



LAND DEVELOPMENT REGULATION ADVISORY BOARD (LDRAB)
ULDC ARTICLE 2, DEVELOPMENT REVIEW PROCEDURES SUB-COMMITTEE

AUGUST 21, 2017 AGENDA

2300 NORTH JOG ROAD, ROOM VC-1W-47, KEN ROGERS HEARING ROOM

2:00 PM – 4:00 PM

A. CALL TO ORDER

1. Subcommittee Members, Interested Parties and Staff Introductions
2. Additions, Substitutions and Deletions to Agenda
3. Meeting Summary July 25, 2017
4. Motion to Adopt Agenda

B. REVIEW OF PROPOSED AMENDMENTS DRAFT

1. Chapter I – Coordinated School Planning (Planning Division)
2. Chapter D – ULDC Privately Initiated Amendments (Zoning Division)
3. Miscellaneous Amendments Related to Art. 2 (Zoning Division)

C. STATUS UPDATE ON PREVIOUS AMENDMENTS

1. Chapter A – General
2. Chapter B – Public Hearing Processes
3. Chapter C – Administrative Processes
4. Chapter G – Decision Making Bodies

D. INPUT AND COMMENTS

E. SUMMARY OF TODAY'S DISCUSSION

F. ADJOURN

EXHIBIT A

ARTICLE 2, DEVELOPMENT REVIEW PROCEDURES CHAPTER F – CONCURRENCY [RELATED TO NEW CHAPTER I, COORDINATED SCHOOL PLANNING] (Updated 8/14/17)

1
2 Part 1. ULDC Art. 1.I, DEFINITIONS & ACRONYMS (pages 45, 56, 61, 64, 70 , 85, 106 and 108 of
3 110), is hereby amended as follows:
4

Reason for amendments: [Planning] The Florida Statutes requires that counties and cities enter into a coordinated planning agreement with the School District and encourages local governments to have a uniform agreement. The County and School District entered into this agreement in December 2015. The Statute has a set of minimum requirements that is met in the agreement. Changes to the ULDC reflects the changes in the new agreement and the Comprehensive Plan. The deleted or revised definitions are outdated, unused, do not reflect the current Statute requirements or are addressed in the interlocal agreement.

5 CHAPTER I DEFINITIONS & ACRONYMS 6

7 C. Terms defined herein or referenced Article shall have the following meanings: 8

9
10 66. **Concurrency, Public Facilities** - capital facilities including, but not limited to, roads, parks and
11 recreation, fire-rescue, library law enforcement, and public buildings, ~~and school sites.~~

12
13 ~~70. **Concurrency Service Area (CSA)** – the specific geographic unit within a school district in which
14 school concurrency is applied and measured.~~

[Renumber Accordingly]

15 F. Terms defined herein or referenced Article shall have the following meanings: 16

17
18 ~~43. **Florida Inventory of School Houses (FISH)** – for the purposes of Art. 2, the report of the
19 capacity of existing facilities. The FISH capacity is the number of students that may be housed
20 in a facility (school) at any given time based on using a percentage of the number of existing
21 satisfactory student stations and a designated size for each program. In PBC, permanent
22 capacity does not include the use of relocatables unless they meet the standards for long-term
23 use pursuant to F.S. §235.061.~~

24 I. Terms defined herein or referenced Article shall have the following meanings: 25

26
27 ~~28. **Interlocal Agreement** – Agreement between the BCC, the municipalities of PBC, and the PBC
28 School Board effective January 25, 2001, and recorded in the Official Records Book 12272,
29 Page 973, Public Records, PBC, Florida; **[Ord. 2010-022]**~~

30 L. Terms defined herein or referenced Article shall have the following meanings: 31

32 23. **Level of Service (LOS)** -

- 33 a. ~~For the purposes of Art. 2, the measure of the utilization, expressed as a percentage, which
34 is the result of comparing the number of students enrolled in any school with the
35 satisfactory student stations (FISH capacity) at a given location or within a designated area
36 (i.e., a CSA), e.g., a facility with 1,000 students and a FISH capacity of 970, has a LOS of
37 103 percent. Also referred to as the utilization of a facility.~~
- 38 b. For the purposes of Art. 12, the measure of the functional and operational characteristics
39 of a roadway based upon traffic volume in relation to road capacity or the amount of vehicle
40 delay or average speed.

41 42 M. Terms defined herein or referenced Article shall have the following meanings: 43

44
45 ~~53. **Municipalities** – for the purposes of Art. 2, all municipalities in PBC, except those that are
46 exempt from participating in the school concurrency program, pursuant to F.S. §163.3180.~~

47 S. Terms defined herein or referenced Article shall have the following meanings: 48

49
50 ~~9. **School District Five Year Capital Facilities Plan** – for the purposes of Art. 2, the School
51 District of PBC Five Year Work Plan and Capital Budget as authorized by F.S. §235.185.~~

52
53
54

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EXHIBIT A

ARTICLE 2, DEVELOPMENT REVIEW PROCEDURES CHAPTER F – CONCURRENCY [RELATED TO NEW CHAPTER I, COORDINATED SCHOOL PLANNING] (Updated 8/14/17)

1 **Reason for amendments:** [Planning] The interlocal agreement defines the necessary acronyms and definitions. The following acronyms are no longer necessary in the Code.

2
3 **Section 3 Abbreviations and Acronyms**

4
5 ~~FISH—Florida Inventory of School House~~

6
7 ~~SCS—School Capacity Study~~

8
9
10 **Part 2. ULDC Art. 2.F, CONCURRENCY [Related to Public School Concurrency] (page 60-62, 67-**
11 **69 of 87), is hereby amended as follows:**
12

13 **Reason for amendments:** [Planning] The Florida Statutes requires that counties and cities enter into a coordinated planning agreement with the School District and encourages local governments to have a uniform agreement. The County and School District entered into this agreement in December 2015. The Statute has a set of minimum requirements that is met in the agreement. The School Capacity Availability Determination letter sets forth the findings and recommendations of the School District, specifically for the capacity, or lack thereof, of existing facilities or planned facilities in the current School District to serve additional students. The agreement provides the ability to conduct an analysis on the direct impact of new development on schools. Changes to the ULDC reflect the new agreement.

14 **CHAPTER F CONCURRENCY (ADEQUATE PUBLIC FACILITY STANDARD)**

15 **Section 1 General**

16 **A. Purpose and Intent**

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

25

26 **Reason for amendments:** [Planning] See Part 2 above.

27
28 **Section 3 Review For Adequate Public Facilities**

29
30 **A. General**

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

37

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

40

41 **5. Public School Facilities**

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

45

46
47
48 (This space intentionally left blank)

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EXHIBIT A

ARTICLE 2, DEVELOPMENT REVIEW PROCEDURES CHAPTER F – CONCURRENCY [RELATED TO NEW CHAPTER I, COORDINATED SCHOOL PLANNING] (Updated 8/14/17)

1 Part 4. ULDC Art. 2.F, CONCURRENCY [Related to Public School Concurrency] (pages 67 to 69
2 of 87), is hereby amended as follows:
3

Reason for amendments: [Planning] See Part 2 above.

