

EXHIBIT A

ARTICLE 2, DEVELOPMENT REVIEW PROCEDURES APPLICATION PROCESSES AND PROCEDURES (CHAPTER A) (Updated 6/22/17)

1 Part 1. ULDC Art. 2.A, General (Page 11 to 26 of 87), is hereby amended as follows:
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Reason for amendments: [Zoning]
1. Reorganize Article 2, Development Review Process, and rename Title to Application Processes and Procedures.
2. This proposed amendment includes reorganization of Chapters A through D in this order: <ul style="list-style-type: none">• Chapter A – General process procedures for different types of applications that are administered by the Zoning Division.• Chapter B – Comprehensive Plan Amendments, which includes Land Use to the Future Land Use Atlas and Text Amendments to the Plan.• Chapter C – Public Hearing Processes, which includes the Legislative and Quasi-judicial processes, procedures such as notification, staff reports and public hearings, to name a few.• Chapter D – Administrative Processes, which includes the applications that are administered by DRO and other County Agencies. The decision making person is DRO, and the processes are handled by Full DRO (16 Agencies) and Zoning Agency Review (1 to a max. of 5 Agencies).
3. Clarify that Legislative process, per ULDC, is for those applications that do not issue a development order but establish policies or code for future applications. While quasi-judicial and administrative decisions are the applications of those policies or code requirements.

3 CHAPTER A GENERAL

4 Section 1 Applicability Purpose

5 This Chapter addresses review processes for applications that are administered by the Zoning Division.
6 These processes are generally classified as legislative, quasi-judicial and administrative that are reviewed
7 by various County agencies and presented to the applicable decision making bodies or person for
8 consideration. Both legislative and quasi-judicial processes are subject to the public hearing procedures.
9 For the purpose of this Article, the term “public hearing” refers to the legislative and quasi-judicial processes.

10 A. **Applicability**

11 The provisions in this Article shall apply to all development order (DO) applications unless
12 otherwise specified. Quasi-judicial and administrative approvals of applications will result in an
13 issuance of development orders (DOs). ~~Development Orders DOs~~ run with the land and may be
14 transferred to new owners unless otherwise stipulated.

15 B. **Definitions**

16 See Art. 1.I, Definitions and Acronyms.

17 C. **Established Dates and Fees**

- 18 1. The Zoning Director shall publish an Annual Zoning Calendar, as may be amended, providing
19 application dates and deadlines consistent with the specifications of this Code. This calendar
20 shall govern all dates in the development review process. [Relocated to Art. 2.A.2.B.1.]
21 2. A development order application shall be accompanied by a fee established by the BCC. Any
22 request for a refund of fees shall be in writing, based on the current PZB refund policy, and
23 subject to approval by the Zoning Director. [Partially relocated to Art. 2.A.2.B.2.]
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Reason for amendments: [Zoning]
1. Reorganize current Chapter A.1.D.1, Authority. Provide a general description of each category of approval process namely Legislative, Quasi-judicial and Administrative.
2. The new Chapter A.1.C.1 includes all the legislative and quasi-judicial applications that are considered by the Board of County Commissioners (BCC).
3. Proposed to consolidate both legislative and quasi-judicial processes in a Table format.
4. Add existing processes such as Release of Agreements and Administrative Inquiry, which are currently referenced in other Sections of Art. 2, and consolidate under the BCC Authority Table.

25 **DC. Authority Application Types and Authorities**

26 **1.—Processes**

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

31 **a1. Board of County Commissioners (BCC)**

32 The BCC, ~~in accordance with the procedures, standards and limitations of this Article~~ shall
33 consider the following types of ~~development order~~ applications:

- 34 1) ~~Official Zoning Map Amendment (Rezoning);~~ [Relocated to the table below]
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- 1 ~~2) Class A conditional use;~~ [Relocated to the table below]
- 2 ~~3) Requested use;~~
- 3 ~~4) Development Order Amendment (DOA);~~ [Relocated to the table below]
- 4 ~~5) Abandonment; [Ord. 2007-013] [Ord. 2008-003]~~ [Relocated to the table below]
- 5 ~~6) Status Report; [Ord. 2007-013] [Ord. 2008-003]~~ [Relocated to the table below]
- 6 ~~7) Deviation(s) from Articles 5, 6, and 7 of the ULDC for development supporting~~
~~Government Facilities within the PO Zoning District, [Ord. 2007-013] [Ord. 2008-003]~~
~~[Ord. 2017-007]~~ [Relocated to the table below]
- 7
- 8 ~~8) Type II Waivers, or other waivers as may be expressly stated; [Ord. 2008-003] [Ord.~~
~~2009-040] [Ord. 2012-027]~~ [Relocated to the table below]
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- 10 ~~9) Unique Structures; and [Ord. 2008-003] [Ord. 2009-040]~~ [Relocated to the table
- 11 below, under the notes]
- 12
- 13 ~~10) Deviations from separation requirements for Homeless Resource Centers in the PO~~
~~Zoning District, pursuant to Art. 4.B.4.C.10, Homeless Resource Center. [Ord. 2009-~~
~~040] [Ord. 2017-007]~~ [Relocated to the table below]
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**Table 2.A.1.C.1 - Board of County Commissioners
 Legislative and Quasi-Judicial Processes**

Legislative	Quasi-Judicial
<u>County Initiated Unified Land Development Code (ULDC) Amendment</u>	<u>Official Zoning Map Amendment (Rezoning)</u> [Relocated from Art. 2.A.1.D.1.a,1), above]
<u>Privately Initiated Unified Land Development Code (ULDC) Amendment</u>	<u>Class A-Conditional Use (1)</u> [Relocated from Art. 2.A.1.D.1.a,2), above]
:	<u>Development Order Amendment (DOA) of prior approved DOs by the BCC</u> [Relocated from Art. 2.A.1.D.1.a,4), above]
:	<u>Development Order Amendment – Expedited Application Consideration (EAC)</u>
:	<u>Development Order Abandonment (ABN)</u> [Relocated from Art. 2.A.1.D.1.a,5), above]
:	<u>Status Report of the prior approved Development Order by the BCC</u> [Relocated from Art. 2.A.1.D.1.a,6), above]
:	<u>Deviations from separation requirements for Homeless Resource Centers in the PO Zoning District, pursuant to Article 4.B.4.C.10, Homeless Resource Center and Articles 5, 6, and 7 of the ULDC for development supporting Government Facilities within the Public Ownership (PO) Zoning District.</u> [Relocated from Art. 2.A.1.D.1.a,7) and 10), above]
:	<u>Type 2 Waiver</u> [Relocated from Art. 2.A.1.D.1.a,8), above]
:	<u>Unique Structure.</u> [Relocated from Art. 2.A.1.D.1.a,9), above]
:	<u>Release of Agreement</u>
:	<u>Administrative Inquiry (AI) (2)</u>
:	<u>Corrective Resolution for prior DO approved by the BCC.</u>
[Ord. 2007-013] [Ord. 2008-003] [Ord. 2009-040] [Ord. 2012-027] [Ord. 2017-007]	
Notes:	
1.	<u>Workforce Housing Programs (WHP) and Transfer Development Rights (TDR) pursuant to Art. 5.G, subject to a Class A Conditional Use.</u>
2.	<u>Administrative Inquiry is not considered as a quasi-judicial process, but it is subject to the Public Hearing process.</u>

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Reason for amendments: [Zoning]
1. Reorganize current Chapter A.1.D.1.b, Zoning Commission. The role of ZC, which includes the 2 main functions per Art. 2.G, Decision Making Bodies are to approve applications and to make recommendation to the BCC.
2. Relocate those specific variances where the ZC is not authorized to be granted to the new Chapter C, Public Hearing Processes.
3. Consolidate the ZC processes to the new Table 2.A.1.B.2, Quasi-Judicial Processes.

