition of Approval, otherwise it~~  
51 ~~shall become null and void. This provision shall retroactively apply to all prior~~  
52 ~~determinations for a reasonable accommodation prior to the effective date of this~~  
53 ~~Ordinance. [Ord. 2017-002] [Ord. 2018-002] [Relocated to: Art. 2.C.8.C.4.j, Time~~  
54 ~~Limitation]~~  
55 **k.—Change of Owner/Operator**  
56 ~~When a facility that has received a Reasonable Accommodation Approval changes~~  
57 ~~ownership, the new owner/operator must apply for new reasonable accommodation. The~~  
58 ~~County will review the request and make a new case-by-case determination based on an~~  
59 ~~individualized assessment. [Ord. 2019-034] [Relocated to: Art. 2.C.8.C.4.k, Change of~~  
60 ~~Owner/Operator]~~

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G. Development Order Abandonment (ABN)

1. General

An Administrative DO granted under a prior Ordinance, may be abandoned according to the procedures in this Chapter. DOs, that are partially or fully implemented, or have not been implemented may be abandoned subject to the requirements of this Section. [Ord. 2018-002] [Ord. 2019-034]

2. Authority

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

3. Applicability

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

4. Sequence of Submittal

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

a. Concurrent Abandonment

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

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

b. Standalone Abandonment

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

5. Application Requirements

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

6. Standards

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

a. Consistency with the Plan

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

b. Consistency with the Code

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

c. Adequate Public Facilities

The proposed abandonment of the DO shall not impact the approved requirements of Art. 2.F, Concurrency (Adequate Public Facility Standards). When a non-implemented DO is abandoned, all concurrency affiliated with the DO is no longer valid. For implemented DOs, concurrency for the remainder of the non-affected area shall remain. Concurrency for any new uses on the subject property shall be subject to the requirements of Art. 2.F, Concurrency (Adequate Public Facility Standards). [Ord. 2019-034]

d. Changed Conditions or Circumstances

There are demonstrated changed site conditions or circumstances provided by the Applicant's Justification Statement that necessitate the abandonment. Abandonment of the resolution approving the DO will not impact other DOs approved on the same site. There is no reliance by other parties for additional performances, or tasks to be implemented, that were required in the original DO. [Ord. 2019-034]

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## EXHIBIT A

### ARTICLE 1 – GENERAL PROVISIONS ARTICLE 2 – APPLICATION PROCESSES AND PROCEDURES ADMINISTRATIVE MODIFICATIONS

#### ~~H~~Section 6 Conditions of Approval

##### ~~1A~~1A. DRO Authority

The DRO shall have the authority to impose Conditions of Approval for administrative DOs. Conditions of Approval may be imposed to: **[Ord. 2009-040]** **[Ord. 2018-002]**

~~a~~1. Ensure compliance with Code requirements; **[Ord. 2009-040]**

~~b~~2. 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]**

~~e~~3. 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~~4. Require road construction necessary to mitigate project impacts including but not limited to drainage, turn lanes, sidewalks, and signalization; **[Ord. 2009-040]**

~~e~~5. 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~~6. Allow specific requirements of the Code to be waived, provided the proposed development meets the specific requirements for a Type 1 Waiver. **[Ord. 2009-040]** **[Ord. 2012-027]**

##### ~~2B~~2B. Condition Limitations

~~a~~1. 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~~2. Conditions shall not amend BCC or, ZC imposed conditions or affect previously approved conditions. **[Ord. 2018-002]**

~~e~~3. For modifications or additions to previously approved DOs, conditions shall only be imposed to address the specific impacts of the new use or development. **[Ord. 2018-002]**

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

##### C. Completion of Conditions

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

#### Section 7 *Effect of an Issuance of a DO*

*A DO approved by the DRO shall have the following effect and authority: **[Ord. 2009-040]** [Relocated from: Art. 2.C.5.A.3, Effect of an Issuance of a DO]*

*A. Any Permitted by Right uses may occur in conjunction with or in place of a DRO approved use, provided there are no Conditions of Approval that prohibit the permitted use to be added to site; **[Ord. 2018-002]** [Relocated from: Art. 2.C.5.A.3.a, related to Effect of an Issuance of a DO]*

*B. Issuance of a DO approved by the DRO shall be deemed to authorize only the particular site configuration, layout, design, level of impacts, and intensity or density which were approved pursuant to this Code, unless the approval is abandoned, expired, or revoked; **[Ord. 2018-002]** [Relocated from: Art. 2.C.5.A.3.b, related to Effect of an Issuance of a DO]*

*C. A DO may only be amended pursuant to the procedures and standards in Art. 2.C.5.B, Administrative Modifications to Prior DOs; **[Ord. 2018-002]** [Relocated from: Art. 2.C.5.A.3.c, related to Effect of an Issuance of a DO]*

*D. The approval of a DO shall not ensure that subsequent approvals for other Development Permits will be granted unless the relevant and applicable portions of the Code are met; and,*

*E. Time Limitation for a DO shall be reviewed pursuant to Art. 2.E, Monitoring of Development Orders (DOs) and Conditions of Approval.*

#### Section 8 *Applications Not Issuing a Development Order*

##### ~~1A~~1A. 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 Art. 1.B.1.A, Authority. **[Ord. 2018-002]**

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EXHIBIT A

ARTICLE 1 – GENERAL PROVISIONS  
ARTICLE 2 – APPLICATION PROCESSES AND PROCEDURES  
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2. Types of ZCL

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

a. Informal ZCL

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

b. Non-Site Specific ZCL

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

c. Formal ZCL

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

3. Processing

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

4. ZCL Response

a. Informal ZCL Response

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

b. Formal ZCL and Non-Site Specific ZCL Response

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

**JB.** Administrative Inquiry (AI)

1. Purpose

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

2. Applicability

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

3. Procedures

An AI may be made by a public agency through the Zoning Director using forms and procedures established by the Zoning Division. The AI shall be placed on the BCC agenda by the Zoning Division for the date the inquiry is intended to be presented. Courtesy Notice pursuant to Art. 2.B.5, Notifications, is required for an AI applicable to a parcel for a specific inquiry or to provide development status not monitored by the provisions in Art. 2.E, Monitoring of Development Orders (DOs) and Conditions of Approval. [Ord. 2011-016] [Ord. 2017-002] [Ord. 2018-002]

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- C. Reasonable Accommodation** [Relocated from: Art. 2.C.5.F, Reasonable Accommodation]
- 1. Purpose**  
*The purpose of this Section is to establish procedures for processing requests for reasonable accommodation from the County’s Unified Land Development Code and related rules, policies, practices, and procedures, for persons with disabilities as provided by the Federal Fair Housing Amendments Act (42 U.S.C. 3601 et seq.) (FHA), or Title II of the Americans with Disabilities Act (42 U.S.C. 12131 et seq.) (ADA). Any person who is disabled, or qualifying entities, may request a reasonable accommodation, pursuant to the procedures set out in this Section. [Ord. 2011-016] [Ord. 2018-002] [Relocated from: Art. 2.C.5.F.1 Purpose]*
- 2. Applicability**  
*An Applicant shall be required to apply for all applicable Development Review processes available in the ULDC prior to filing a request for reasonable accommodation, unless compliance with available Development Review processes would deprive the Applicant, or persons with disabilities served by the Applicant, of an equal opportunity to use and enjoy housing. [Ord. 2015-006] [Ord. 2018-002] [Relocated from: Art. 2.C.5.F.2, Applicability]*
- 3. Notice to the Public of Availability of Accommodation**  
*The County shall endeavor to provide notice to the public, advising that disabled individuals or qualifying entities may request a reasonable accommodation. [Ord. 2011-016] [Ord. 2018-002] [Relocated from: Art. 2.C.5.F.3, Notice to the Public of Availability of Accommodation]*
- 4. Application Procedures**  
*The application forms and requirements for submitting a request for reasonable accommodation shall be on forms specified by the County Administrator or designee. [Ord. 2011-016] [Ord. 2018-002] [Relocated from: Art. 2.C.5.F.4, Application Procedures]*
- a. Application Contents**  
*The following considerations shall be applicable for any application information or documentation required: [Ord. 2011-016] [Ord. 2018-002] [Relocated from: Art. 2.C.5.F.4.a, Application Contents]*
- 1) Confidential Information**  
*Upon submittal of any medical information or records, including but not limited to condition, diagnosis, or history related to a disabled individual, an Applicant may request that the County, to the extent allowed by law, treat the information or records 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] [Ord. 2018-002] [Relocated from: Art. 2.C.5.F.4.a.1), Confidential Information]*
- 2) Address of Applicant**  
*Address of the Applicant is requested, unless governed by 42 U.S.C. 290dd, in which case the address shall not be required, but the Applicant may be requested to provide documentation to substantiate a claim verifying applicability. [Ord. 2011-016] [Ord. 2015-006] [Ord. 2018-002] [Relocated from: Art. 2.C.5.F.4.a.2), Address of Applicant]*
- 3) Address of Housing**  
*Address of housing or other location at which accommodation is requested unless governed by 42 U.S.C. 290dd, in which case address shall not be required, but the Applicant may be requested to provide documentation to substantiate a claim verifying applicability. [Ord. 2011-016] [Ord. 2018-002] [Relocated from: Art. 2.C.5.F.4.a.3), Address of Housing]*
- b. Sufficiency Determination**  
*The County Administrator or designee shall determine whether the application is sufficient or insufficient within ten days of submittal by reviewing the information required in the application. If Staff determines the application is not sufficient, a written notice shall be sent to the Applicant specifying the deficiencies within the ten-day determination timeframe set forth herein. [Ord. 2015-006] [Ord. 2018-002] [Relocated from: Art. 2.C.5.F.4.b, Sufficiency Determination]*
- c. Fee**  
*There shall be no fee imposed by the County for a request for reasonable accommodation under this Section or an appeal of a determination on such request, and the County shall*