4
5 **Section 6 Public School Concurrency**

6 **A. Short Title**

7 This Section shall be known as, and may be cited as, “the Public School Concurrency Ordinance
8 of PBC, Florida.”

9 **B. Authority**

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

12 **C. Definitions**

13 See Article 1.I, Definitions and Acronyms, for Public School Concurrency definition specific to
14 Article 2.F.6, Public School Concurrency.

15 **D. Applicability**

16 **1. Area of Jurisdiction**

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

23 **2. Time of Application of Ordinance**

- 24 a. This Section shall not apply to Proposed New Residential Development until the
25 commencement of the school concurrency program as specified in Art. V, Section A, of the
26 Agreement.
27 b. This Section shall not apply to Proposed New Residential Development whenever and
28 wherever the school concurrency program is suspended pursuant to the terms of the
29 Agreement.
30 c. This Section shall terminate, or its effect shall be suspended; in the event termination or
31 suspension of the school concurrency program occurs as set forth in the Agreement.

32 **3. Applications Requiring Concurrency Review**

33 Unless otherwise provided herein, this Section shall apply to all Site Specific development
34 orders for Proposed New Residential Development.

35 **4. Exemptions**

- 36 The following are exempt from the school concurrency requirements contained in this Section:
37 a. Single family lots of record, existing as such at the time this Section is adopted.
38 b. Any Residential Development that received final approval of a Site Specific development
39 order prior to the commencement of the school concurrency program, as specified in Art.
40 V, Section A, of the Agreement, is considered vested for that which was previously
41 approved and shall not be considered as Proposed New Residential Development for
42 purposes of school concurrency. Any Residential Development which is exempt from
43 school concurrency under Local Government’s concurrency regulations shall not be
44 considered as Proposed New Residential Development for purposes of school
45 concurrency.
46 c. Any Proposed New Residential Development that has filed a complete application prior to
47 the commencement of the school concurrency program, as specified in Art. V, Section A
48 of the Agreement.
49 d. Any amendment to any previously approved Residential Development which does not
50 increase the density of the development.
51 e. Any previously approved Residential Development or any other previously approved
52 Development with a residential component located within any existing “Transportation
53 Concurrency Exception Area,” as defined in F.S. §163.3180(5).

54 **E. Standard**

55 **1. LOS**

56 The PBC Public School Facilities Element, the Municipalities’ Plans, and the agreement
57 establish the adopted LOS set forth below. The actual LOS (utilization) for all schools of each
58 type of school in each CSA and each individual school shall be established each year by the
59 first student count of the second semester.

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EXHIBIT A

ARTICLE 2, DEVELOPMENT REVIEW PROCEDURES CHAPTER F – CONCURRENCY [RELATED TO NEW CHAPTER I, COORDINATED SCHOOL PLANNING] (Updated 8/14/17)

- 1 a. Tiered LOS shall be in force pursuant to the Tiered LOS Table in the public school facilities
2 element until August 1, 2004. Individual schools of each type may exceed the tiered LOS
3 during the period in which tiered LOS are in effect, provided that the CSA's tiered LOS is
4 not exceeded. However, each individual school's LOS which exceeds the tiered LOS,
5 during the time that the tiered LOS is in effect, shall not exceed the utilization standards for
6 that school type as shown in the maximum utilization table of the public school facilities
7 element. During the time that the tiered LOS standard is in effect, the School District shall
8 initiate necessary program and/or boundary adjustments so that the tiered LOS is not
9 exceeded in each CSA.
- 10 b. After August 1, 2004, the following LOS standards shall be established for all schools of
11 each type within each CSA and each individual school:
12 1) Ten percent of capacity (utilization) as determined by the (FISH); or
13 2) A higher LOS up to 120 percent of FISH capacity (utilization/LOS) for individual schools
14 if a school capacity study (SCS) undertaken pursuant to the agreement determines
15 that the school can operate at the higher LOS.
- 16 **2. Concurrency Service Areas**
17 School concurrency shall be measured and applied on the basis of 21 CSA's as described in
18 the public school facilities element.
- 19 **3. Three Year Rule**
20 In determining whether capacity is available, the School District shall consider any new capacity
21 which will be in place or under actual construction in the first three years of the School District
22 5-Year Capital Facilities Plan.
- 23 **4. Adjacent CSA Capacity**
24 In determining whether capacity is available, the School District shall consider adjacent CSA
25 capacity as specified in the agreement.
- 26 **F. Review of Residential Development**
- 27 **1. Application**
28 At the time of and in conjunction with the application for an adequate public facilities review in
29 accordance with the Code, or in the case of a Municipality, in accordance with its public facilities
30 review process, the applicant for a Proposed New Residential Development shall submit to the
31 appropriate Local Government a request for a school concurrency determination.
- 32 a. The request for school concurrency determination shall contain the following information:
33 location of the development; the build out time frame of the development; and the number,
34 type and size of all the residential units anticipated to be occupied each calendar year. The
35 applicant shall include with its request for school concurrency determination, a non-
36 refundable fee established by the School District. PBC, or any Municipality that provides
37 initial review, shall review the request for completeness and shall in addition determine
38 whether the project is exempt from school concurrency as set forth in Article 2.F.1.D,
39 Exemptions. Notwithstanding the foregoing, this fee shall be returned to the applicant if
40 PBC, or any Municipality that provides initial review, determines that the applicant is
41 exempt and that no further review is required by the School District.
- 42 b. If the project is in the unincorporated area and found not exempt PBC, PBC shall review
43 the request for completeness and submit the request to the School District within ten days
44 of finding the request complete. The PBC shall collect the required fees submitted with all
45 requests for school concurrency determination and shall transmit these fees, less two
46 percent for administrative costs, to the School District on a monthly basis. For projects
47 located within a Municipality, the Municipality may follow the same process set forth in the
48 sentence above. In the alternative, the Municipality may, after reviewing the request for
49 completeness and determining that the project is not exempt, instruct the applicant to
50 submit the request and the required fee directly to the School District.
- 51 c. The School District shall review the application in accordance with the provisions of Art. V,
52 Section A of the Agreement.
- 53 d. Within the times set forth in Art. V, Section F, of the Agreement, the School District shall
54 review the application and notify the applicant and the local Government of its
55 determination. For projects located in the unincorporated area, notice by the School
56 District determining the development to be in compliance shall specify that the date of
57 issuance of the letter of determination of school concurrency shall be the same as the date
58 of issuance of PBCs concurrency reservation, adequate public facilities agreement, or
59 equivalency determination, as appropriate. Letter of determination of school concurrency
60 determining the development to be in compliance shall be valid for one year from the date
61 of issuance. Once the local Government site-specific development order is issued, the
62 concurrency determination shall run with the development order.