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~~b~~2. Zoning Commission (ZC)

The ZC shall consider the following types of ~~development order~~ applications.

- ~~1) Class B conditional use;~~
- ~~2) DOA;~~
- ~~3) Abandonment, [Ord. 2006-036]~~
- ~~4) Status Reports; [Ord. 2006-036] [Ord. 2008-003]~~
- ~~5) The ZC is not authorized to grant variances from Code regulations with prohibited provisions, or the following Articles of the ULDC: [Ord. 2006-036] [Ord. 2011-001]~~

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- 1 ~~**[Ord. 2014-001]**~~ [Relocated to Art. 2.C.6.F.2, Prohibition, related to Type 2
2 Variance]
3 ~~a) Art. 1, General Provisions (excluding Article 1.F.3.D.1, Applicability); **[Ord. 2008-003]**~~
4 ~~[Relocated to Art. 2.C.6.F.2.a, related to Type 2 Variance Prohibitions]~~
5 ~~b) Art. 2, Development Review Procedures; [Relocated to Art. 2.C.6.F.2.b, related~~
6 ~~to Type 2 Variance Prohibitions]~~
7 ~~c) Art. 3.B.3, COZ, Conditional Overlay Zone; [Relocated to Art. 2.C.6.F.2.c, related~~
8 ~~to Type 2 Variance Prohibitions]~~
9 ~~d) Art. 3.B.16, Urban Redevelopment Area Overlay URAO, except for parking~~
10 ~~requirements within the URAO. **[Ord. 2011-016]** [Relocated to Art. 2.C.6.F.2.d,~~
11 ~~related to Type 2 Variance Prohibitions]~~
12 ~~e) Art. 4, Use Regulations, unless specifically authorized in Article 4.B, Use~~
13 ~~Classification; or, to allow for a reduction in minimum lot size required for a use, in~~
14 ~~accordance with Art. 1.G.1.B.6, Lots Reduced by Eminent Domain, Properties~~
15 ~~Affected by Eminent Domain Proceedings; **[Ord. 2007-013]** **[Ord. 2008-003]** **[Ord.**~~
16 ~~**2010-022]** **[Ord. 2014-001]** [Relocated to Art. 2.C.6.F.2.e, related to Type 2~~
17 ~~Variance Prohibitions]~~
18 ~~f) Art. 5.C.1.H.1.f Design Elements Subject to ZC or BCC approval; **[Ord. 2011-001]**~~
19 ~~[Relocated to Art. 2.C.6.F.2f., related to Type 2 Variance Prohibitions]~~
20 ~~g) Art. 5.C.1.H.1.g Rural Design Elements; **[Ord. 2011-001]** [Relocated to Art.~~
21 ~~2.C.6.F.2.g, related to Type 2 Variance Prohibitions]~~
22 ~~h) Art 5.C.1.I, Large Scale Commercial Development; **[Ord. 2011-001]** [Relocated~~
23 ~~to Art. 2.C.6.F.2.h, related to Type 2 Variance Prohibitions]~~
24 ~~i) Art. 5.D, Parks and Recreation – Rules and Recreation Standards; [Relocated to~~
25 ~~Art. 2.C.6.F.2.i, related to Type 2 Variance Prohibitions]~~
26 ~~j) Art. 5.F, Legal Documents (excluding provisions in Art. 5.F.2, Easements);~~
27 ~~[Relocated to Art. 2.C.6.F.2.j, related to Type 2 Variance Prohibitions]~~
28 ~~k) Art. 5.G, Density Bonus Programs; [Relocated to Art. 2.C.6.F.2.k, related to~~
29 ~~Type 2 Variance Prohibitions]~~
30 ~~l) Art. 8.G.3.B, Electronic Message Signs **[Ord. 2016-020]** [Relocated to Art.~~
31 ~~2.C.6.F.2.I, related to Type 2 Variance Prohibitions]~~
32 ~~m) Art. 13, Impact Fees; [Relocated to Art. 2.C.6.F.2.m, related to Type 2 Variance~~
33 ~~Prohibitions]~~
34 ~~n) Art. 14, Environmental Standards; [Relocated to Art. 2.C.6.F.2.n, related to Type~~
35 ~~2 Variance Prohibitions]~~
36 ~~o) Art. 15, Health Regulations; [Relocated to Art. 2.C.6.F.2.o, related to Type 2~~
37 ~~Variance Prohibitions]~~
38 p) Art. 16, Airport Regulations, and,
39 pq) Art. 2.G, Decision Making Bodies; and, [Relocated to Art. 2.C.6.F.2.p, related to
40 Type 2 Variance Prohibitions]
41 ~~6) Unique Structures. **[Ord. 2008-003]**~~
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Table 2.A.1.C.2 - Zoning Commission Quasi-Judicial Processes

<u>Quasi-Judicial</u>
<u>Class B Conditional Use</u>
<u>DOA for a prior approved Class B Conditional Use</u>
<u>ABN for prior approved DO by the ZC</u>
<u>Type 2 Variance (1)</u>
<u>Status Report for prior approved DO by the ZC</u>
<u>Unique Structure</u>
<u>Corrective Resolution for Development Order approved by the ZC</u>
Notes:
1. <u>Refer to Art. 2.C.2.F, Type 2 Variance for those specific requirements that the ZC is not authorized to grant variances from Code regulations with prohibited provisions.</u>

Reason for amendments: [Zoning]
1. Reorganize current Chapter A.1.D.1.c, Development Review Officer (DRO). The role of DRO, which includes the 2 main functions per Art. 2.G, Decision Making Bodies are to approve applications and to make recommendation to the BCC.
2. Proposed to replace the authority of the Zoning Director to the DRO. Relocate the Zoning Director's processes: Special Permits; Administrative Variances; and Abandonments to be under DRO. Alternative Sign Plan should be under a Type 1 Waiver process.
3. Reasonable Accommodation and Congregate Living Facility Types 1 and 2 should be under a Zoning Agency Review, and therefore no longer listed under the Table below.