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EXHIBIT A

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have no obligation to pay an Applicant's, or an appealing party as applicable, attorneys' fees or costs in connection with the request, or an appeal. [Ord. 2011-016] [Ord. 2015-006] [Ord. 2018-002] [Relocated from: Art. 2.C.5.F.4.c, Fees]

d. **County Assistance**

The County shall provide such assistance and accommodation as is required pursuant to FHA and ADA in connection with a disabled person's request for reasonable accommodation, including assistance with reading application questions, and responding to questions related to completing application or appeal forms, among others, to ensure the process is accessible. [Ord. 2011-016] [Ord. 2018-002] [Relocated from: Art. 2.C.5.F.4.d, County Assistance]

e. **Findings for Reasonable Accommodation**

In determining whether the reasonable accommodation request shall be granted or denied, the Applicant shall be required to establish that they are protected under the FHA or ADA by demonstrating that they are handicapped or disabled, as defined in the FHA or ADA. Although the definition of disability is subject to judicial interpretation, for purposes of this Ordinance the disabled individual must show: [Ord. 2011-016] [Ord. 2015-006] [Ord. 2018-002] [Relocated from: Art. 2.C.5.F.4.e, Findings for Reasonable Accommodation]

- 1) a physical or mental impairment which substantially limits one or more major life activities; [Ord. 2011-016] [Ord. 2018-002] [Relocated from: Art. 2.C.5.F.4.e.1)]
- 2) a record of having such impairment; or, [Ord. 2011-016] [Ord. 2018-002] [Relocated from: Art. 2.C.5.F.4.e.2)]
- 3) that they are regarded as having such impairment. [Ord. 2011-016] [Ord. 2018-002] [Relocated from: Art. 2.C.5.F.4.e.3)]

The Applicant shall demonstrate that the proposed accommodations being sought are reasonable and necessary to afford disabled persons equal opportunity to use and enjoy housing. The foregoing, as interpreted by the Courts, shall be the basis for a decision upon a reasonable accommodation request made by the appropriate PBC Official. [Ord. 2011-016] [Ord. 2015-006] [Ord. 2018-002] [Relocated from: Art. 2.C.5.F.4.e.3)]

f. **Authority**

The determination of which appropriate PBC Official has the authority to consider and act on requests, or appeals of a decision for reasonable accommodation, shall be consistent with Art. 1.B.1.A, Authority. [Ord. 2011-016] [Ord. 2018-002] [Relocated from: Art. 2.C.5.F.4.f, Authority]

g. **Action by Appropriate PBC Official**

A written response shall be issued within 45 days of the date of sufficiency advising the Applicant of the PBC Official's action. [Ord. 2011-016] [Ord. 2015-006] [Ord. 2018-002] [Relocated from: Art. 2.C.5.F.4.g, Action by Appropriate PBC Official]

1) **Request for Additional Information Timeframes**

If additional information is required to make a final decision, the following shall apply: [Ord. 2011-016] [Ord. 2015-006] [Ord. 2018-002] [Relocated from: Art. 2.C.5.F.4.g.1), Request for Additional Information Timeframes]

- a) Within 45 days of Sufficiency determination, a written notice requesting additional information may be requested, specifying what information is required. [Ord. 2011-016] [Ord. 2015-006] [Ord. 2018-002] [Relocated from: Art. 2.C.5.F.4.g.1a)]
- b) The Applicant shall have 15 days from the date of the written notice to respond to the request for additional information not to exceed 60 days from the date of the Sufficiency determination. [Ord. 2011-016] [Ord. 2015-006] [Ord. 2018-002] [Relocated from: Art. 2.C.5.F.4.g.1b)]
  - (1) If the additional information provided by the Applicant satisfies Staffs' request, a written determination shall be issued within 30 days. [Ord. 2011-016] [Ord. 2015-006] [Ord. 2018-002] [Relocated from: Art. 2.C.5.F.4.g.1b)(1)]
  - (2) If the Applicant fails to provide the requested additional information within the 15-day period, a notification shall be issued to the Applicant advising the Applicant that the application is considered withdrawn. [Ord. 2011-016] [Ord. 2015-006] [Ord. 2018-002] [Relocated from: Art. 2.C.5.F.4.g.1b)(2)]

2) **Determination**

In accordance with Federal law, the appropriate PBC Official, shall: [Ord. 2011-016] [Ord. 2018-002] [Relocated from: Art. 2.C.5.F.4.g.2), Determination]

- a) grant the accommodation request; [Ord. 2011-016] [Ord. 2018-002] [Relocated from: Art. 2.C.5.F.4.g.2).a)]
- b) grant a portion of the request and deny a portion of the request; [Ord. 2011-016] [Ord. 2018-002] [Relocated from: Art. 2.C.5.F.4.g.2).b)]
- c) impose conditions upon the grant of the request; or, [Ord. 2011-016] [Relocated from: Art. 2.C.5.F.4.g.2).c)]

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EXHIBIT A

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- 1 d) deny the request. Any such denial shall be in writing and shall state the grounds  
2 therefore. **[Ord. 2011-016] [Ord. 2018-002] [Relocated from: Art.**  
3 **2.C.5.F.4.g.2).d)]**
- 4 **3) Notice of Proposed Decision**  
5 All written determinations shall give notice of the right to appeal. The notice of  
6 determination shall be sent to the requesting party (i.e. the disabled individual or his/her  
7 representative) by certified mail, return receipt requested. **[Ord. 2011-016] [Ord. 2018-**  
8 **002] [Relocated from: Art. 2.C.5.F.4.g.3), Notice of Proposed Decision]**
- 9 **h. Appeal**  
10 Within 30 days after the appropriate PBC Official has rendered a decision on a reasonable  
11 accommodation, the Applicant may appeal the decision. This timeframe shall be based  
12 upon the date of the letter mailed to the requesting party. All appeals shall contain a  
13 statement containing sufficient detail of the grounds for the appeal. Appeals shall be to a  
14 Hearing Officer as set forth in this Code. The Hearing Officer shall, after duly noticing the  
15 Applicant of the public hearing for appeal, render a determination as soon as reasonably  
16 practicable, but in no event later than 60 days after an appeal has been filed. Such hearing  
17 shall be de novo. A Hearing Officer's decision may be appealed to the 15th Judicial Circuit  
18 Court by Petition for Writ of Certiorari. **[Ord. 2011-016] [Ord. 2018-002] [Relocated from:**  
19 **Art. 2.C.5.F.4.h, Appeal]**
- 20 **i. Stay of Enforcement**  
21 While an application for reasonable accommodation, or appeal of a determination of same,  
22 is pending before the County, the County will not enforce the subject ULDC requirement,  
23 or related rules, policies, practices or procedures, against the Applicant. **[Ord. 2011-016]**  
24 **[Ord. 2018-002] [Relocated from: Art. 2.C.5.F.4.i, Stay of Enforcement]**
- 25 **j. Time Limitation**  
26 A determination granting, partially granting, or granting with conditions, a reasonable  
27 accommodation, may remain valid either for one year from the date of issuance, or by the  
28 date specified in a DO or associated Condition of Approval, otherwise it shall become null  
29 and void. This provision shall retroactively apply to all prior determinations for a reasonable  
30 accommodation prior to the effective date of this Ordinance. **[Ord. 2017-002] [Ord. 2018-**  
31 **002] [Relocated from: Art. 2.C.5.F.4.j, Time Limitation]**
- 32 **k. Change of Owner/Operator**  
33 When a facility that has received a Reasonable Accommodation Approval changes  
34 ownership, the new owner/operator must apply for new reasonable accommodation. The  
35 County will review the request and make a new case-by-case determination based on an  
36 individualized assessment. **[Ord. 2019-034] [Relocated from: Art. 2.C.5.F.4.k, Change**  
37 **of Owner/Operator]**

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

38 CHAPTER H DEFINITIONS AND ACRONYMS

39 Section 2 Definitions

- 40 O. Terms defined herein or referenced in this Article shall have the following meanings:  
41 ....  
42 19. Original Final DRO – For the purposes of Art. 2, Application Processes and Procedures, the  
43 first approved plan by the DRO following the BCC or ZC hearing.  
44 **[Renumber Accordingly]**

45 Section 3 Abbreviations and Acronyms

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

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EXHIBIT B

ARTICLE 2 – APPLICATION PROCESSES AND PROCEDURES  
RESIDENTIAL TYPE 1 VARIANCES

Part 1. ULDC Art. 2.C.5.D.3, Application Processes and Procedures, Administrative Processes, Types of Applications, Type 1 Variance, Variance Request Limitations (page 52 of 101, Supplement 27), is hereby amended as follows:

CHAPTER C ADMINISTRATIVE PROCESSES

....

Section 5 Types of Applications

....

D. Type 1 Variance

....