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EXHIBIT A

ARTICLE 2, DEVELOPMENT REVIEW PROCEDURES CHAPTER F – CONCURRENCY [RELATED TO NEW CHAPTER I, COORDINATED SCHOOL PLANNING] (Updated 8/14/17)

G. Development Order Approval

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

H. Appeals

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

[Renumber Accordingly]

Part 5. **New ULDC Art. 2.H, COORDINATED SCHOOL PLANNING (pages 87 of 87), is hereby established as follows:**

Reason for amendments: [Planning] The Florida Statutes requires that counties and cities enter into a coordinated planning agreement with the School District and encourages local governments to have a uniform agreement. The County and School District entered into this agreement in December 2015. The Statute has a set of minimum requirements that is met in the agreement. The School Capacity Availability Determination letter sets forth the findings and recommendations of the School District, specifically for the capacity, or lack thereof, of existing facilities or planned facilities in the current School District to serve additional students. The agreement provides the ability to conduct an analysis on the direct impact of new development on schools. Changes to the ULDC reflect the new agreement.

CHAPTER H COORDINATED SCHOOL PLANNING

SECTION 1 Purpose

The purpose of this Chapter is to establish a mechanism for collaborative planning and decision making with the Palm Beach County School District to measure district school capacity available to accommodate new development.

SECTION 2 Authority

The Board of County Commissioners has the authority to adopt this chapter pursuant to the Palm Beach County Charter, and Florida Statutes §163.01, Florida Statutes §163.3177(6)(h), Florida Statutes §1013.33, the Palm Beach County Comprehensive Plan and the Interlocal Agreement for School Coordinated Planning (R-2015-1864).

SECTION 3 Standard

The requirements of the Interlocal Agreement for School Coordinated Planning, as amended, will apply to all development orders for the safe, convenient, orderly and adequate provision of public school facilities.

SECTION 4 School Capacity Availability Determination

Pursuant to the Interlocal Agreement for School Coordinated Planning, at least 30 days prior to a transmittal hearing for any Comprehensive Plan amendment to the FLUE or hearing for rezoning that modifies or adds any residential designation or increase in residential density, the County will transmit to School District all applicable support material, and the date, time, and place of the applicable public meeting. Within 20 days of receipt, the School District shall submit to the County a school capacity availability determination providing the District's findings and recommendations.

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EXHIBIT B

ART. 2, DEVELOPMENT REVIEW PROCEDURES NEW CHAPTER D – ULDC PRIVATELY INITIATED AMENDMENT (PIA) SUMMARY OF AMENDMENTS (Updated 8/16/17)

1 Part 1. New ULDC Art. 2.D, ULDC Private Initiated Amendment (page 37 of 87), is hereby added
2 as follows:
3

Reason for amendments: [Zoning]
1. REASONS TO BE PRESENTED AT SUBCOMMITTEE MEETING

4 CHAPTER D ULDC PRIVATELY INITIATED AMENDMENT (PIA)

5 Section 1 Purpose

6 The BCC or responsible PBC Official typically initiate ULDC amendments, which usually includes input or
7 requests from other governmental entities, industry or the public. The PIA is established to allow for outside
8 entities to lobby the BCC to initiate amendments to the ULDC, in scenarios where the applicable Authority
9 does not support initiating the amendment, or recommends addressing at a later date than that preferred
10 by the Applicant.

11
12 The PIA process is comprised of two phases, the first of which serves to minimize both applicant and staff
13 resources, by allowing for an abbreviated application for initial staff and LDRAB review, and presentation
14 to the BCC to confirm or deny a request to initiate an amendment. If initiated, the second stage typically
15 requires additional specificity and supporting information be provided by the Applicant, coordination with
16 staff and any interested parties to refine and calibrate the request, but otherwise follows the standard
17 procedure for the processing of ULDC amendments.

18
19 In addition to any required BCC Public Hearings, and LDRAB or LDRC meetings, transparency is
20 accomplished by minimizing lobbying to County Officials, ensuring that appropriate staff are present for any
21 meetings or Hearings where the amendment is discussed, and through establishment of application
22 procedures that result in a public record.

23
24 The PIA is intended to be the option of last resort after confirming that all other options have been evaluated,
25 and subject to the discretion of the Authority charged within interpreting the applicable ULDC provision, as
26 specified below under Authority.

27
28 Under no circumstance will a PIA be processed that is in violation of State, Federal or other applicable local
29 government laws, or where inconsistent with with the Comprehensive Plan, except where submitted with a
30 concurrent amendment to the Plan.

31 Section 2 Authority

32 Acceptance of a PIA application to amend the ULDC shall be limited as follows:

- 33 A. At the discretion of the responsible PBC Official in accordance with Art. 1.B.1.A, Authority, or
34 B. Mandatory where the Planning Division has accepted a PIA application to amend the
35 Comprehensive Plan that will require a concurrent or subsequent amendment to the ULDC.

36 Section 3 PAA

37 A PAA is mandatory for any request for a PIA, or for any proposed Plan amendment that will require an
38 amendment to the ULDC. The purpose of the PAA is to confirm that an Applicant has coordinated with staff
39 to evaluate or exhaust all other potential options and has performed sufficient due diligence to ascertain
40 the viability of the request.

41 A. Applicant's Request and Responsibility

42 The Applicant shall request the PAA and specify whether the attendance of other County Agencies
43 is required. Prior to the PAA, the Applicant shall prepare a Justification Statement and any
44 necessary supporting documentation outlining the rationale for the proposed amendment, to
45 include a preliminary evaluation of the Standards cited below.

46 1. Justification Statement

47 The Justification Statement shall include

48 B. Decision

49 Upon completion of the PAA, the applicable responsible PBC Official shall provide a written
50 response within seven working days of the date of the PAA affirming if a PIA will be accepted,
51 denied, or if additional follow up is required by the Applicant. Other options may be applicable,
52 including where the Applicant and responsible PBC Official may agree to a staff initiated
53 amendment.
54

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EXHIBIT B

ART. 2, DEVELOPMENT REVIEW PROCEDURES NEW CHAPTER D – ULDC PRIVATELY INITIATED AMENDMENT (PIA) SUMMARY OF AMENDMENTS (Updated 8/16/17)

1 Section 4 Application Procedures

2 If a favorable decision is decided by the responsible PBC Official, a PIA application may be submitted in
3 accordance with the following Application Procedures.

4 A. General Overview

5 The PIA is comprised of two phases, as follows:

6 1. Phase 1

7 The Phase 1 PIA allows an Applicant to submit a preliminary request for staff evaluation and
8 recommendation, presentation to the LDRAB for recommendation, and final presentation to the
9 BCC to deny the request, or direct the responsible PBC Official to accept a request for a Phase
10 2 PIA, or other direction including scheduling, limitations or other similar.

11 2. Phase 2

12 The Phase 2 PIA allows for the applicant to coordinate with staff and any interested parties,
13 and may require a more detailed analysis and supporting documentation to substantiate the
14 request. Upon certification, the application shall be presented to the LDRAB, also sitting as
15 the LDRAB, to obtain a final recommendation and determination of consistency with the
16 Comprehensive Plan, prior to being scheduled for presentation to the BCC for Request for
17 Permission to Advertise. Pursuant to the approval of the request, one or more duly noticed
18 Public Hearings are required, in accordance with F.S. 125.66.