e3. Development Review Officer (DRO)

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

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

Table 2.A.1.C.3 - Development Review Officer Administrative Processes

<u>Administrative</u>
Uses indicated as "D" in the Use Matrices in Art. 4, Use Regulations [Relocated from Art. 2.A.1.D.1.c, DRO, above]
Table 4.A.9.A – Thresholds for Projects Requiring DRO Approval
Processes specified in Art. 4.B, Use Classifications
Type 1 Waiver [Relocated from Art. 2.A.1.D.1.c, DRO, above]
Final Plans with approved DO by the BCC or ZC
Temporary Uses - Uses indicated as "S" in the Use Matrices in Art. 4, Use Regulations
Administrative Modifications of approved DO
ABN for prior approved DO by the DRO
Type 1 A Variance
Type 1 B Variance
[Ord. 2006-036] [Ord. 2012-027] [Ord. 2017-007]

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Table with 1 row and 1 column: Reason for amendments: [Zoning] 1. Eliminate Zoning Director's authority to approve applications since under this amendment, all applications will be submitted to the DRO, and will be forwarded to the applicable County Agencies for comments. All current applications have now relocated to be under the DRO 's authority. 2. Alternative Sign Plan is consolidated under a Type 1 Waiver process.

d. ~~Zoning Director~~

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

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

Table with 1 row and 1 column: Reason for amendments: [Zoning] 1. Rename Heading to state Initiation of Applications since not every type of application will result in a development order. Also make reference to Chapter B, which consists of processes and procedures for the Comprehensive Plan Amendments.

Section 2 Initiation of Applications

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

A. Established Dates and Fees for Zoning Division Applications

- 1. The Zoning Director shall publish an annual Zoning Calendar, as may be amended, providing application dates and deadlines consistent with the specifications of this Code. This Calendar shall govern all dates in the development review process.
- 2. Applications that are submitted to the Zoning Division shall be accompanied by a fee established by the BCC. Any request for a refund of fees shall be in writing, based on the current PZB Refund Policy, and subject to approval by the Zoning Director.

Table with 1 row and 1 column: Reason for amendments: [Zoning] 1. Rename Heading to state Concurrent applications since these could mean one or multiple types of applications that are submitted to the Planning and Zoning Divisions concurrently. Example: Land use amendment with a companion rezoning and Class A Conditional Use application that are presented to the BCC at the same hearing. 2. Both large scale and small scale land use amendments can now be heard concurrently with the companion Zoning applications at the same hearings. 3. Introduce the term "sequential" application to mean that a second application on the same property cannot be approved until the first application is approved. However, the applicant may be able to submit the 2 applications to the DRO for review.

Section 3 Concurrent and Sequential Applications

Applications submitted to the applicable Division will be processed sequentially following each decision unless processed concurrently as described herein.

A. Land Use Amendments

If a land use amendment requires a Rezoning, Conditional Use, DOA or ABN application, the applications shall be reviewed and considered by the BCC concurrently. The applicant shall submit a master plan and/or site plan as part of the zoning application. The zoning application shall be submitted at a scheduled zoning application intake within 90 days of receipt of the land use amendment application. If a complete zoning application is not submitted, the land use amendment shall be administratively withdrawn. [Ord. 2006-036] [Ord. 2009-040] [Ord. 2017-007] [Partially relocated from Art. 2.A.1.H.1, Small Scale Amendments]

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B. Zoning Applications

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

C. Type 2 Waivers and Type 2 Variances

An application for a Type 2 Waiver or a Type 2 Variance may be submitted concurrently with another DO application or separately, subject to the approval of the Zoning Director. [Relocated from Art. 2.A.1.H.1, Small Scale Amendment]

1. Mandatory Pre-Application Appointment

A pre-application appointment shall be requested by the applicant to meet with staff prior to the official submittal of an application. The Zoning Director shall decide whether the DO application is contingent upon the approval of Waivers or Variances and whether the Waiver or Variance applications shall be submitted separately. [Partially relocated from Art. 2.A.1.H.1, Small Scale Amendments]

Reason for amendments: [Zoning]

1. Rename Title to include both Pre-Application Conference and Meeting.

Section 4 Pre-Application Meeting, Conference, and Appointment

It is recommended that the applicants meet with staff prior to the official submittal of an application to identify issues relating to the proposed request(s), and ensure the requests are in compliance with the applicable Comprehensive Plan or Codes. Certain application requests are subject to a mandatory conference or meeting with staff, as follows:

<u>Pre-Application Conference</u>	<u>Pre-Application Appointment</u>
<u>Applications requesting an IRO (1)</u>	<u>Privately-Initiated Code Amendment</u>
<u>Applications within the PRA (1)</u>	<u>Workforce Housing</u>
<u>-</u>	<u>Type 2 Variance</u>
<u>-</u>	<u>Type 2 Waiver</u>
<u>-</u>	<u>Type 1 Waiver for Landscaping</u>
<u>-</u>	<u>Type 1A and 1B Variances</u>
<u>-</u>	<u>Applications that are subject to Zoning Agency Review</u>
<u>-</u>	<u>Zoning Confirmation Letter</u>
<u>(1) A Conceptual Plan shall be submitted to be reviewed as part of a PAC application.</u>	

A. E. Pre-Application Conference (PAC)

The purpose of the pre-application conference PAC is to provide the applicant with an opportunity to submit a preliminary an application and conceptual site plan a Conceptual Plan for review by the Zoning Division and other County Agencies. A PAC is only mandatory for applications that are specified under Table 2.A.4, Pre-Application Meeting, Conference, and Appointment. ~~The preliminary application and conceptual site plan will be reviewed for compliance with applicable Codes, and to determine the appropriate review processes required for the proposed development.~~

1. Plan Review Applicant's Request and Responsibility

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

a. Proposed uses as defined in Art. 4, Use Regulations;

b. Types of processes;

c. Application of code requirements specific to the use(s) or the subject property;

d. Review of the proposed Conceptual Plan, if applicable; and,

e. Specific questions pertinent to the requests for staff to respond.