3. Variance Request Limitations

Request that exceeds more than five variances or the following limitations shall be subject to a Type 2 Variance. Variance requests for density or intensity beyond the stated limits of the Plan shall be prohibited. Type 1 Variances may be considered for the following: [Ord. 2006-036] [Ord. 2008-003] [Ord. 2012-003] [Ord. 2018-002]

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

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

~~b.~~ Accessory Uses and Structures

~~2) —~~Relief from Art. 5.B.1.A, Accessory Uses and Structures as follows: General; Fences, and Walls, ~~and Hedges~~; Docks; Entry Features; Fuel, Gas, or Chemical Storage Tanks; Dumpsters; Neighborhood Recreation Facility; Outdoor Recreation Amenities; Screen Enclosures; and, Permanent Generators. [Ord. 2008-003] [Ord. 2013-001] [Ord. 2018-002]

~~3)c.~~ Relief from Residential Hedge Height in Art. 7.D.4.A.3, Height Measurement. [Ord. 2015-006] [Ord. 2018-002]

~~4)d.~~ Relief from Excavation Standards in Art. 4.B.10.C.2, Type 1A Excavation and Art. 4.B.10.C.3, Type 1B Excavation. [Ord. 2008-003] [Ord. 2017-007] [Ord. 2018-002]

~~b.e.~~ Non-Residential Projects

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

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

~~c.~~ Permanent Generators on SFD and ZLL Lots

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

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EXHIBIT B

ARTICLE 2 – APPLICATION PROCESSES AND PROCEDURES  
RESIDENTIAL TYPE 1 VARIANCES

Part 2. ULDC Art. 2.B.7.E.3.a, Application Processes and Procedures, Public Hearing Processes, Types of Applications, Type 2 Variance, Type 2 Variance Applications, Zoning Type 2 Variance (ZV) (page 37 of 101, Supplement 27), is hereby amended as follows:

CHAPTER B PUBLIC HEARING PROCESSES

....

Section 7 Types of Applications

....

E. Type 2 Variance

....

3. Type 2 Variance Applications

a. Zoning Type 2 Variance (ZV)

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

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

~~2) requesting variances that exceed the standards of Art. 2.C.5.D.3.b, Non-Residential Projects. [Ord. 2012-003] [Ord. 2012-027] [Ord. 2018-002]~~

....

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EXHIBIT C

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

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

CHAPTER B OVERLAYS

Section 9 PBIAO, Palm Beach International Airport Overlay

E. Review Procedures

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

3. Notification

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

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

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

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

F. Property Development Regulations (PDRs)

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

1. Lot Dimensions, Yard Setbacks and Building Height

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

a. Lot Size

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

b. Setbacks

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

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

Table 3.B.9.F – PBIAO Setbacks

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

c. Height

1) Maximum Height for Industrial and Commercial Development

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

2. Commercial Vehicle Parking and Loading

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

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EXHIBIT C

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

3. **Landscaping**  
In addition to the provisions of Art. 7, Landscaping, the following provisions shall be met where a use is proposed that is incompatible with an adjacent development or district. ~~[Ord. 2004-051]~~
- ~~a. Minimum Dimensions of Landscape Buffer~~
- ~~1) Minimum Width~~  
Ten feet. ~~[Ord. 2004-051]~~
- ~~2) Minimum Length~~  
The length of the property line between the commercial or industrial lot and the abutting lot or district. ~~[Ord. 2004-051]~~
- ~~b. Mandatory Landscape Barrier~~  
A landscape barrier shall be constructed within the landscape buffer. The landscape barrier shall consist of a solid (CBS) concrete block and steel wall with a continuous footing or an alternative acceptable to the Zoning Director, having a height no less than six feet. The exterior side of the masonry wall shall be given a finished architectural treatment that is compatible with the existing development. ~~[Ord. 2004-051]~~
- ~~c. Planting Instructions~~  
Trees shall be planted on alternating sides of the wall at intervals of 20 feet. Trees shall have a minimum height of ten feet. An 18-inch high hedge shall be planted on the exterior side of the wall, between the trees and wall, and running the length of the wall. ~~[Ord. 2004-051]~~
- ~~d. Lighting~~  
In addition to the standards of Art. 5.E.4.E, Outdoor Lighting, and Art. 16, Airport Regulations, lighting within the PBIAO shall comply with the following: **[Ord. 2004-051]**
- ~~1)a.~~ Roof top lighting shall be permitted; **[Ord. 2004-051]**
- ~~2)b.~~ Lighting fixtures shall be limited to the minimum needed for essential lighting of the site and building; and **[Ord. 2004-051]**
- ~~3)c.~~ Lighting shall be scaled to pedestrians for sites or buildings adjacent to residential uses. **[Ord. 2004-051]**
- G. Supplemental Regulations
- ~~1. Noise Compatibility and Abatement Requirements~~
- ~~a. Noise Abatement~~  
For any commercial or industrial use, noise abatement measures incorporated into the design and construction of the structure must be used to achieve Noise Level Reduction (NLR) demonstrable to 25 L<sub>dn</sub>, for reception, lounge, and office areas. ~~[Ord. 2004-051]~~
- ~~b. Speakers~~  
No outdoor speakers shall be allowed that are audible at the property line. ~~[Ord. 2004-051]~~
- ~~21. Unified Control~~  
Any development within PBIAO district shall be developed under common ownership or unity of control as provided in Art. 3.E, Planned Development Districts (PDDs).
- ~~32. Enclosed Activities~~  
In addition to standards in Art. 5.B.1.A.3, Outdoor Storage and Activities, all activities except storage and sales of landscape material, shall be operated within enclosed buildings. **[Ord. 2004-051]**
- ~~43. Renovation and Expansion of Non-Residential Uses~~  
When a structure used for industrial or commercial uses, lying in a residential district or adjacent to a residential district, is renovated or expanded by more than 20 percent of GFA, in any one or more expansions or the cumulative total of previous expansions, the PDRs of the PBIAO district shall apply. **[Ord. 2004-051]**

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EXHIBIT D

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

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

CHAPTER D PROPERTY DEVELOPMENT REGULATIONS (PDRs)

Section 1 PDRs for Standard Zoning Districts

A. PDRs

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

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

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

5. Setback Exceptions

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

a. Structures, Projections, and Improvements Permitted in Setbacks

- Arbors and trellises less than ten feet in height, subject to a minimum three-foot setback;
- Balconies projecting a maximum of three feet into the front setback of a SFD or ZLL home, ~~subject to the following limitations: [Ord. 2005-041]~~
  - ~~Limited to the front setback only,~~ not including ~~reduced~~ setbacks allowed for side loading garages pursuant to Table 3.D.2.B, ZLL Property Development Regulations, Table 3.D.2.B, Double ZLL Property Development Regulations, or Art. 3.E.2.E.1.b, Side Loading Garage; [Ord. 2005-041]
  - ~~Total combined width of balconies projecting into front setback shall not exceed 25 percent of the total width of the front façade; [Ord. 2005-041]~~
  - ~~ZLL homes with balconies projecting into the front setback shall have a minimum ten-foot side setback from the ZLL; and, [Ord. 2005-041]~~
  - ~~Excluding side loading garages. [Ord. 2005-041]~~
- Permanent/retractable awnings, canopies, or Bahama shutters projecting a maximum of three feet into a setback, and having no support other than provided by the wall or structure to which it is attached; [Ord. 2005-041] [Ord. 2014-025]

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EXHIBIT D

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

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

CHAPTER D PROPERTY DEVELOPMENT REGULATIONS (PDRs)

....

Section 2 PDRs for Specific Housing Types

....