19 3. Concurrent Comprehensive Plan Amendment

20 The responsible PBC Official may elect to waive the Phase 1 where a concurrent PIA to amend
21 the Plan is initiated by the BCC. Unless waived, the LDRAB recommendation on the ULDC
22 PIA shall be required as part of the BCC initiation of the Plan PIA.

23 B. Application Requirements

24 Applications shall be in a form established by the applicable PBC Official, but at a minimum shall
25 include an updated Justification Statement in accordance with the standards specified for a Phase
26 1 PIA.

27 Section 5 Standards

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

- 29 A. Extent to which any other alternatives have been evaluated, a summary of any recommendations
30 or direction provided by County staff in prior meetings, and where applicable, why the amendment
31 is being requested in lieu of such alternatives.
- 32 B. Does not violate State, Federal or other local government laws;
- 33 C. Will be consistent with the Comprehensive Plan, or will otherwise be submitted with a concurrent
34 PIA application to amend the Plan;
- 35 D. Will not be in conflict with any other ULDC provision;
- 36 E. The request has been demonstrated to be a new industry trend not anticipated by the
37 Comprehensive Plan or ULDC; and,
- 38 F. Identification of examples of similar land development regulations adopted in other jurisdictions
39 under the same circumstances, such as similar FLU designation or Zoning districts, compatibility,
40 buffering, roadway frontage and other similar site considerations.

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ULDC Privately Initiated Amendments.docx

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EXHIBIT C

MISCELLANEOUS AMENDMENTS RELATED TO ART. 2 SUMMARY OF AMENDMENTS

(Updated 08/17/17)

Part 1. ULDC Art. 1.F.2.E.2, Non-Residential Development & or Residential Development Other Than Single Family (page 21 of 110), is hereby amended as follows:

Reason for amendments: [ZONING]
1. Proposed to replace Type 1A Variance with Type 1 Waiver, since the Type 1 Waiver is a more user friendly process than the Variance process. Since Type 1A Variance is eliminated; therefore, Type 1B can be renamed to Type 1 Variance.
2. Format – replace all Roman numeral to Arabic numeral, e.g. II to 2.

CHAPTER F NONCONFORMITIES

Section 2 Nonconforming Lot

E. Non-Residential Development & or Residential Development Other Than Single Family

....

2. All other property development regulations, supplemental development regulations and setbacks for the use are met, or variances are obtained pursuant to the requirements of Art. 2.B.3, Type ~~# 2~~ Variance or Art. 2.D.3, Type 1A ~~Waiver~~ and Type 1B ~~Administrative~~ Variances. [Ord. 2008-037] [Ord. 2010-005] [Ord. 2010-022]

Part 2. ULDC Art. 1.G.1.B.3.a, Variance Required for New Deviation From Regulations (page 27 of 110), is hereby amended as follows:

...Reason for amendments: [ZONING]
1. Proposed to replace Type 1A Variance with Type 1 Waiver, since the Type 1 Waiver is a more user friendly process than the Variance process. Since Type 1A Variance is eliminated; therefore, Type 1B can be renamed to Type 1 Variance.
2. Format – replace all Roman numeral to Arabic numeral, e.g. II to 2.

CHAPTER G EMINENT DOMAIN

Section 1 Properties Affected by Eminent Domain Proceedings

B. Development Standards

3. Redesign of Sites

a. Variance Required for New Deviation From Regulations

A variance shall be obtained for any additional deviation from required property development regulations or site design standards proposed by the redesign. Any redesign or expansion which reduces an existing deviation from required property development regulations or site design standards shall not require a variance. When applying the variance standards in Article 2.B.3, Type ~~# 2~~ Variance, and Art. 2.D.3, Type 1A ~~Waiver~~ and Type 1B ~~Administrative~~ Variances, the eminent domain action shall be presumed to be sufficient evidence to demonstrate a hardship (only applies to Type ~~# 2~~ Variance Standard number four of seven listed under Art. 2.B.3.E.4). To encourage site redesign, in cases when a DRO site plan approval and a variance would both be required, only a variance shall be required. [Ord. 2010-022] [Ord. 2014-001]

....

Part 3. ULDC Art. 2.A.1, D.1.d.2), Zoning Director (page 12 of 87), is hereby amended as follows:

Reason for amendments: [ZONING]
1. For consistency with Art. 2, amendments related to reformatting
2. Proposed to replace Type 1A Variance with Type 1 Waiver, since the Type 1 Waiver is a more user friendly process than the Variance process. Since Type 1A Variance is eliminated; therefore, Type 1B can be renamed to Type 1 Variance.

CHAPTER A GENERAL

Section 1 Applicability

D. Authority

1. Processes

d. Zoning Director

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

....

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MISCELLANEOUS AMENDMENTS RELATED TO ART. 2 SUMMARY OF AMENDMENTS

(Updated 08/17/17)

- 2) ~~Administrative Variances (Type 1A and Type 1B-Variance)~~ except when Code regulations include prohibited provisions; [Ord. 2006-036] [Ord. 2014-001]

Part 4. ULDC Art. 3.B.14, WCRAO, Westgate Community Redevelopment Area Overlay (pages 42, 54 of 216), is hereby amended as follows:

Reason for amendments: [Zoning]
1. Reduce redundancy. Clarify that since a Class A Conditional Use is subject to BCC's approval per the Use Matrices of Art.4.B, Use Regulations; therefore, there is not a need to indicate the BCC's approval.

CHAPTER B OVERLAYS

Section 14 WCRAO, Westgate Community Redevelopment Area Overlay

B. General Development Standards

1. Nonconformities

a. Expansion of Existing Non-conforming Parking

The addition of parking that does not meet the location requirements of this Section, that is included in the expansion of a non-conforming structure shall be permitted subject to ~~BCC approval of~~ a Class A Conditional Use. [Ord. 2006-004]

....

H. Density Bonus Programs

2. Other Density Bonus Programs

Requests for approval of other residential density through Art. 5.G., Density Bonus Programs may request to waive the compatibility and additional landscaping required, if consistent with the Plan, subject to a WCRA recommendation for approval and ~~BCC approval of~~ a Class A Conditional or Requested Use approval. [Ord. 2006-004]

....

Part 5. ULDC Art. 3.B.15.F.6.e.4.a, Residential Setbacks (Related to (page 75 of 216), is hereby amended as follows:

Reason for amendments: [Zoning]
1. Reduce redundancy. Clarify that since a Class A Conditional Use is subject to BCC's approval per the Use Matrices of Art.4.B, Use Regulations; therefore, there is not a need to indicate the BCC's approval.

CHAPTER B OVERLAYS

Section 15 INFILL REDEVELOPMENT OVERLAY (IRO)

F. Design and Development Standards

6. Building Standards

e. Additional Building Standards

4) Outdoor Uses

a) Residential Setbacks

Outdoor uses shall be setback a minimum of 200 feet from any abutting residential use or parcel with a residential future land use designation, unless approved by ~~the BCC as~~ a Class A Conditional Use. This shall include vehicular access and parking for vehicular related uses such as gasoline sales, car washes, or drive through facilities. [Ord. 2010-005]

....