2. Sufficiency and Insufficiency

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

3. Additional LCC, IRO and PRA Requirements

a. Preliminary PAC Application

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1 The ~~preliminary~~ PAC application shall identify and document any proposed Type I ~~of~~ or
 2 Type II Waivers; and include any previous BCC conditions of approval, if applicable. [Ord.
 3 **2010-005**] [Ord. **2012-027**] [Ord. **2017-XXX**]
 4 **b. Conceptual Site Plan**
 5 The ~~conceptual site plan~~ Conceptual Plan shall be prepared in compliance with the
 6 applicable Plan type pursuant to the Zoning Technical Manual. The plan shall indicate and
 7 delineate the applicable items listed in Table 2.A.1.E, Conceptual Site Plan Requirements
 8 for PAC: [Ord. **2010-005**]
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Table 2.A.1.4.E Conceptual Master Plan Requirements for PAC

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

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 11 **4. Review Summary**
 12 ~~Within five days of the PAC, the~~ The DRO shall provide the applicant with a written response
 13 to the questions. summary of the preliminary issues, findings, and necessary approvals
 14 required for the application. [Ord. **2010-005**]
 15 **B. Pre-Application Appointment (PAA)**
 16 The purpose of a PAA is to provide the applicant an opportunity to discuss the proposed request(s)
 17 with mainly Zoning Division staff to ensure the official submittal of application meets the Sufficiency
 18 requirements.
 19 **1. Applicant's Request and Responsibility**
 20 The applicant shall request the PAA and specify whether the attendance of the other County
 21 Agency staff in this meeting is required. Prior to the PAA, the applicant shall prepare a list of
 22 questions pertinent to the subject property, and provide a copy of relevant information
 23 regarding the proposed development. For a DOA application, it shall be the responsibility of
 24 the applicant to research and review prior approved files, documents, plans and resolutions
 25 prior to the PAA.
 26 **F. Initiation of Development Review Process**
 27 An application for any development order may be submitted by the following authority: PBC official,
 28 owner, agent who is authorized in writing to act on the owner's behalf, or person having a written
 29 contractual interest in the land for which the amendment or development permit is proposed.
 30 **[Relocated to Art. 2.A.2, Initiation of Applications]**
 31
 32
 33

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EXHIBIT A

ARTICLE 2, DEVELOPMENT REVIEW PROCEDURES APPLICATION PROCESSES AND PROCEDURES (CHAPTER A) (Updated 6/22/17)

Reason for amendments: [Zoning]
1. Rename Heading to Zoning Application Procedures to clarify these procedures are for Zoning types of application.
2. Clarify those applications that were either requested for a Pre-Application Conference review or was discussed in meetings with staff, the applicant must make an effort to adhere to what was presented and discussed with staff so that no new code compliance issues may arise, and may result in a delay in the review of the official submitted application.
3. Add Justification Statement as part of the application submittal requirements, and is reflective of the current Zoning Division practice.
4. Plan Requirements – minor modifications on the Code references.

Section 5 Zoning Application Procedures

~~G.~~ Application Procedures

~~1A.~~ General

~~An application shall be submitted for all development orders regulated by this Code. All Zoning applications shall be submitted to the Zoning Division. Applications shall be reviewed for require sufficiency review prior to being placed on the agenda for a public hearing or meeting, or proceeding to the subsequent step in the development review process the initiation of review by the applicable County Agencies, unless otherwise specified in this Code. [Ord. 2005-041]~~

1. PAC or PAA

~~It is recommended that applications that were subject to a review by the County Agencies under a PAC or PAA remain consistent with what was requested or discussed at the conference or appointment. Changes to the application request that are different from what was discussed at the PAC or appointment shall be documented in the Justification Statement of the application.~~

~~2B.~~ Zoning Application Requirements

~~The application form and requirements for a development order, approved through the Public Hearing or the administrative process, Applications shall be submitted on forms and plans established by the Zoning Division specified by the, PBC official responsible for reviewing the application unless stated otherwise. Additional application requirements specific to a zoning district, use, or process are referenced in the applicable sections of the ULDC. The general requirements for all applications are outlined in the Zoning Technical Manual, which is published and periodically updated by the Zoning Division. [Ord. 2005-041] [Ord. 2009-040]~~

1. Justification Statement

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

- ~~a. summary of the request(s) specifying the types of applications and approval processes;~~
- ~~b. project history with prior resolutions, if applicable;~~
- ~~c. analyses of the applicable DO Standards; and,~~
- ~~d. any other additional information pertinent to the subject property.~~

~~3C.~~ Plan Requirements

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

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

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

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

~~1)a. Plans requiring DRO certification for Public Hearing shall be labeled "Preliminary"; [Ord. 2009-040]~~

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

~~d3.~~ Master Plan

~~The mMaster pPlan shall be the controlling document for a PDD listed below. All development site elements including, but not limited to: ingress/egress, density, and intensity in the PDD~~

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EXHIBIT A

ARTICLE 2, DEVELOPMENT REVIEW PROCEDURES APPLICATION PROCESSES AND PROCEDURES (CHAPTER A) (Updated 6/22/17)

1 shall be consistent with the ~~m~~Master ~~p~~Plan. All subdivisions and plats shall be consistent with
2 the ~~m~~Master ~~p~~Plan. In cases of conflict between plans, the most recently approved BCC plan
3 for those DOs that have no Final DRO plans or DRO final plan, ~~where applicable~~, shall prevail.
4 [Ord. 2009-040]

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

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

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

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

~~b) IR, UC or UI District Requirements~~

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

e2) Lion Country Safari

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

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

23 For applications with a PMP, the applicant shall submit a FMP for final review and approval
24 by the DRO. The FMP shall be prepared consistent with the BCC approved PMP, and all
25 modifications shall be approved by the BCC unless the proposed changes are required to
26 meet conditions of approval or are in accordance with the ULDC, whichever is more
27 restrictive. [Ord. 2009-040]

e4. Site Plan

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

~~1~~a. Preliminary Site Plan (PSP)

34 The BCC shall approve a PSP for the following applications: ~~CA Class A~~ Conditional Use,
35 MXP, MUPD and equivalent previously approved planned developments. The ZC shall
36 approve a PSP for a ~~CB Class B~~ Conditional Use request. [Ord. 2009-040] [Ord. 2017-
37 007]

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

38 After a PSP is approved by the BCC or ZC, the applicant shall submit a FSP to the DRO
39 for final review and approval. The DRO shall review the FSP for consistency with the PSP,
40 applicable code requirements, BCC or ZC conditions of approval. All modifications to the
41 PSP that are shown on the FSP must be approved by the BCC or ZC unless the proposed
42 changes are required to meet conditions of approval or are in accordance with the ULDC,
43 whichever is more restrictive. [Ord. 2009-040]

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

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

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

47 b2) Any requests subject to Table 4.A.9.A, ~~Development~~ Thresholds for Projects Requiring
48 DRO Approval. [Ord. 2009-040] [Ord. 2017-007]

~~5~~. Subdivision Plan

49 The ~~s~~Subdivision ~~p~~Plan shall be the controlling plan for Conditional Uses or PDDs that are
50 subject to the subdivision process. All development site elements including, but not limited to:
51 ingress/ and egress, density, and intensity in the proposed project shall be consistent with the
52 ~~s~~Subdivision ~~p~~Plan. In cases of conflict between plans, the most recently approved BCC plan
53 shall prevail. [Ord. 2009-040]