B. Zero Lot Line (ZLL)

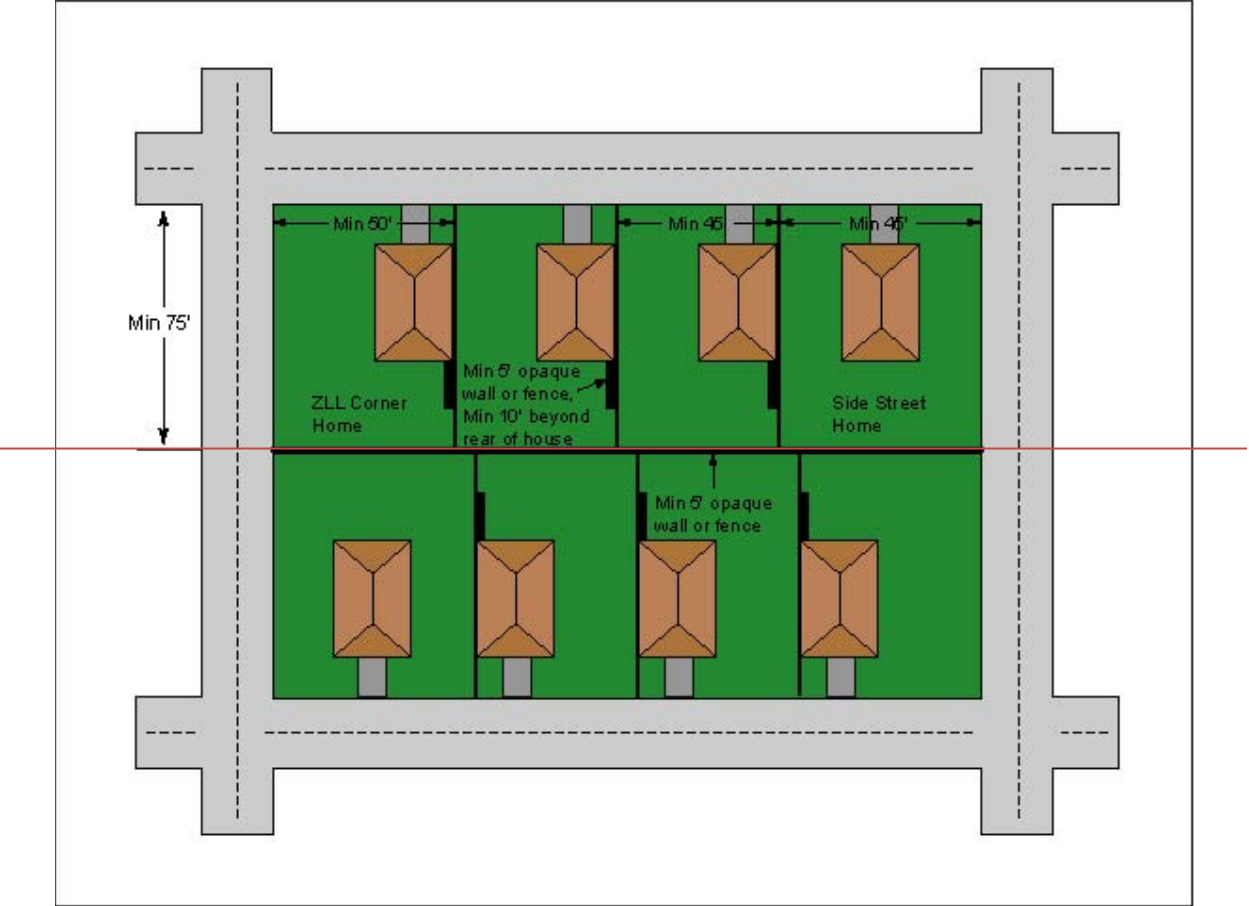
1. Property Development Regulations

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

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

Lot Dimensions			Max. Height	Building Coverage	Setbacks				
Size	Width and Frontage	Depth			Front	ZLL Side	Side	Side Street	Rear
4,500 sq. ft.	45' – <del>interior</del>	75'	35'	50%	10' – <del>Unit</del>	0'	10'	<del>40'</del> N/A	10'
	25' – <del>Front loading garage</del>								
	50' – <del>Corner</del>				10' – <del>Side loading garage</del>	0'	N/A	10'	10'
	55' – <del>Side Street home</del>				N/A	10'	10'	10'	
[Ord. 2005-041]									
Notes:									
1.	Lot frontage may be measured from the required front building setback.								
2.	The driveway of a front loading or side loading garage shall intersect the street at or near a 90-degree angle to the road center line. The driveway of a ZLL home shall intersect the street R-O-W at a 90-degree angle for a minimum length of five feet on both sides.								
3.	Mechanical equipment shall be screened and oriented away from the front door and private outdoor space of the adjacent lot.								

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



[Ord. 2005-041]

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

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EXHIBIT D

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

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

CHAPTER D PROPERTY DEVELOPMENT REGULATIONS (PDRs)

....

Section 2 PDRs for Specific Housing Types

....

B. Zero Lot Line (ZLL)

1. Property Development Regulations

....

~~C. ZLL Design Standards~~

~~1. Location~~

a. ZLL Side Setback

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

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

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

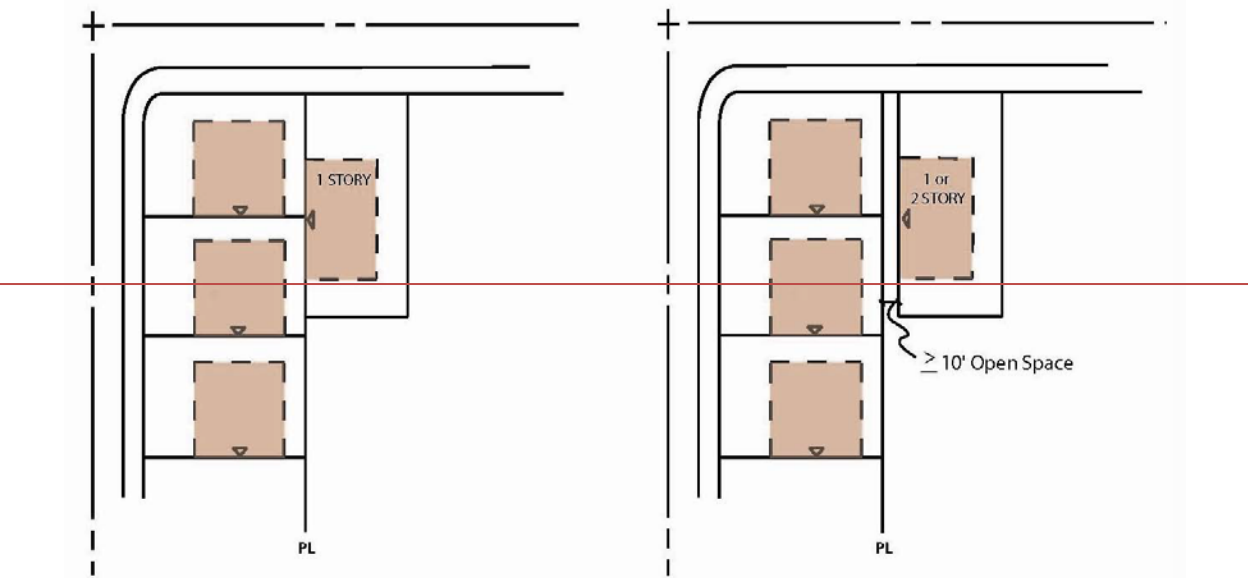
~~2. Access~~

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

~~3. Height Limitation~~

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

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



~~[Ord. 2009-040]~~

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

~~4. Parking~~

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

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EXHIBIT D

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

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

CHAPTER D PROPERTY DEVELOPMENT REGULATIONS (PDRs)

....

Section 2 PDRs for Specific Housing Types

....

B. Zero Lot Line (ZLL)

....

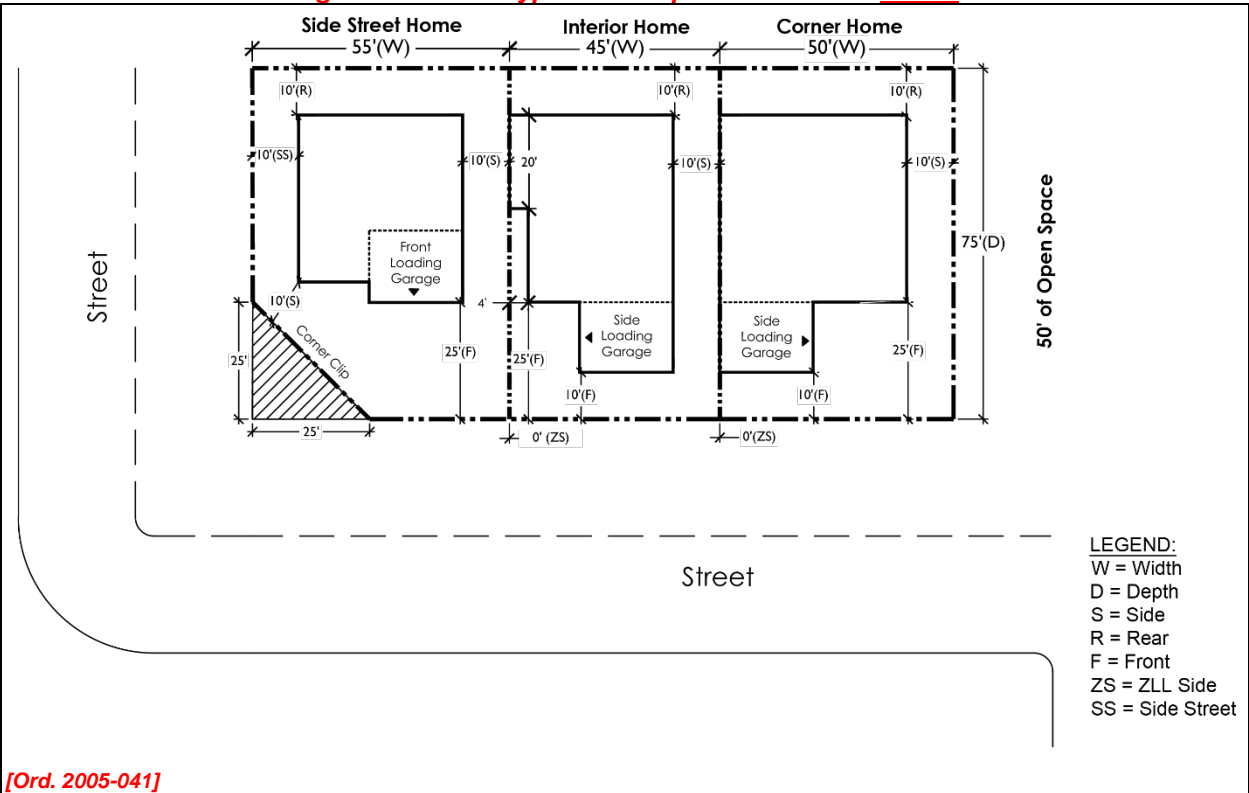
1. Property Development Regulations

....

b. Side Street Home

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

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



[Ord. 2005-041]