Part 6. ULDC Art. 3.B.16.E.3.a., Residential Setbacks [Related to Outdoor Uses] (page 88 of 216), is hereby amended as follows:

Reason for amendments: [Zoning]
1. Format – replace all Roman numeral to Arabic numeral, e.g. II to 2.

CHAPTER B OVERLAYS

Section 16 Urban Redevelopment Area Overlay (URAO)

E. Additional PRA Use Regulations

3. Outdoor Uses

a. Residential Setbacks

Outdoor uses shall be setback a minimum of 200 feet from any abutting non-PRA residential use or parcel with a residential future land use designation, unless approved by

EXHIBIT C

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(Updated 08/17/17)

the BCC as a Type ~~# 2~~ URAO Waiver or in conjunction with a Class A Conditional Use approval. This shall include vehicular access and parking for vehicular related uses such as gasoline sales, car washes, or drive through facilities, but shall not include drive through facilities for Financial Institutions or ATM lanes. [Ord. 2010-022] [Ord. 2011-016]

....

Part 7. ULDC Art. 3.C.1.A.2.a.2., Permitted Contiguous Development (page 114 of 216), is hereby amended as follows:

Reason for amendments: [Zoning]
1. Specify the type of approval process by the BCC. In this case, a Class A Conditional Use is required for such requests.

CHAPTER C STANDARD DISTRICTS

Section 1 General

A. Agricultural Districts

2. AGR, Agricultural Reserve District

a. Exempted Residential Uses

2) Permitted Contiguous Development

An exception shall be permitted in accordance with FLUE Policy 1.5-c, whereas Delray Lakes Estates, Willis Glider Port and Snow Ranch Estates (a.k.a Horseshoe Acres) may expand, subject to BCC-a Class A Conditional Use approval, to allow development of contiguous residual parcels at a density that is consistent with the existing development, where it would serve to establish uniform boundaries. Expansion shall be subject to Table 3.C., AGR Contiguous Development PDRs. [Ord. 2006-004] [Ord. 2007-001]

....

Part 8. ULDC Art. 4.A.7.C.2, Development Review Officer, (page 10 of 204), is hereby amended as follows:

Reason for amendments: [Zoning]
1. Replace Special Permit with the Zoning Agency Review process. Special Permit is no longer available as a process, except for Billboards.

CHAPTER A USER GUIDE AND GENERAL PROVISIONS

Section 7 Determining Approval Process

C. Use Matrix

...

2. ~~Development Review Officer (DRO) Administrative Approval~~

Uses identified with a "D" or exceeding the thresholds of Table 4.A.9.A, Thresholds for Projects Requiring DRO Approval, are allowed subject to approval by the DRO in accordance with Article 2.D, Administrative Process.

....

C. Definitions and Supplementary Use Standards for Specific Uses

1. Agriculture, Bona Fide

....

i. Agriculture Marketplace

....

4) Use Limitations and Sale of Products

....

c) Collocated Uses

....

(3) Retail Sales, Mobile or Temporary

Mobile sales shall be permitted subject to approval of a ~~Special Permit~~ Temporary Use through the ZAR process.

(4) Special Event

Subject to approval of a ~~Special Permit~~ Temporary Use through the ZAR process.

....

14. Nursery, Wholesale

....

b. Approval Process

EXHIBIT C

MISCELLANEOUS AMENDMENTS RELATED TO ART. 2 SUMMARY OF AMENDMENTS

(Updated 08/17/17)

Table 4.B.6.C - Residential Districts in the USA

Residential Districts in the USA	
Special Permit-ZAR (1)	Five acres or less.
DRO	More than five but less than 20 acres.
Class B Conditional Use	20 or more acres.

(1) If no approved site or subdivision plan, the application shall be subject to full DRO approval.

Table 4.B.6.C. – AR District in RSA

AR District in RSA	
Permitted	Ten acres or less.
Special Permit-ZAR	More than ten but less than 40 acres.
DRO	40 or more acres.

....

EXHIBIT C

MISCELLANEOUS AMENDMENTS RELATED TO ART. 2 SUMMARY OF AMENDMENTS

(Updated 08/17/17)

B. General Standards and Application Requirements

1. Design Standards

- a. All Temporary Uses, which includes all related activities, structures, vehicles, and equipment shall not be located in a manner that distracts motor vehicle operators, or causes any vehicles to stop or park in violation of the law or official traffic-control devices.
- b. All Temporary Uses and temporary structures shall not be located in the required setbacks, parking, driveway aisles or loading areas, vehicular maneuvering areas, fire lanes, landscape buffers, sidewalks or ADA accessible routes, unless stated otherwise herein.

5. Additional Submittal Requirements

In addition to the requirements pursuant to Art. 2.C.9, ~~Development Review Procedures~~ Temporary Use, the following documentation shall be provided by the Applicant:

C. Definitions and Supplementary Use Standards for Specific Uses

3. Mobile Retail Sales

b. Exception

Transient sales vehicles that travel to several locations in one day, and spend less than two-hours in the same location, may be exempt from ~~Special Permit DRO~~ approval and these requirements.

~~c. Renewal~~

~~The Special Permit shall be renewed annually pursuant to Art. 2.D.2, Special Permit.~~

~~dc. Location~~

- 1) Sites must comply with parking space requirements outlined in Table 6.A.1.B - Minimum Off Street Parking and Loading Requirements prior to applying ~~for a Special Permit~~ for Mobile Retail Sales.

4. Real Estate Sales Model, Non-PDD

a. Definition

A residential unit used for real estate marketing and sales as a builder's office, and for other services directly associated with the sale of residential units.

b. Duration

The ~~Special Permit DO~~ shall be valid for five years from the date of issuance and may be renewed for an additional five years.

5. Recycling Drop-Off Bin

b. Approval Process

~~If a DRO Site Plan is not on file with the Zoning Division, a Special Permit shall be required, and may be renewed annually pursuant to Art. 2.D.2, Special Permit.~~

g. Operation

- 1) The bin and adjacent area shall be maintained and free from litter, debris, and residue on a daily basis. Failure to maintain the bin and adjacent area may result in the revocation of the DRO approval ~~or Special Permit~~.

6. Special Event

c. Approval Process

The use shall be subject to ~~Special Permit ZAR~~ if the event is projected to attract less than 1,000 patrons on a site less than two acres. Project attendance shall be specified in the application.

e. Zoning District - Residential

Special Events that are prohibited in residential zoning districts may be allowed subject to a ~~Special Permit DRO~~ approval ~~if the, and the~~ following standards are met:

- 1) Shall be collocated with a Place of Worship;
- 2) Hours of operation shall be from 9:00 a.m. to 5:00 p.m.; and,
- 3) Special Events and religious services operating during the same time are required to provide parking for both activities or comply with the off-site parking provisions in Art. 6, Parking.

7. Temporary Green Market

Notes:

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EXHIBIT C

MISCELLANEOUS AMENDMENTS RELATED TO ART. 2 SUMMARY OF AMENDMENTS

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~~c. Renewal~~

~~The Special Permit may be renewed annually, pursuant to Art. 2.D.2, Special Permit.~~

....