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EXHIBIT A

ARTICLE 2, DEVELOPMENT REVIEW PROCEDURES APPLICATION PROCESSES AND PROCEDURES (CHAPTER A) (Updated 6/22/17)

1 for those DOs that have no Final DRO plans or DRO ~~f~~Final ~~s~~Subdivision ~~p~~Plan, as applicable,
2 shall prevail. All plans and plats shall be consistent. [Ord. 2009-040] [Ord. 2010-005] [Ord.
3 2017-007]

4 ~~1~~a. Preliminary Subdivision Plan (PSBP) for Public Hearing Approval

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

11 ~~2~~b. Final Subdivision Plan (FSBP) for Public Hearing Approval (Off-The-Board)

12 After a PSBP is approved by the BCC or ZC, the applicant shall submit a FSBP for parcels
13 of land that are subject to subdivision to the DRO for final review and approval. The FSBP
14 shall be ~~reviewed and~~ approved prior to submission of an application for a plat or other
15 approval required by Article 11, Subdivision, Platting, and Required Improvements. [Ord.
16 2009-040] [Ord. 2010-005]

17 ~~3~~c. Final Subdivision Plan (FSBP) for Administrative Approval

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

19 ~~a~~1) Any subdivision of lots when the Zoning Director determines that it does not require
20 the Public Hearing Approval Process. [Ord. 2009-040] [Ord. 2010-005]

21 ~~4~~d. Exception

22 A minor subdivision may be exempt from this Section subject to the approval of a Plat
23 Waiver pursuant to Article 11, Subdivision, Platting, and Required Improvements. [Ord.
24 2009-040]

25 ~~g~~6. Regulating Plans - Optional

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

28 ~~1~~a. Thresholds

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

31 ~~a~~1) The Applicant may choose to provide design details to demonstrate the intent of the
32 requests or the requests are in compliance with the Standards of the Code; [Ord. 2017-
33 002]

34 ~~b~~2) Staff may recommend the submittal of the Regulating Plans due to the size and
35 complexity of the application and site design; or, [Ord. 2017-002]

36 ~~e~~3) By a ZC or BCC Condition of Approval. [Ord. 2017-002]

37 ~~2~~b. Submittal Requirements

38 If submitted, the Plans shall be prepared in accordance with the Submittal Requirements,
39 and consistent with the format requirements pursuant to the Technical Manual. Regulating
40 Plans shall be drawn to scale or labeled with notes, specifications and dimension, and shall
41 include where applicable, the following: [Ord. 2017-002]

42 ~~a~~1) Street cross sections, including sidewalks, bike lanes, street trees, on street parking
43 and lighting; [Ord. 2009-040] [Ord. 2017-002]

44 ~~b~~2) Typical lot layouts for each housing type, including building envelope, screen
45 enclosure/pool setbacks, and driveway access; [Ord. 2009-040] [Ord. 2017-002]

46 ~~e~~3) Landscape buffer and interior planting details (plan view and cross section); [Ord.
47 2009-040] [Ord. 2017-002]

48 ~~d~~4) ~~Median landscape detail~~; [Ord. 2009-040] [Ord. 2017-002]

49 ~~e~~4) Pedestrian circulation ~~plan~~ in accordance with Art. 3.E, Planned Development Districts
50 (PDDS); [Ord. 2009-040] [Ord. 2017-002]

51 ~~f~~5) Phasing pursuant to Art. 2.E, Monitoring; [Ord. 2009-040] [Ord. 2010-005] [Ord. 2017-
52 002]

53 ~~g~~6) Screening details; and [Ord. 2009-040] [Ord. 2017-002]

54 ~~h~~7) Neighborhood parks. [Ord. 2009-040] [Ord. 2017-002]

55 ~~h~~7. Landscape Related Plans

56 Article 7, Landscaping, identifies different types of landscape related plans that are
57 administered by the Zoning Division: Planting Plan, Landscape Plan, and Alternative
58 Landscape Plan (ALP). All Plans shall be prepared consistent with the approved Master, Site
59 or Subdivision Plan. Application requirements, labeling of Plans, and approval procedures for
60 the Landscape related Plans shall be consistent, where applicable, with Article 2.A.1.G.3, Art.
61 2.A.5.C. Plan Requirements; ~~and Article 2.A.1.G.3.g., Regulating Plans,~~ and Article 7,
62 LANDSCAPING. All types of Landscape Plans shall be submitted at Building Permit, unless it

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EXHIBIT A

**ARTICLE 2, DEVELOPMENT REVIEW PROCEDURES APPLICATION PROCESSES AND PROCEDURES
(CHAPTER A)
(Updated 6/22/17)**

1 is required to be submitted at Final DRO through a Condition of Approval. The following Table
2 summarizes the different types of Plans, applicability, and approval authority. [Ord. 2009-040]
3 [Ord. 2016-042]
4

Table 2.A.1.G.3-5.C.5, Landscape Related Plans

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

[Ord. 2016-042]

Notes:

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

8. Sign Plans

Art. 8, Signage, identifies two types of sign plans: Master Sign Plan and Alternative Sign Plan. Application requirements, labeling of Plans, certification and approval procedures of Master Sign Plans or Alternative Sign Plans shall be consistent with Art. ~~2.A.1.G.3-2.A.5.C~~, Plan Requirements, ~~Art. 2.A.1.G.3.g, Regulating Plans~~ and Art. 8, Signage. [Ord. 2009-040] [Ord. 2010-022] [Ord. 2016-042]

Reason for amendments: [Zoning]

1. Add Reasons of Insufficiencies for both the Public Hearing and Administrative processes in the Zoning Technical Manual. Currently the list is in the form of a hand-out.

4-Section 6 Sufficiency Review

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

a.—Sufficiency

~~If the application is determined to be sufficient, it shall be reviewed by the appropriate PBC official pursuant to the procedures and standards of this Article. The application shall then be placed on the next available agenda consistent with the established dates published in the Annual Zoning Calendar, or proceed to the next subsequent step in the development~~

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EXHIBIT A

ARTICLE 2, DEVELOPMENT REVIEW PROCEDURES APPLICATION PROCESSES AND PROCEDURES (CHAPTER A) (Updated 6/22/17)

~~review process. The agenda shall be made available to the public no less than five days prior to the applicable hearing or review date. [Ord. 2005-041] [Relocated to Art. 2.C, Sufficiency Review, and Art. 2.D, Sufficiency Review]~~

~~**b. Insufficiency**~~

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

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

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

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

~~**H. Consolidated Application**~~

~~**1. Small Scale Amendments**~~

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

~~**2. Zoning Applications**~~

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

Reason for amendments: [Zoning]
1. Relocate the Review, Certification, and Decision procedures to be under each applicable Chapter. The review procedures for the Comprehensive Plan amendments is located in Chapter B; Public Hearing procedures are located in Chapter C, and Administrative procedures under Chapter D.