[Partially relocated from: Art. 3.D.2.B, Zero Lot Line (ZLL)]

c. Double ZLL Home

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

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

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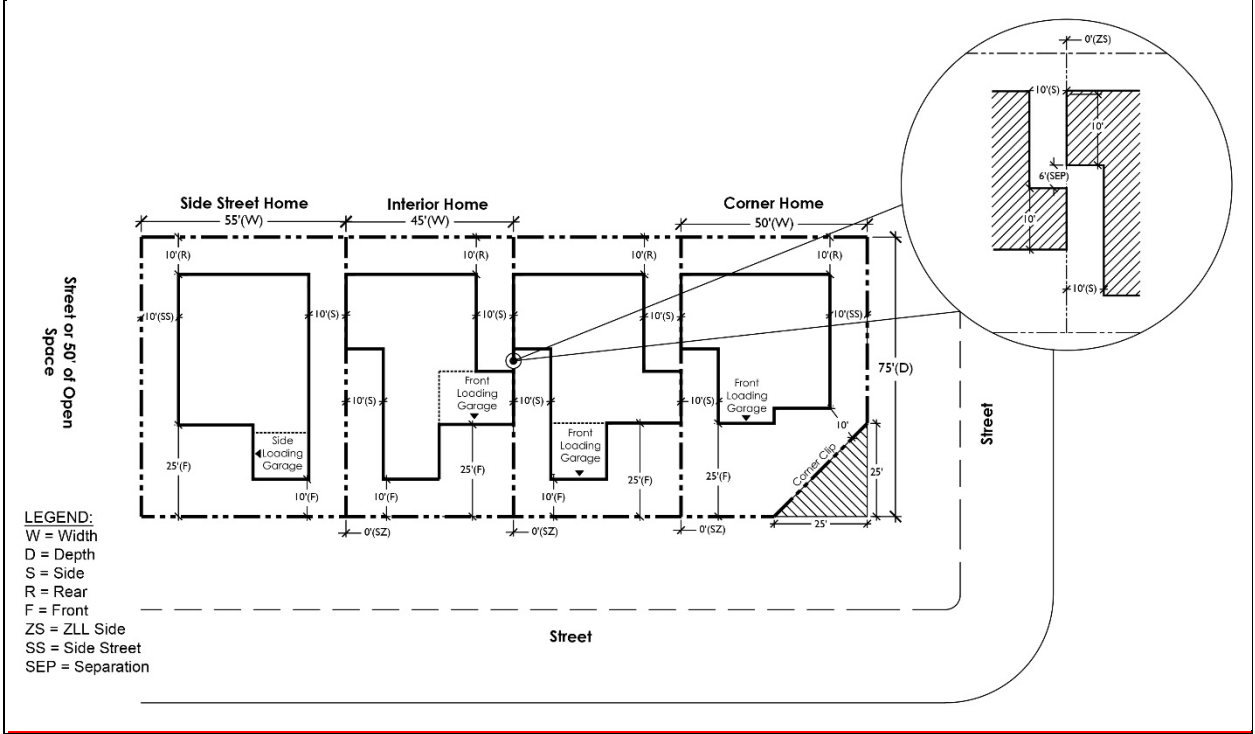
EXHIBIT D

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

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

Lot Dimensions			Max. Height	Building Coverage	Setbacks			
Size	Width	Depth			Front	ZLL Side (1)(2)	Side Street	Rear
4,500 sq. ft.	45' – Interior	75'	35'	50%	10' – Unit; 25' – Front loading garage; 10' – Side loading garage	0' – For a min. 10' on each ZLL side; 10' – Portion of unit not built on the ZLL side	N/A	10'
	50' – Corner					0' – For a min. 10' on each ZLL side; 10' – Portion of unit not built on the ZLL side	10'	10'
	55' – Side Street home					N/A	10'	10'
Notes:								
1.	A minimum ten-foot setback shall be provided for the portion of the Double ZLL home that is not built with a zero-foot setback. Reduction in setbacks, as described in Art. 3.D.2.B.3.b.3), Windows and Doors, shall be prohibited.							
2.	A minimum six-foot separation between the exterior walls and a minimum four-foot separation for overhangs, shall be provided between Double ZLL units located on the same ZLL side with the zero-foot setback unless waived by the Building Official based on requirements of the current edition of the Florida Building Code.							

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



d. ZLL Adjacent to Other Housing Types

- 1) A new ZLL lot shall not have a ZLL side abutting the side or rear property lines of an existing SF lot with a SFD. A new ZLL lot abutting to a platted SF lot that is vacant may be allowed pursuant to Art. 3.D.2.B.1.d.2).
- 2) A new subdivision may include both ZLL and SF lots. If a ZLL lot abuts a SF lot, and the shared property line is the ZLL side, the SF lot shall have a minimum ten-foot side or 15-foot rear setback. The SF lot shall have an Access, Maintenance, and Roof Overhang Easement recorded pursuant to Art. 3.D.2.B.3.e, Access, Maintenance, and Roof Overhang Easement.
- 3) A new subdivision may include ZLL and MF or Cottage Homes (Multiple Units on a Single Lot). If a ZLL lot abuts the MF or Cottage Homes (Multiple Units on a Single Lot), and the shared property line is the ZLL side, the side setback for MF and Cottage Homes (Multiple Units on a Single Lot) shall be a minimum of 15 feet. The MF or Cottage Homes (Multiple Units on a Single Lot) lot shall have an Access, Maintenance, and Roof Overhang Easement recorded pursuant to Art. 3.D.2.B.3.e, Access, Maintenance, and Roof Overhang Easement.
- 4) ZLL lot shall not abut a Cottage Home (Single Unit on a Single Lot) or a Townhouse lot.

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EXHIBIT D

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

Part 5. ULDC Art. 3.D.2.B, Overlays and Zoning Districts, Property Development Regulations (PDRs), PDRs for Specific Housing Types (pages 129-134 of 213, Supplement 27), is hereby amended as follows:

CHAPTER D PROPERTY DEVELOPMENT REGULATIONS (PDRs)

....

Section 2 PDRs for Specific Housing Types

....

B. Zero Lot Line (ZLL)

....

~~52.~~ Replacement

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

a. General

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

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

ab. Process

1) Building Permit Review

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

2) ~~DRO Zoning Review~~Administrative Modifications

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

a)a) Standards for Review

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

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

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

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

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

f) Any p~~ur~~oposed deviation that exceeds the above standards will require ~~v~~Variance relief pursuant to Art. 2.C.5.D, Type 1 Variance. [Ord. 2008-037]

~~6.~~ Zero Setback

~~A minimum of 20 feet of the length of the home under air or occupied by a totally enclosed area under roof which is attached to and directly accessible from an air conditioned living area, such as a garage or storage area, shall be located on one lot line and shall have a zero-foot setback from the lot line. If a home is located on two lot lines, the minimum length shall be the sum of the length on both lot lines. [Partially relocated to: Art. 3.D.2.B.1.a, ZLL Side Setback]~~

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EXHIBIT D

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

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

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

CHAPTER D PROPERTY DEVELOPMENT REGULATIONS (PDRs)

....

Section 2 PDRs for Specific Housing Types

....

B. Zero Lot Line (ZLL)

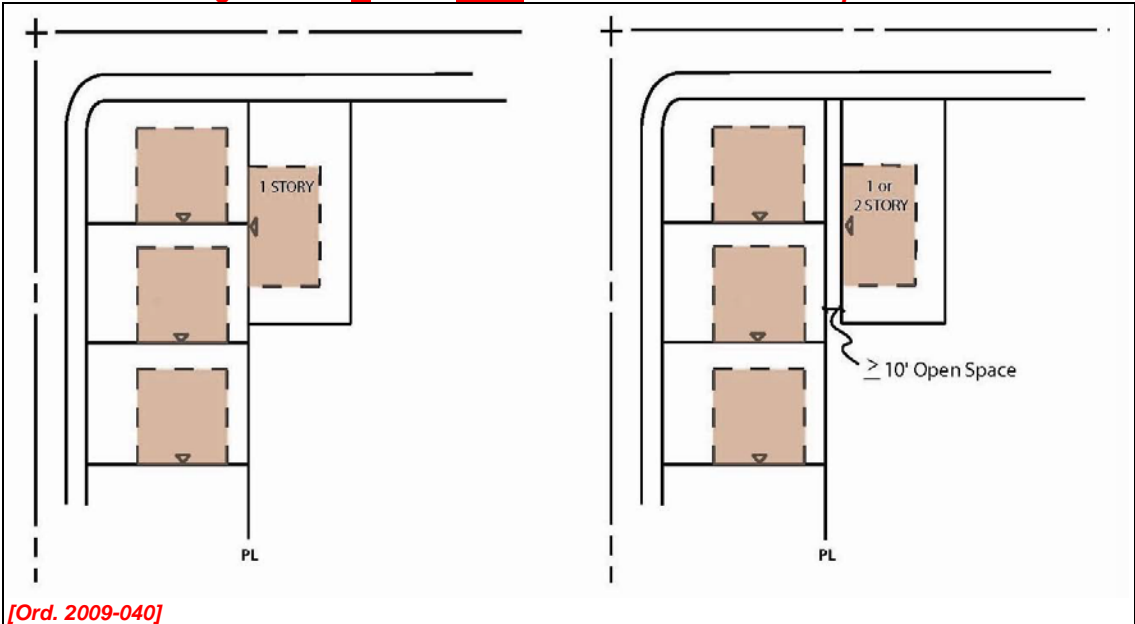
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3. Design Standards

a. Height and Story Limitation

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

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



[Ord. 2009-040]

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

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EXHIBIT D

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

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

CHAPTER D PROPERTY DEVELOPMENT REGULATIONS (PDRs)

....

Section 2 PDRs for Specific Housing Types

....

B. Zero Lot Line (ZLL)

....