8. Temporary Retail Sales

....
g. Operation

All debris shall be completely removed from the site, and the property shall be returned to its original condition, within 24 hours of the expiration of the DO Special Permit or the removal of the activities associated with Special Event.

h. Special Provisions for Sparklers

....
3) Additional Application Requirements

The Special Permit application shall include the following information:

....

Part 10. ULDC Art. 5.B.1.B, Temporary Structures

Reason for amendments: [Zoning]
1. Consolidate Emergency and Temporary Structures for Government entities and Utility companies under one Section in Article 5. Clarify different types of temporary structures are utilized for different situations: for those State of Emergency situations and for construction activities for government entities (such as FDOT, SFWMD) and utility companies (such as FPL).
2. Emergency structures may not be subject to any review process and can be waived by the Executive Director of PZ&B since it is mainly for disaster recoveries; and other non-disaster structures will be subject to review through a Zoning Agency Review.

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CHAPTER B ACCESSORY USES AND STRUCTURES

Section 1 Supplementary Regulations

B. Temporary Structures

1. Emergency or Temporary Government or Utility Structures and Uses

~~This Section is intended to~~ allow the placement or construction of structures or facilities that are temporary to government uses, facilities, and infrastructure improvements that address an immediate public need and ensure health, safety and welfare concerns for the State of Emergency resulting from natural or pending disasters; or Construction staging activities for infrastructure improvements, which includes but not limited to a R-O-W construction staging area that is utilized for the temporary overnight storage of materials used during infrastructure improvement. [Partially relocated from Art. 5.B.1.B.3.e, Construction Staging Areas for Right of Ways (R-O-W)] Typical uses ~~include, but are not limited to, may include:~~ fire stations, hurricane shelters, ~~or~~ utility facilities; or construction staging areas. [Ord. 2011-001]

a. Review and Approval Process

Emergency or temporary structures shall be subject to the approval by the DRO through a ZAR process. The ZAR process may be waived by the Executive Director of PZB as stated below:

1) Emergency ~~Uses or~~ Structures

The Executive Director of PZB may wave the ZAR process, and authorize the issuance of a building permit for a temporary structure upon determination that a public emergency, pending natural disaster, or actual natural disaster, exists. [Ord. 2011-001]

2) Temporary Structures

~~(a) DRO Pre-Application Conference or BCC Direction~~

The Zoning Director may require a ~~pre-application conference~~ PAC with the DRO in order to seek input from the various County Agencies on the temporary structure, or may seek direction from the BCC through an AI. The Zoning Director shall consider documentation from the ~~a~~ Applicant and any other input from County Agencies before issuance of a DO Special Permit. [Ord. 2011-001] [Ord. 2011-016] [Ord. 2017-007]

~~(b) Special Permit~~

~~A Special Permit approval of the temporary structure pursuant to Article 2.D.2. Special Permit, must be obtained prior to the issuance of a building permit. [Ord. 2011-001] [Ord. 2017-007]~~

~~(c) Duration~~

Notes:

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EXHIBIT C

MISCELLANEOUS AMENDMENTS RELATED TO ART. 2 SUMMARY OF AMENDMENTS

(Updated 08/17/17)

The Special Permit DO shall be valid for up to a period of six months from date of issuance, with one three month extension by the Zoning Director. The BCC may extend the timeframe through an Administrative Inquiry AI by the Zoning Director. [Ord. 2011-001]

(b) Construction Staging Areas for Right of Ways (R-O-W)

In addition to the requirements listed above, the following shall apply to those construction staging areas located on or adjacent to residentially zoned parcels. [Ord. 2008-003] [Relocated from Art. 5.B.1.B.3.e., Construction Staging Areas for Right of Ways (R-O-W)]

(1) Hours of Operation

Activity on the site shall not commence prior to 7:00 a.m. and must be completed prior to 10:00 p.m. A Type 1 Variance may be applied for to request modification from this provision. [Ord. 2008-003] [Relocated from Art. 5.B.1.B.3.e.3), Construction Staging Areas for Right of Ways (R-O-W), Hours of Operation/Use]

(2) Setbacks or Separations

Stored materials shall not be located within the required minimum district setback. [Ord. 2008-003] [Relocated from Art. 5.B.1.B.3.e.4), Construction Staging Areas for Right of Ways (R-O-W, Setbacks/Separations)]

(3) Screening

Temporary screening material, a minimum of five feet in height and 85 percent opacity, shall be provided around the perimeter of the staging area, adjacent to residential uses, to mitigate visual impact. [Ord. 2008-003] [Relocated from Art. 5.B.1.B.3.e.5), Construction Staging Areas for Right of Ways (R-O-W), Screening]

(4) Dust Control

Appropriate measures shall be taken, pursuant to Health Department requirements, to control dust or other airborne particulate matter. [Ord. 2008-003] [Relocated from Art. 5.B.1.B.3.e.6), Construction Staging Areas for Right of Ways (R-O-W), Dust Control]

(5) Exceptions

Projects with a duration of 30 days or less shall be exempt from the requirements of this section. [Ord. 2008-003] [Relocated from Art. 5.B.1.B.3.e.7), Construction Staging Areas for Right of Ways (R-O-W), Exceptions]

....

e. ~~Construction Staging Areas for Right of Ways (R-O-W)~~

~~This section shall only apply to staging areas located on or adjacent to residentially zoned parcels.~~ [Ord. 2008-003] [Partially relocated to Art. 5.B.1.B.]

~~1) Use~~

~~A R-O-W construction staging area shall be utilized for the temporary overnight storage of materials used during infrastructure improvement.~~ [Ord. 2008-003]

~~2) Special Permit~~

~~A Special Permit shall be obtained from the Zoning Division prior to utilizing a site for staging. A site plan may be submitted in lieu of the survey.~~ [Ord. 2008-003]

~~3) Hours of Operation / Use~~

~~Activity on the site shall not commence prior to 7:00 a.m. and must be completed prior to 10:00 p.m. A Type 1B Administrative Variance may be applied for to request deviation from this provision.~~ [Ord. 2008-003] [Relocated to Art. 5.B.1.B.1.a.2.b.(1), Hours of Operation]

~~4) Setbacks / Separations~~

~~Stored materials shall not be located within the required minimum district setback.~~ [Ord. 2008-003] [Relocated to Art. 5.B.1.B.1.a.2.b.(2), Setback or Separation]

~~5) Screening~~

~~Temporary screening material, a minimum of five feet in height and 85 percent opacity, shall be provided around the perimeter of the staging area, adjacent to residential uses, to mitigate visual impact.~~ [Ord. 2008-003] [Relocated to Art. 5.B.1.B.1.a.2.b.(3), Screening]

~~6) Dust Control~~

~~Appropriate measures shall be taken, pursuant to Health Department requirements, to control dust or other airborne particulate matter.~~ [Ord. 2008-003] [Relocated to Art. 5.B.1.B.1.a.2.b.(4), Dust Control]

~~7) Exceptions~~

~~Projects with a duration of 30 days or less shall be exempt from the requirements of this section.~~ [Ord. 2008-003] [Relocated to Art. 5.B.1.B.1.a.2.b.(5), Exceptions]

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EXHIBIT C

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(Updated 08/17/17)

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Part 11. ULDC Art. 5.C.1.I.1.b.1, CH FLU (Related to Single Tenant Limit within Large Scale Commercial Development) (page 51-52 of 107), is hereby amended as follows:

Reason for amendments: [Zoning]
1. Reduce redundancy. Clarify that since a Class A Conditional Use is subject to BCC's approval per the Use Matrices of Art.4.B, Use Regulations; therefore, there is not a need to indicate the BCC's approval.