~~**I. Section 7 Review, and Certification and Decision**~~

~~All Zoning applications subject to the Public Hearing Process shall be reviewed and processed pursuant to Chapter C, Public Hearing Processes, and applications subject to Administrative Approval shall be reviewed and processed pursuant to Chapter D, Administrative Processes.~~

~~**1. Review**~~

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

~~**2. Certification**~~

~~The application shall meet all minimum Code requirements and standards pursuant to this Code and other applicable standards prior to certification by the DRO. An application shall not be certified until it meets all certification standards. The DRO shall prepare a list of certification issues and make it available to the applicant at least five days prior to the DRO review date meeting. An applicant shall be given three days following the DRO review date to satisfy any outstanding certification issues. Certified applications shall be scheduled for the first hearing, or a subsequent hearing in accordance with the annual Zoning Calendar or as is mutually agreed upon by the applicant and the DRO. [Partially relocated to Art. 2.C.3.B, Certification]~~

~~**3. Non-certification**~~

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~~If the application is not certified, the DRO shall prepare a list of outstanding certification issues and comments. The list shall be made available no less than seven days after review by the DRO. [Ord. 2008-003].~~ [Partially relocated to Art. 2.C.3.C, Non-certification]

a. Resubmittal Requirements

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

4. Application Modification After Certification

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

Reason for amendments: [Zoning]
1. Relocate Notification to the new Chapter C, Public Hearing Processes.

J. Notification

1. Applicability

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

Table 2.A.1.J – Notification Applicability

Process	Newspaper Publication	Courtesy Notice	Signs
Development Order Abandonment (ABN) (1)	Yes	N/A	N/A
Corrective Resolution	Yes	N/A	N/A
Type 1B Variance	N/A (2)	Yes	Yes
Type II Variance	Yes	Yes	Yes
Other Public Hearing (Rezoning, CA, CB, DOA, Unique Structure, Waiver)	Yes	Yes	Yes
Administrative Inquiry (3)	N/A	Yes	N/A
[Ord. 2015-031] [Ord. 2017-002] [Ord. 2017-007]			
Notes:			
1. Applies to Administrative and Public Hearing Abandonments, excluding: Development Orders advertised and abandoned simultaneously as part of a subsequent Development Order; and, Development Orders advertised and reviewed for revocation pursuant to Art. 2.E, Monitoring.			
2. Reasonable notice shall be required in compliance with F.S. 286.011.			
3. Only applicable to an inquiry related to a specific development or parcel and not for general direction on a topic. [Ord. 2017-002]			

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

2. Newspaper Publication

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

3. Courtesy Notice

a. Applicability and Mailing Boundary

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

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EXHIBIT A

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1

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

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

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

b. ~~Notice Content~~

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

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

c. ~~Failure to Receive Courtesy Notice~~

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

4. ~~Signs~~

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

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

~~Where the property does not have sufficient frontage on a street, signs shall be in a location acceptable to the Zoning Director. The applicant shall submit photographs confirming the signs have been posted. The failure of any such posted notice to remain in place after it has been posted shall not be deemed a failure to comply with Art. 2.A.1.J, Notification or be grounds to challenge the validity of any decision made by the approving authority. The applicant shall also be required to ensure the signs have been removed no later than five~~

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~~days after the final hearing. [Ord. 2010-022] [Ord. 2011-016] [Ord. 2015-031] [Relocated to Art. 2.C.4.C.D.1.c, Related to Signs]~~

~~b. Exceptions~~

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

~~5. Postponements~~

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

Reason for amendments: [Zoning]
1. Relocate to the new Chapter C, Public Hearing Processes.

~~K. Public Hearing Procedures~~

~~1. Scheduling~~

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

~~a. Number of Hearings~~

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

~~b. Exception~~

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

~~2. Staff Report and Recommendation~~

~~a. Report~~

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

~~3. Board Action~~

~~a. Action by ZC~~

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

~~1) Scheduling~~

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

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

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

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

~~The ZC shall consider the: application, staff report, relevant support materials, DRO certification, public testimony, and evidence for the public record given at the hearing. An application for a development permit for a Class B conditional use, which does not receive the required rezoning, shall be decertified. At the close of the public hearing, the ZC shall by not less than a majority of a quorum present approve, approve with~~

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~~conditions, modify, postpone, or deny the application. The actions shall be based upon standards in Art. 2.B.1.B Standards and Art. 2.B.3.E, Standards, applicable to all Conditional Uses, and Type II Variances, and any standards specifically applicable to the use as required in Art. 4.B, Use Classification, thereby adopting a resolution approving, approving with conditions, or denying the proposed request. The resolution shall be filed with the Clerk of the Circuit Court. [Ord. 2006-036] [Ord. 2008-003] [Partially relocated to Art. 2.C.5.C.1.c, Class B Conditional Use, DOA, Type 2 Variances and ABN]~~

~~b. Action by BCC~~

~~1) Scheduling~~

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

~~2) Public Hearing(s)~~

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

~~3) Decision~~

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

~~4) Remand~~

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

~~c. Action by the Hearing Officer~~

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

~~4. Conduct of Hearing~~

~~a. Oath or Affirmation~~

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

~~b. Rights of All Persons~~

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

~~c. Order of Proceedings~~

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

~~1) The PBC official responsible for reviewing the application shall present a written and or oral recommendation, including any report prepared. This recommendation shall~~

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(Updated 6/22/17)