3. Design Standards

....

b. ZLL Side Façade

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

**81) Prohibited Openings and Attachments**

*a.) Openings and attachments shall not be allowed to penetrate and/or be attached to any portion of the home on the ZLL side. Examples of prohibited openings and attachments include, but are not limited to, the following: [Ord. 2005-002]* [Partially relocated to: Art. 3.D.2.B.3.b, ZLL Side Façade]

*(1)- A/C condensate drain; [Ord. 2005-002]*

*(2)- A/C emergency overflow drain; [Ord. 2005-002]*

*(3)- Exhaust ducts, such as, but not limited to, kitchens, bathrooms, clothes dryers, etc.; [Ord. 2005-002]*

*(4)- Garage vents; [Ord. 2005-002]*

*(5)- Temperature or pressure relief line; [Ord. 2005-002]*

*(6)- Doors, except as otherwise stated below; [Ord. 2005-002]*

*(7)- Windows (other than glass block or other translucent material pursuant to Art. 3.D.2.C.9.b, Glass Blocks), except as otherwise stated below; [Ord. 2005-002]*

*(8)- Electric meters; [Ord. 2005-002]*

*(9)- Hose bibs; and [Ord. 2005-002]*

*(10) Satellite dishes; and, [Ord. 2005-002]*

*(11) Electrical outlets.*

**b. Exceptions**

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

**9.2) Permitted Openings and Attachments**

**a. Openings/Attachments**

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

*1) Clean out fittings; [Relocated to: above]*

*2) Soffit vents; [Relocated to: above]*

*3) Glass block or other translucent material pursuant to Art. 3.D.2.C.9.b, Glass Blocks;*

*4) Atrium/courtyard exit pursuant to Art. 3.D.2.C.9.d, Atrium/Courtyard; and,*

*5) Windows and doors facing an atrium/courtyard, or in a recessed portion of the home if the outdoor area is completely screened from view from the adjacent home. [Ord. 2005-002]*

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

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

**1a) Light Transmission/Translucent Windows or Translucent/Solid Doors**

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

**b) First Floor**

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

*(a) Windows shall be constructed with translucent material.*

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EXHIBIT D

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

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- (b) Doors shall be constructed with translucent or solid material and may not be located on any portion of a wall with a zero setback.
- (c) A privacy wall/fence shall be installed pursuant to Art. 3.D.2.B.3.d.a), Privacy Walls or Fences.
- (d) Exceptions
- i. Windows and doors located on the front or rear façade of the unit may be transparent.
- ii. Windows and doors located on a façade that is perpendicular to the ZLL side may be transparent.
- iii. A ZLL side façade that is recessed off of the ZLL side less than five feet, may have transparent windows and doors constructed on the ZLL side façade that are parallel or angled towards the ZLL side. The height of the privacy wall or fence shall be increased and installed pursuant to Art. 3.D.2.B.3.d.c)(1), Privacy Walls or Fences, Exception.
- (2) ZLL Façade Constructed Greater Than or Equal to Five Feet from the ZLL Side Property Line
- (a) A ZLL side façade that is recessed off of the ZLL side five feet or greater, may have transparent or translucent windows and doors constructed on the ZLL side façade that are perpendicular, parallel, or angled towards the ZLL side.
- (b) A privacy wall or fence is only required extending a minimum distance of ten feet beyond the rear of the home toward the rear property line pursuant to Art. 3.D.2.B.3.d.a), Privacy Walls or Fences.
- (3) Double ZLL Home
- (a) For the portion of the ZLL home that is constructed at the ZLL side, all windows shall be constructed with translucent material, and doors shall be prohibited. Windows and doors located on a façade that is perpendicular to the ZLL side may be transparent.
- (b) For the portion of the ZLL home that is constructed ten feet from the ZLL side, windows and doors may be transparent or translucent material.
- (c) A privacy wall pursuant to Art. 3.D.2.B.3.d.a), Privacy Walls or Fences is not required.
- c) Second Floor
- (1) ZLL Façade Constructed Less Than Five Feet from the ZLL Side Property Line
- (a) Windows located on a façade that is parallel or angled toward the ZLL side shall be constructed with translucent material.
- (b) Windows located on a façade that is perpendicular to the ZLL side may be transparent.
- (2) ZLL Façade Constructed Greater Than or Equal to Five Feet from the ZLL Side Property Line
- (a) A ZLL side façade that is recessed off of the ZLL side five feet or greater, may have transparent or translucent windows constructed on the ZLL side façade that are perpendicular, parallel, or angled towards the ZLL side.
- (3) Double ZLL Home
- (a) For the portion of the ZLL home that is constructed at the ZLL side, all windows shall be constructed with translucent material; and
- (b) For the portion of the ZLL home that is constructed ten feet from the ZLL side, windows and doors may be transparent or translucent material.
- 2d) Exception
- Transparent windows may be permitted on the ZLL ~~wall~~side (first or second story) if the ~~wall~~ZLL side façade abuts a dedicated open space or landscape buffer a minimum of 50 feet in width.
- 3e) Surface Area
- Use shall be limited to a maximum of 50 percent of the surface area of the wall along the portion of the home on the ZLL side.
- 4f) Limitation
- Use shall be limited to new construction only, unless consent from the HOA is submitted with the Building Permit.

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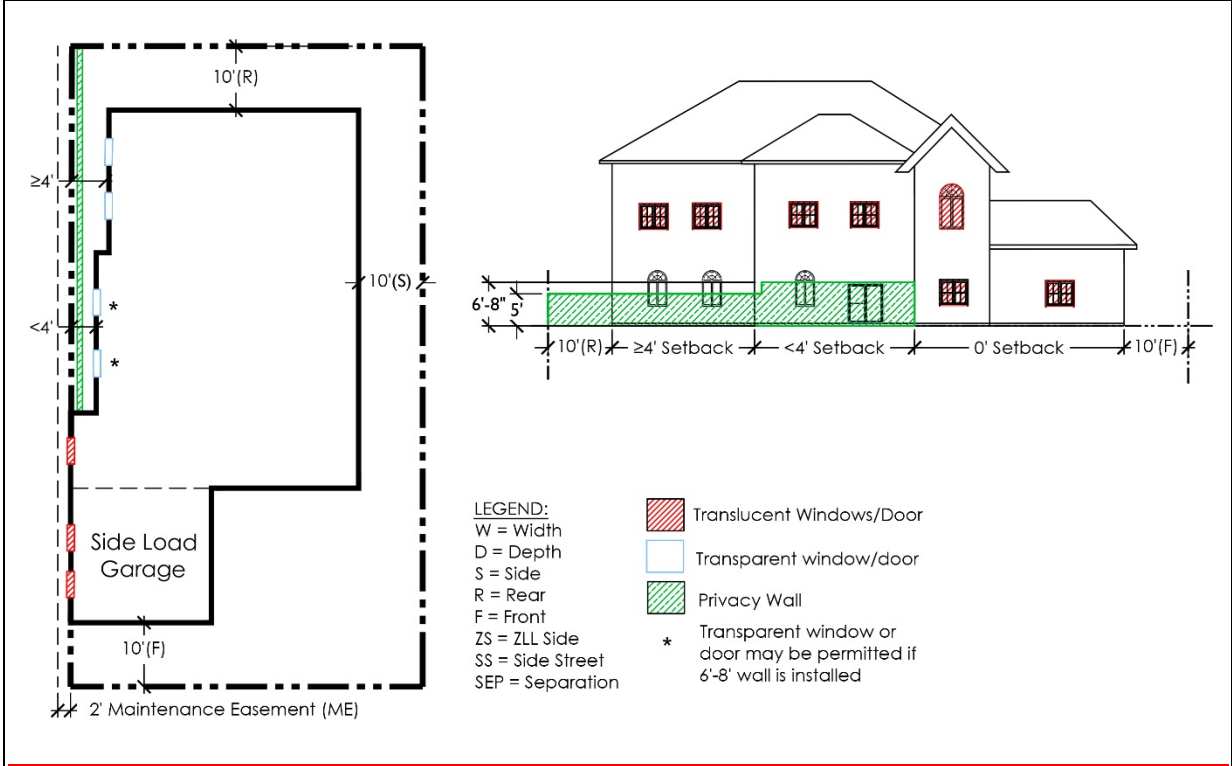
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EXHIBIT D

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

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



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

CHAPTER D PROPERTY DEVELOPMENT REGULATIONS (PDRs)

....

Section 2 PDRs for Specific Housing Types

....

B. Zero Lot Line (ZLL)

....

3. Design Standards

....

~~c. Maintenance and Roof Overhang Easement~~

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

~~1) Easement Width~~

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

~~2) Roof Overhang~~

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

~~3) Drainage~~

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

~~4) Plat~~

~~The following language shall be on the plat for each ZLL subdivision: Maintenance and roof overhang easements are hereby reserved in perpetuity to the owner of the lot abutting the easement and the HOA for the purpose of access to and maintenance of~~

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EXHIBIT D

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

~~improvements, the roof overhang, eave, gutters, drainage and utility services, decorative architectural treatment, and impact shutters, within and adjacent to said easement without recourse to PBC. [Ord. 2013-001] [Ord. 2014-025]~~

~~5) Easement Encroachments~~

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

- ~~a) Mounting hardware for impact shutters, accordion shutters, or roll down shutters, projecting a maximum of six inches into the ZLL easement; and, [Ord. 2014-025]~~
- ~~b) Decorative architectural treatment such as lintels, stone veneer or stucco banding extending a maximum distance of three feet measured from the front façade, projecting a maximum of two inches into a ZLL easement. [Ord. 2014-025]~~

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

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

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

1) Covered Porch (Front of the ZLL Home)