CHAPTER C DESIGN STANDARDS

Section 1 Architectural Guidelines

I. Large Scale Commercial Development

1. Single Tenant Limit

Variances from these requirements shall be prohibited. [Ord. 2005 – 002] [Ord. 2011-001]

b. CH FLU

1) Exception

An additional 10,000 square feet shall be permitted, for a total of 210,000 gross square feet, subject to BCC Class A Conditional Use approval and the following requirements: [Ord. 2005 – 002]

....

Part 12. New ULDC Art. 5.K, Reasonable Accommodation, (page 107 of 107), is hereby added as follows

Reason for amendments: [Zoning]
1. Relocate Reasonable Accommodation from Art. 2.D.7 to Art.5.K since Reasonable Accommodation is a request and should not be located in Article 2. Article 2 is about process and procedure requirements.
2. [County Attorney] Allow Reasonable Accommodation for residential facilities serving the disabled with 10 or fewer persons without requiring a public hearing. Clarify that facilities of more than 10 residents require the same review process as the equivalent CLF.

CHAPTER K REASONABLE ACCOMMODATION

Section 1 Purpose

To establish procedures for processing requests for Reasonable Accommodation from the County's Unified Land Development Code and related rules, policies, practices and procedures, for persons with disabilities as provided by the Federal Fair Housing Amendments Act (42 U.S.C. 3601, et. seq.) (FHA), or Title II of the Americans with Disabilities Act (42 U.S.C. Section 12131, et. seq.) (ADA). Any person who is disabled, or qualifying entities, may request a Reasonable Accommodation, pursuant to the procedures set out in this section. [Ord. 2011-016] [Relocated from Art. 2.D.7.A, Purpose and Intent]

A. Applicability

An applicant shall be required to apply for all applicable Development Review processes available in the ULDC prior to filing a request for Reasonable Accommodation, unless compliance with available Development Review processes would deprive the Applicant, or persons with disabilities served by the applicant, of an equal opportunity to use and enjoy housing. [Ord. 2015-006] [Relocated from Art. 2.D.7.B, Applicability] An increase in the size of a residential facility serving the disabled with a total occupancy of ten or fewer residents may be accommodated by the Reasonable Accommodation process without requiring the applicable development review processes. Reasonable accommodation of a residential facility serving the disabled with a total occupancy of more than ten residents shall require the same review process as the equivalent size congregate living facility.

B. Notice to the Public of Availability of Accommodation

The County shall endeavor to provide notice to the public, advising that disabled individuals or qualifying entities may request a Reasonable Accommodation. [Ord. 2011-016] [Relocated from Art. 2.D.7.C, Notice to the Public of Availability of Accommodation]

Notes:

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EXHIBIT C

MISCELLANEOUS AMENDMENTS RELATED TO ART. 2 SUMMARY OF AMENDMENTS

(Updated 08/17/17)

C. **Application Procedures**

The application forms and requirements for submitting a request for Reasonable Accommodation shall be on forms specified by the County Administrator or designee. **[Ord. 2011-016]** **[Relocated from Art. 2.D.7.D, Application Procedures]**

1. Application Contents

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

a. Confidential Information

Upon submittal of any medical information or records, including but not limited to condition, diagnosis, or history related to a disabled individual, an applicant may request that the County, to the extent allowed by law, treat the information or records as confidential. The County shall thereafter endeavor to provide notice to the disabled individual, or their representative, of any request received by the County for disclosure of the medical information or documentation previously requested to be treated as confidential. The County will cooperate with the disabled individual, to the extent allowed by law, in actions initiated by such individual to oppose the disclosure of such medical information or documentation, but the County shall have no obligation to initiate, prosecute or pursue any such action, or to incur any legal or other expenses, whether by retention of outside counselor, or allocation of internal resources in connection therewith, and may comply with any judicial order without prior notice to the disabled individual. **[Ord. 2011-016]** **[Relocated from Art. 2.D.7.D.1.a, Confidential Information]**

b. Address of Applicant

Address of the applicant is requested, unless governed by 42 U.S.C. §290d.d., in which case the address shall not be required, but the applicant may be requested to provide documentation to substantiate a claim verifying applicability. **[Ord. 2011-016]** **[Ord. 2015-006]** **[Relocated from Art. 2.D.7.D.1.b, Address of Applicant]**

c. Address of Housing

Address of housing or other location at which accommodation is requested unless governed by 42 U.S.C. §290d.d., in which case address shall not be required, but the applicant may be requested to provide documentation to substantiate a claim verifying applicability. **[Ord. 2011-016]** **[Relocated from Art. 2.D.7.D.1.c, Address of Housing]**

2. Sufficiency Determination

The County Administrator or designee shall determine whether the application is sufficient or insufficient within ten days of submittal by reviewing the information required in the application. If staff determines the application is not sufficient, a written notice shall be sent to the applicant specifying the deficiencies within the ten day determination timeframe set forth herein. **[Ord. 2015-006]** **[Relocated from Art. 2.D.7.D.2, Sufficiency Determination]**

3. Fee

There shall be no fee imposed by the County for a request for Reasonable Accommodation under this section or an appeal of a determination on such request, and the County shall have no obligation to pay a applicant's, or an appealing party as applicable, attorneys' fees or costs in connection with the request, or an appeal. **[Ord. 2011-016]** **[Ord. 2015-006]** **[Relocated from Art. 2.D.7.D.3, Fee]**

4. County Assistance

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

5. 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]**

a. a physical or mental impairment which substantially limits one or more major life activities; **[Ord. 2011-016]** **[Relocated from Art. 2.D.7.D.5.a, related to Findings for Reasonable Accommodation]**

b. a record of having such impairment; or **[Ord. 2011-016]** **[Relocated from Art. 2.D.7.D.5.b, related to Findings for Reasonable Accommodation]**

c. that they are regarded as having such impairment. **[Ord. 2011-016]** **[Relocated from Art. 2.D.7.D.5.c, related to Findings for Reasonable Accommodation]**

The applicant shall demonstrate that the proposed accommodations being sought are reasonable and necessary to afford disabled persons equal opportunity to use and enjoy

Notes:

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EXHIBIT C

MISCELLANEOUS AMENDMENTS RELATED TO ART. 2 SUMMARY OF AMENDMENTS

(Updated 08/17/17)