- 1 address each standard required to be considered by this Code prior to approval of the
- 2 application.
- 3 ~~2) The applicant shall present any information the applicant deems appropriate.~~
- 4 **[Relocated to Art. 2.C.5.D.3.a, Related to Order of Proceedings]**
- 5 ~~3) Public testimony shall be heard.~~ **[Relocated to Art. 2.C.5.D.3.c, Related to Order of**
- 6 **Proceedings]**
- 7 ~~4) The PBC official responsible for reviewing the application may respond to any~~
- 8 ~~statement made by the applicant or any public comment.~~ **[Relocated to Art.**
- 9 **2.C.5.D.3.d, Related to Order of Proceedings]**
- 10 ~~5) The applicant may respond to any testimony or evidence presented by the PBC staff~~
- 11 ~~or public at the discretion of the Chair.~~ **[Relocated to Art. 2.C.5.D.3.e, Related to**
- 12 **Order of Proceedings]**
- 13 ~~6) The governing body may direct questions to staff and the applicant specific to the~~
- 14 ~~request.~~ **[Relocated to Art. 2.C.5.D.3.f, Related to Order of Proceedings]**
- 15 ~~7) The governing body shall discuss the facts of the petition and make a recommendation.~~
- 16 **[Relocated to Art. 2.C.5.D.3.g, Related to Order of Proceedings]**
- 17 **L. Actions by Decision Making Bodies or Persons**
- 18 **1. General**
- 19 ~~All decision making persons and bodies shall act in accordance with the time limits established in this Code.~~
- 20 **[Relocated to Art. 2.C.5, Public Hearing Procedures]**
- 21 **2. Administrative Processes**
- 22 **a. Action by DRO**
- 23 ~~The DRO shall approve, approve with conditions, revoke, deny or administratively withdraw~~
- 24 ~~an application based upon the recommendation of the reviewing agencies, in accordance~~
- 25 ~~with the procedures, standards and limitations of this Code and Article 2.D, Administrative~~
- 26 ~~Process, including where applicable: the standards of Art. 2.D.1.E, Standards for~~
- 27 ~~Administrative Approval, or, the standards of Art. 2.D.6.C, Standards, applicable to Type-I~~
- 28 ~~Waivers. **[Ord. 2012-027] [Ord. 2014-025]** **[Relocated to Art. 2.D, Administrative**~~
- 29 ~~**Processes]**~~
- 30 **b. Action by Zoning Director**
- 31 ~~The Zoning Director, in accordance with the procedures, standards and limitations of this~~
- 32 ~~Code, shall approve, approve with conditions, withdraw, deny or revoke an application for~~
- 33 ~~a development permit. **[Relocated to Art. 2.D, Administrative Processes]**~~
- 34 **3. Conditions**
- 35 ~~Conditions may be imposed to ensure the uses or site plan of development approved by the~~
- 36 ~~decision-making body or person is implemented accordingly. **[Relocated to Art. 2.D,**~~
- 37 ~~**Administrative Processes]**~~
- 38 **4. Findings/Results**
- 39 ~~All decisions shall be in writing and shall include the following elements: **[Relocated to Art.**~~
- 40 ~~**2.D, Administrative Processes]**~~
- 41 ~~a. A statement of specific findings of fact; and **[Relocated to Art. 2.D, Administrative**~~
- 42 ~~**Processes]**~~
- 43 ~~b. A statement of approval, approval with conditions, or denial with or without prejudice. If~~
- 44 ~~there is a decision for denial, it shall be with prejudice unless determined otherwise by the~~
- 45 ~~decision making body or person. **[Relocated to Art. 2.D, Administrative Processes]**~~
- 46 **5. Continuance or Postponement**
- 47 **a. BCC and ZC**
- 48 ~~The body conducting the public hearing may, on its own motion or at the request of an~~
- 49 ~~applicant, continue the public hearing to a fixed date, time and place. An applicant shall be~~
- 50 ~~granted one postponement to the next regularly scheduled hearing if requested in writing~~
- 51 ~~five days prior to the hearing. The body conducting the hearing shall determine if an~~
- 52 ~~application shall be postponed when an applicant fails to submit a request for~~
- 53 ~~postponement five days prior to the hearing. All subsequent request for continuance or~~
- 54 ~~postponement shall be granted at the discretion of the decision making body. **[Ord. 2005-**~~
- 55 ~~**041] [Ord. 2006-036]** **[Relocated to Art. 2.C.5.E.1, BCC and Zoning Commission]**~~
- 56 **6. Notification of Decision**
- 57 ~~Notification to the applicant of the final action by a decision making body or person shall be~~
- 58 ~~provided by the PBC official responsible for reviewing the application within ten days of the final~~
- 59 ~~decision. A copy of the decision shall be made available to the public. **[Ord. 2008-003]**~~
- 60

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EXHIBIT A

ARTICLE 2, DEVELOPMENT REVIEW PROCEDURES APPLICATION PROCESSES AND PROCEDURES (CHAPTER A) (Updated 6/22/17)

Reason for amendments: [Zoning]

1. Consolidate Withdrawal, Denial or Suspension of Applications under one Section. Minor updates of terms, e.g. Replacing governing body with Authority for consistency.

Section 8 Withdrawal, Denial, Suspension of Applications, and Violation of Conditions

MA. **Withdrawal**

The applicant shall have the right to withdraw an application ~~for a development order~~ at any time prior to the final action on the application by the ~~applicable Authority 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 Authority~~ may make a motion on the application for withdrawal with or without prejudice.

NB. **Denial of Application**

1. Denial

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

2. Exceptions

- a. The subsequent application involves a development proposal that is materially different from the prior proposal. For the purposes of this Section, an application ~~for a development permit~~ shall be considered materially different if it involves a change in intensity or density of 25 percent or more.
- b. A majority of the members on the prevailing side of the ~~Authority decision-making body~~ that made the final decision on the application determines that the prior denial was based on a material mistake of fact.

OC. **Suspension of Development Review Proceedings**

An application ~~for a development order~~ may be suspended during the pendency of a Code Enforcement proceeding pursuant to Article 10, Enforcement, or for any Code violation involving all or a portion of the land proposed for development, unless it is demonstrated in writing by the applicant that suspension of development review processing could be adverse to the public interest.

PD. **Violation of Condition of ~~Development Order DO~~**

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

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

Q-Section 9 Development Order Abandonment

Abandonments of DOs that were approved by the ZC or BCC shall be subject to the requirements pursuant to Art. 2.C, Public Hearing Processes, and Art. 2.D, Administrative Processes for those DOs that were approved by the Zoning Director or DRO.

1.—General

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

2.—Development Orders Not Implemented

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

a.—Abandoned

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

b.—Administrative Abandoned

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

c.—Reviewed for Revocation

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

~~3. Implemented Development Orders~~

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

~~a. Administrative Abandonment~~

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

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

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

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

~~b. Public Hearing Abandonment~~

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

~~c. Unpaid Status Fees~~

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

~~4. Additional Guidelines~~

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

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

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

R. Section 10 Misrepresentation

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

S. Section 11 Appeal

~~1A. General~~

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

B. Judicial Relief

1. Appeal of BCC Decision

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

2. Appeal of Hearing Officer and ZC Variance Decisions

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EXHIBIT A

ARTICLE 2, DEVELOPMENT REVIEW PROCEDURES APPLICATION PROCESSES AND PROCEDURES (CHAPTER A) (Updated 6/22/17)

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

2c. Non-Judicial Relief

a1. Standards

1a) Filing Time

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

2b) Notification

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

b.2. Processes

13 Any person aggrieved by the decision of an Authority may appeal the decision pursuant to the
14 following:

1)a. Class B Conditional Use

15 Any Person aggrieved by the decision of the Zoning Commission regarding a Class B
16 Conditional Use may appeal that decision to the BCC according to the following: [Ord.
17 2011-016]

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

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

22 e3) In making its decision, the BCC shall consider only the record before the ZC at the time
23 of the decision, and the correctness of the findings of fact or any specific condition of
24 approval imposed by the ZC. The notice and hearing provisions for a Class A
25 conditional use shall govern the appeal. [Ord. 2011-016]