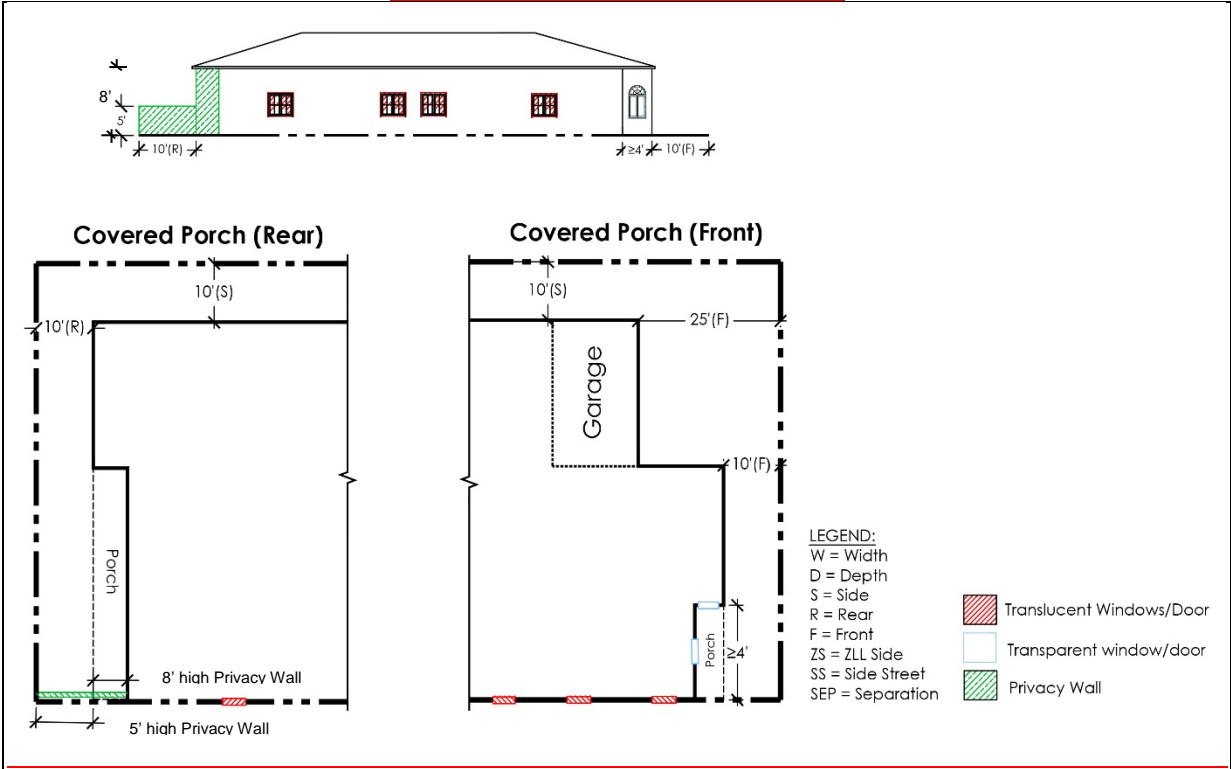
A covered porch may be constructed along the ZLL side, at the front of the home. If windows and doors are constructed into the façade of the home adjacent to the porch, the following shall apply:

- a) Windows or doors, parallel or angled toward and less than five feet from the ZLL side shall be constructed with translucent material.
- b) Windows or doors, parallel or angled toward and greater or equal to five feet or perpendicular to the ZLL side may be constructed with transparent material.
- c) No privacy wall is required adjacent to the covered porch.

2) Covered Porch (Rear of the ZLL Home)

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

Figure 3.D.2.B – ZLL Covered Porch



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EXHIBIT D

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

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

CHAPTER D PROPERTY DEVELOPMENT REGULATIONS (PDRs)

....

Section 2 PDRs for Specific Housing Types

....

B. Zero Lot Line (ZLL)

....

3. Design Standards

....

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

....

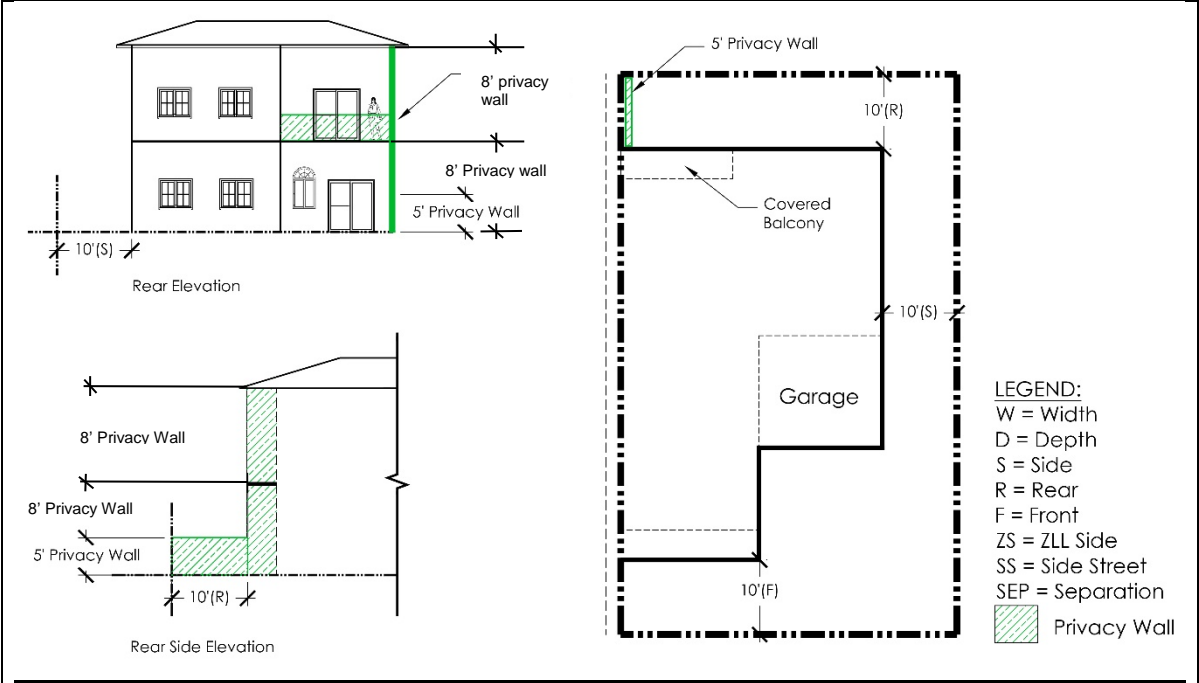
4) Balconies (Front or Rear of the Home)

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

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

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

Figure 3.D.2.B – ZLL Balcony, Rear



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EXHIBIT D

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

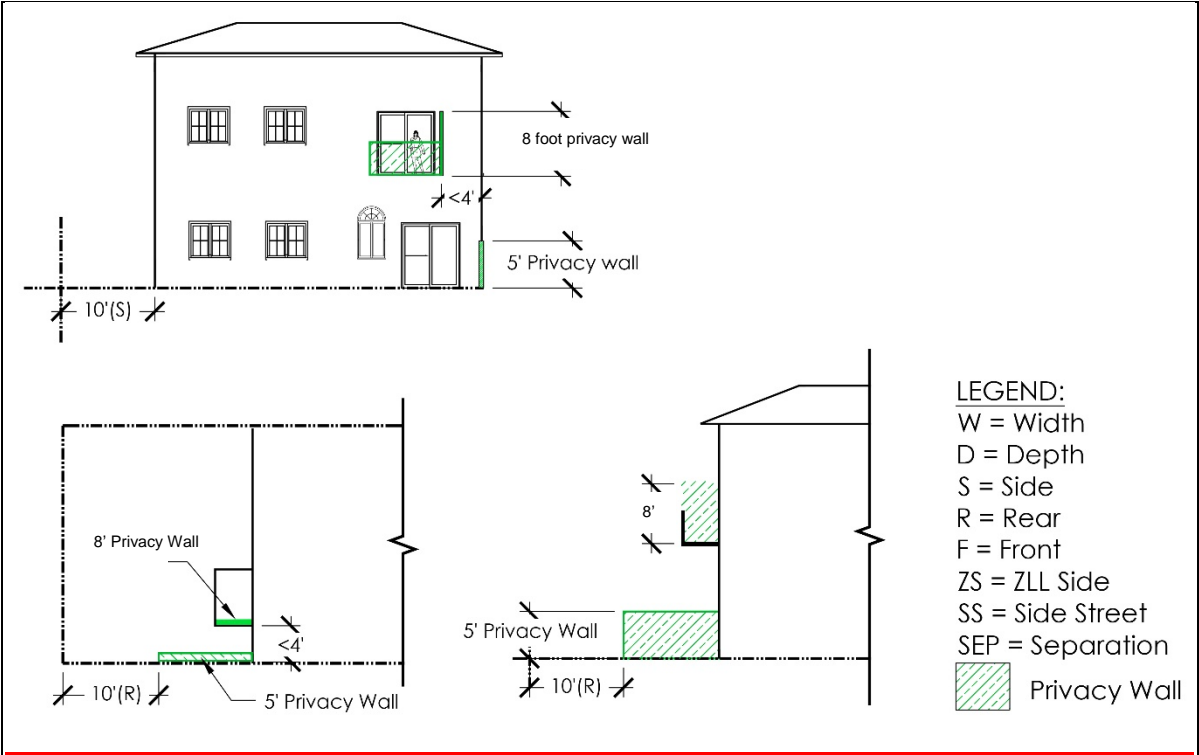
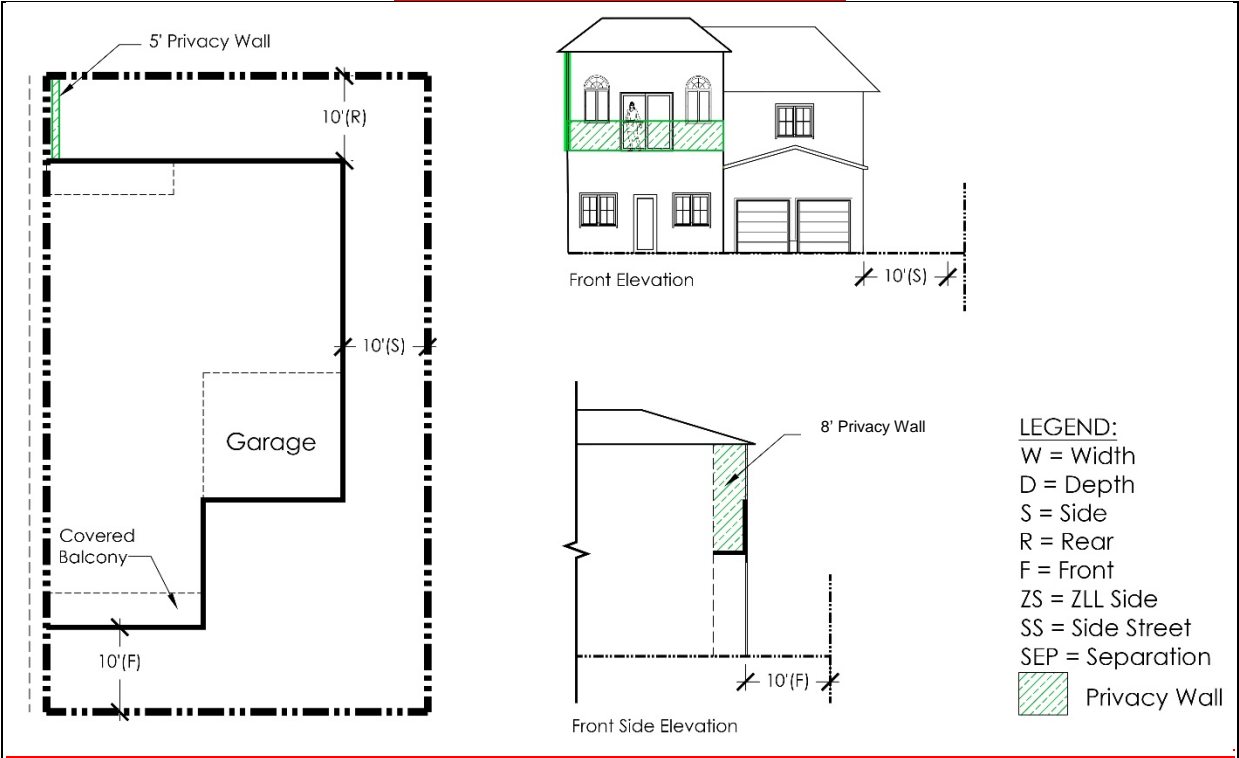