- 1 housing. The foregoing, as interpreted by the Courts, shall be the basis for a decision upon a
2 Reasonable Accommodation request made by the appropriate PBC official. [Ord. 2011-016]
3 [Ord. 2015-006] [Relocated from Art. 2.D.7.D.5, Findings for Reasonable
4 Accommodation]
- 5 **6. Authority**
6 The determination of which appropriate PBC official has the authority to consider and act on
7 requests, or appeals of a decision for Reasonable Accommodation, shall be consistent with
8 Art. 1.B.1.A, Authority. [Ord. 2011-016] [Relocated from Art. 2.D.7.D.6, Authority]
- 9 **7. Action by Appropriate PBC Official**
10 A written response shall be issued within 45 days of the date of sufficiency advising the
11 applicant of the PBC official's action. [Ord. 2011-016] [Ord. 2015-006] [Relocated from Art.
12 2.D.7.D.7, Action by Appropriate PBC Official]
- 13 **a. Request for Additional Information Timeframes**
14 If additional information is required to make a final decision, the following shall apply:
15 [Ord. 2011-016] [Ord. 2015-006] [Relocated from Art. 2.D.7.D.7.a, Request for
16 Additional Information]
- 17 1) Within 45 days of sufficiency determination, a written notice requesting additional
18 information may be requested, specifying what information is required. [Ord. 2011-
19 016] [Ord. 2015-006] [Relocated from Art. 2.D.7.D.7.a.1), related to Request for
20 Additional Information]
- 21 2) The applicant shall have 15 days from the date of the written notice to respond to the
22 request for additional information not to exceed 60 days from the date of the sufficiency
23 determination. [Ord. 2011-016] [Ord. 2015-006] [Relocated from Art. 2.D.7.D.7.a.2),
24 related to Request for Additional Information]
- 25 a) If the additional information provided by the applicant satisfies staffs' request, a
26 written determination shall be issued within 30 days. [Ord. 2011-016] [Ord. 2015-
27 006] [Relocated from Art. 2.D.7.D.7.a.2)a), related to Request for Additional
28 Information]
- 29 b) If the applicant fails to provide the requested additional information within the 15
30 day period, a letter shall be issued to the applicant advising the applicant that the
31 application is considered withdrawn. [Ord. 2011-016] [Ord. 2015-006]
32 [Relocated from Art. 2.D.7.D.7.a.2)b), related to Request for Additional
33 Information]
- 34 **b. Determination**
35 In accordance with Federal law, the appropriate PBC official, shall: [Ord. 2011-016]
36 [Relocated from Art. 2.D.7.D.7.b, Determination]
- 37 1) grant the accommodation request; [Ord. 2011-016] [Relocated from Art.
38 2.D.7.D.7.b.1), related to Determination]
- 39 2) grant a portion of the request and deny a portion of the request; [Ord. 2011-016]
40 [Relocated from Art. 2.D.7.D.7.b.2), related to Determination]
- 41 3) impose conditions upon the grant of the request; or [Ord. 2011-016] [Relocated from
42 Art. 2.D.7.D.7.b.3), related to Determination]
- 43 4) deny the request. Any such denial shall be in writing and shall state the grounds
44 therefore. [Ord. 2011-016] [Relocated from Art. 2.D.7.D.7.b.4), related to
45 Determination]
- 46 **c. Notice of Proposed Decision**
47 All written determinations shall give notice of the right to appeal. The notice of
48 determination shall be sent to the requesting party (i.e. the disabled individual or his/her
49 representative) by certified mail, return receipt requested. [Ord. 2011-016] [Relocated
50 from Art. 2.D.7.D.7.c, Notice of Proposed Decision]
- 51 **8. Appeal**
52 Within 30 days after the appropriate PBC official has rendered a decision on a Reasonable
53 Accommodation, the applicant may appeal the decision. This timeframe shall be based upon
54 the date of the letter mailed to the requesting party. All appeals shall contain a statement
55 containing sufficient detail of the grounds for the appeal. Appeals shall be to a Hearing Officer
56 as set forth in this Code. The Hearing Officer shall, after duly noticing the applicant of the
57 public hearing for appeal, render a determination as soon as reasonably practicable, but in no
58 event later than 60 days after an appeal has been filed. Such hearing shall be de novo. A
59 Hearing Officer's decision may be appealed to the 15th Judicial Circuit Court by petition for writ
60 of certiorari. [Ord. 2011-016] [Relocated from Art. 2.D.7.D.8, Appeal]
- 61 **9. Stay of Enforcement**
62 While an application for Reasonable Accommodation, or appeal of a determination of same, is
63 pending before the County, the County will not enforce the subject ULDC requirement, or
64 related rules, policies, practices or procedures, against the applicant. [Ord. 2011-016]
65 [Relocated from Art. 2.D.7.D.9, Stay of Enforcement]

Notes:

Underlined indicates **new** text.

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

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

EXHIBIT C

MISCELLANEOUS AMENDMENTS RELATED TO ART. 2 SUMMARY OF AMENDMENTS

(Updated 08/17/17)

1 **10. Time Limitation**

2 *A Determination granting, partially granting, or granting with conditions, a Reasonable*
3 *Accommodation, may remain valid either for one-year from the date of issuance, or by the date*
4 *specified in a Development Order or associated Condition of Approval, otherwise it shall*
5 *become null and void. This provision shall retroactively apply to all prior Determinations for a*
6 *Reasonable Accommodation prior to January 31, 2017. [Ord. 2017-002] [Relocated from Art.*
7 *7.D.7.D.10, Time Limitation]*

8
9
10 **Part 13. ULDC Art. 8.G, Standards for Specific Sign Types (page 25 and 32 of 42), is hereby**
11 **amended as follows:**
12

Reason for amendments: [Zoning]
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- | |
|--|
| 1. Reduce redundancy. Clarify that since a Class A Conditional Use is subject to BCC's approval per the Use Matrices of Art.4.B, Use Regulations; therefore, there is not a need to indicate the BCC's approval. |
|--|

13 **CHAPTER G STANDARDS FOR SPECIFIC SIGN TYPES**

14 **Section 1 Building Mounted Signs**

15
16 **D. Marquee Signs**

17 Marquee signs are allowed for theaters, stadiums, auditoriums, and similar uses subject to **BCC**
18 **Class A Conditional Use** approval. Marquee signs are not subject to wall sign area limits, but the
19 maximum sign area shall not exceed one square foot for each foot of building wall. Marquee signs
20 may be electronic message signs, subject to Article 8.G.3.B, Electronic Message Signs, and have
21 changeable copy. A marquee sign may project a maximum of six feet above the cornice of a
22 building provided that it is architecturally integrated with the building. [Ord. 2012-027] [Ord. 2014-
23 025]

24
25 **Section 3 Other Sign Types**

26
27 **B. Electronic Message Signs**

28
29 **4. Standards for Type 1 Electronic Message Signs**

30
31 **c. Required Findings**

32 The BCC may approve an application for a Type 1 electronic message sign subject to a
33 Class A Conditional Use upon finding that: [Ord. 2014-025] [Ord. 2015-031]

- 34 1) The sign will not create confusion or a significant distraction to passing motorists;
35

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