Figure 3.D.2.B – ZLL Balcony, Front



**ed. Privacy Walls or Fences**

**1) ~~ZLL Home-Wall or Fence~~**

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

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EXHIBIT D

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

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

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

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

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

(4) Covered Porch (Rear) and Balconies (Front or Rear)

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

2) **Rear Lot Line**

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

3) **Design Requirements**

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

4) **Roof Enclosures**

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

~~5) Height Limitation~~

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

~~f. Side Street Home~~

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

~~g. Additional Requirements~~

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

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

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EXHIBIT D

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

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

CHAPTER D PROPERTY DEVELOPMENT REGULATIONS (PDRs)

....

Section 2 PDRs for Specific Housing Types

....

B. Zero Lot Line (ZLL)

....

3. Design Standards

....

ee. Access, Maintenance, and Roof Overhang Easement

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

**1) Easement Width**

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

**2) Roof Overhang**

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

**3) Drainage**

*This easement shall not overlap a drainage easement.*

**4) Plat**

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

**5) Easement Encroachments**

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

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

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

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

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EXHIBIT D

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

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

CHAPTER D PROPERTY DEVELOPMENT REGULATIONS (PDRs)

....

Section 2 PDRs for Specific Housing Types

....

E. Cottage Homes

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

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

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

Lot Dimensions			Height	Building Coverage	Setbacks			
Size	Width and Frontage	Depth			Front	Side (3)	Side Street	Rear
Single Unit on a Single Lot (2)(5)								
1,000 to 2,500 sq. ft. (maximum)	20 to 30-foot' (maximum); 30-foot' - 60-foot' - Side Street home (maximum)	50 foot'	35-foot' (maximum)	40% (maximum)	20-foot'	5-foot'	10-foot'	5-foot'
Multiple Units on a Single Lot (Shared)								
(3)	65-foot'	75 foot'	35-foot' (maximum)	N/A	25-foot' (4)	15-foot' (4)(6)	25-foot' (4)	15-foot' (4)
[Ord. 2018-018] [Ord. 2019-034]								
Notes:								
1.	Minimum Property Development Regulations except where it stated as maximum.							
2.	Apply to a Cottage Home that is located on a single lot. This may apply to either a subdivided lot of a pod in a PDD or in a Standard Zoning District. [Ord. 2019-034]							
3.	The minimum lot size of the zoning district which multiple Cottage Homes are located shall apply. [Ord. 2019-034]							
4.	Setbacks shall be measured from the lot. The front setback shall be measured from the property line or base building line, whichever is applicable, where the lot frontage is located. [Ord. 2019-034]							
5.	A Cottage Home (Single Unit on a Single Lot) shall not abut a ZLL home.							
6.	A new subdivision may include ZLL and Cottage Homes (Multiple Units on a Single Lot). If a ZLL lot abuts the Cottage Homes (Multiple Units on a Single Lot), and the shared property line is the ZLL side, the side setback for the Cottage Homes (Multiple Units on a Single Lot) shall be a minimum of 15 feet. The Cottage Homes (Multiple Units on a Single Lot) lot shall have an Access, Maintenance, and Roof Overhang Easement recorded pursuant to Art. 3.D.2.B.3.e, Access, Maintenance, and Roof Overhang Easement.							

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EXHIBIT E

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

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

CHAPTER E PLANNED DEVELOPMENT DISTRICTS (PDDs)

Section 1 General

A. General

1. Purpose and Intent

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

2. Applicability

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

a. Previous Approvals

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

1) Development Order Amendment

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

2) Additional Requested Uses

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

b. Government Facilities

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

3. Conflicts

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

4. Site Plan/Subdivision Plan Approval Required

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

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EXHIBIT E

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

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

CHAPTER A USER GUIDE AND GENERAL PROVISIONS

....

Section 9 Development Thresholds

A. Development Review Officer

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

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

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

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EXHIBIT F

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

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

CHAPTER B USE CLASSIFICATION

Section 2 Commercial Uses

C. Definitions and Supplementary Standards for Specific Uses

18. Hotel or Motel

b. Approval Process

~~1) CRE District~~

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

~~2) TMD District – U/S Tier~~

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

38. Single Room Occupancy (SRO)

a. Definition

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

~~b. Zoning District – CRE~~

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

39. Theater and Performance Venue

c. Approval Process

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

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

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

Section 4 Institutional, Public, and Civic Uses

7. Day Care

~~e. Zoning District – CRE District~~

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

[Re-letter accordingly]

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EXHIBIT G

ARTICLE 4 – USE REGULATIONS  
TEMPORARY USES

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

CHAPTER B USE CLASSIFICATION

....

Section 11 Temporary Uses

C. Definitions and Supplementary Use Standards for Specific Uses

3. Mobile Retail Sales

a. Definition

General ~~R~~Sales, including the sale of food, from a mobile vehicle or a portable trailer without a fixed or permanent location.

d. Setbacks

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

- 1) ~~This requirement shall not apply if~~ a permanent building or structure blocks the view of the Mobile Retail Sales ~~from residential; or~~
- 2) a minimum 80-foot Local Commercial Street separates both uses.

8. Special Event

g. Setbacks

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

- 1) A minimum of 50 feet from any adjacent streets.
- 2) A minimum of 200 feet setback is required from any property line with an existing residential use ~~or FLU designation. This requirement may be exempt if the residential parcel has no existing residential structures.~~

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EXHIBIT H

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

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

CHAPTER G DENSITY BONUS PROGRAMS

Section 1 Workforce Housing Program

....  
D. Delivery of WHP Units

....  
2. Rental Units

....  
f. Compliance Reporting

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

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# EXHIBIT I

## ARTICLE 1 – GENERAL PROVISIONS ARTICLE 3 – OVERLAYS AND ZONING DISTRICTS ARTICLE 4 – USE REGULATIONS ARTICLE 6 – PARKING, LOADING, AND CIRCULATION PARKING GLITCH CORRECTIONS

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

### CHAPTER H DEFINITIONS AND ACRONYMS

....

#### Section 2 Definitions

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

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

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

### CHAPTER B OVERLAYS

....

#### Section 4 GAO, Glades Area Overlay

F. Planned Industrial Park Development (PIPD)  
1. Development Standard Exceptions

e. Parking and Loading in Industrial Pods  
1) Loading Area Screening

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

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

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

### CHAPTER B USE CLASSIFICATION

....

#### Section 11 Temporary Uses

C. Definitions and Supplementary Use Standards for Specific Uses

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

e. Parking

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

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EXHIBIT I

ARTICLE 1 – GENERAL PROVISIONS  
ARTICLE 3 – OVERLAYS AND ZONING DISTRICTS  
ARTICLE 4 – USE REGULATIONS  
ARTICLE 6 – PARKING, LOADING, AND CIRCULATION  
PARKING GLITCH CORRECTIONS

6. Real Estate Sales Model, PDD or TDD  
....  
~~g. **Parking**~~  
~~A minimum of two parking spaces per model shall be provided. The parking area shall~~  
~~comply with Art. 6, Parking, Loading, and Circulation.~~  
....[Re-letter accordingly]

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

CHAPTER B PARKING AND LOADING  
Section 1 Calculation

....  
B. Minimum Parking Requirements

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

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

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

CHAPTER E LOADING STANDARDS  
....  
Section 2 Calculation

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

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