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

2)b. DRO Review

29 Any Person seeking Development Order approval from the DRO, except for Type I
30 Waivers, may appeal that decision to the DRAB according to the following: [Ord. 2005-
31 002] [Ord. 2011-016] [Ord. 2012-027]

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

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

36 e3) At the hearing, the DRAB shall only consider testimony and argument relating to the
37 application, supporting documentation, and any staff report or documentation
38 presented at the time of the DRO decision. [Ord. 2011-016]

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

3)c. Special Permit or Temporary Uses

44 Except for appeals regarding Adult Entertainment Special Permit applications, set forth in
45 Art. 4.B.2.C.1.d, License per Palm Beach County Adult Entertainment Code, any Person
46 aggrieved by a decision of the Zoning Director regarding a Special Permit may appeal that
47 decision to the Hearing Officer according to the following: [Ord. 2006-036] [Ord. 2011-
48 016]

49 a1) The Zoning Division shall coordinate and establish the date for the Hearing Officer to
50 consider the appeal which shall be within 40 days of the filing of the appeal. [Ord.
51 2011-016]

52 b2) The Hearing Officer may reverse or affirm or modify the decision of the Zoning Director.
53 [Ord. 2011-016]

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EXHIBIT A

ARTICLE 2, DEVELOPMENT REVIEW PROCEDURES APPLICATION PROCESSES AND PROCEDURES (CHAPTER A) (Updated 6/22/17)

1 ~~ε~~3) At the hearing, the Hearing Officer shall only consider testimony and argument relating
2 to the application, supporting documentation, and any staff report or documentation
3 presented at the time of the Zoning Director's decision. [Ord. 2011-016]

4 ~~δ~~4) The Zoning Director's decision shall be presumed correct and the Person seeking the
5 appeal shall have the burden of demonstrating error. The Hearing Officer shall defer
6 to the discretion of the Zoning Director in interpreting the ULDC and shall not modify
7 or reject the interpretation if it is supported by substantial competent evidence, unless
8 the interpretation is found to be contrary to the Plan, this Code, or the Official Zoning
9 Map. [Ord. 2011-016]

4)e. Interpretations

11 The Person who sought the interpretation may appeal that interpretation to the Hearing
12 Officer, unless stated otherwise, according to the following: [Ord. 2006-036] [Ord. 2011-
13 016]

14 ~~a~~1) The agency responsible for the interpretation shall coordinate and establish the date
15 for the Hearing Officer to consider the appeal which shall be within 40 days of the filing
16 of the appeal or a date agreed upon the Applicant and Agency Staff. [Ord. 2011-016]

17 ~~b~~2) The Hearing Officer may reverse or affirm or modify the interpretation. [Ord. 2006-
18 036] [Ord. 2011-016]

19 ~~ε~~3) At the hearing, the Hearing Officer shall only consider testimony and argument relating
20 to documentation submitted by the Person seeking the interpretation, and any staff
21 report or documentation presented at the time of the interpretation. [Ord. 2011-016]

22 ~~δ~~4) The interpretation shall be presumed correct and the Person seeking the appeal shall
23 have the burden of demonstrating error. The Hearing Officer shall defer to the
24 discretion of the applicable authority in interpreting the ULDC and shall not modify or
25 reject the interpretation if it is supported by substantial competent evidence, unless the
26 interpretation is found to be contrary to the Plan, this Code, or the Official Zoning Map.
27 [Ord. 2011-016]

5)f. Type 1A and Type 1B Administrative Variance Decisions

29 Any Person aggrieved by a decision of the Zoning Director on an application for a Type 1A
30 or Type 1B Administrative Variance may appeal to the Hearing Officer according to the
31 following: [Ord. 2006-036] [Ord. 2011-016]

32 ~~a~~1) The Zoning Division shall coordinate and establish the date for the Hearing Officer to
33 consider the appeal which shall be within 40 days of the filing of the appeal or a date
34 agreed upon the Applicant and Zoning staff. [Ord. 2011-016]

35 ~~b~~2) The Hearing Officer may reverse or affirm or modify the decision. [Ord. 2011-016]

36 ~~ε~~3) At the hearing, the Hearing Officer shall only consider testimony and argument relating
37 to the application, supporting documentation, and any staff report or documentation
38 presented at the time of the Zoning Director's decision. [Ord. 2011-016]

39 ~~δ~~4) The Zoning Director's decision shall be presumed correct and the Person seeking the
40 appeal shall have the burden of demonstrating error. The Hearing Officer shall defer
41 to the discretion of the Zoning Director in interpreting the ULDC and shall not modify
42 or reject the interpretation if it is supported by substantial competent evidence, unless
43 the interpretation is found to be contrary to the Plan, this Code, or the Official Zoning
44 Map. [Ord. 2011-016]

6)g. Type I Waiver

~~a~~1) URAO

47 Any Person seeking a URAO Type I Waiver from the DRO may appeal that decision
48 to the BCC pursuant to the procedures in Art. 2.A.1.S.2.b.1, Class B Conditional Use.
49 [Ord. 2011-016]

~~b~~2) Other Type I Waivers

51 Any Person seeking a Type I Waiver, except for URAO, may appeal that decision to
52 the Zoning Commission subject to the following: [Ord. 2011-016] [Ord. 2012-027]

53 ~~(+a)~~ The ZC shall consider the appeal petition within 60 days of its filing. [Ord. 2011-
54 016]

55 ~~(2b)~~ At the hearing, the ZC shall provide the petitioner, the Applicant, and PBC staff an
56 opportunity to present arguments and testimony. [Ord. 2011-016]

57 ~~(3c)~~ The ZC shall consider only the evidence presented to County Staff at time of the
58 decision and the correctness of findings of fact or any condition imposed by the
59 DRO. [Ord. 2011-016]

60 ~~(4d)~~ The ZC shall modify or reject only if substantial evidence is contrary to the Plan,
61 ULDC, or Official Zoning Map. [Ord. 2011-016]

3. ~~Judicial Relief~~

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EXHIBIT A

ARTICLE 2, DEVELOPMENT REVIEW PROCEDURES APPLICATION PROCESSES AND PROCEDURES (CHAPTER A) (Updated 6/22/17)

1 ~~a. Appeal of BCC Decision~~

2 ~~Any person aggrieved by a decision of the BCC on an application for a development order~~
3 ~~or Status Report may apply for judicial relief by the filing of a Petition for Writ of Certiorari~~
4 ~~in the Circuit Court of the Fifteenth Judicial Circuit in and for PBC, Florida, within 30~~
5 ~~calendar days of the date the zoning resolution is filed with the Clerk of the Circuit Court.~~

6 [Relocated to Art. 2.A.11.B, Judicial Relief, above]

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

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

13 ~~F. Section 12~~ Outstanding Liens or Fines

14 ~~4A. General~~

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

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

19 The approving ~~body~~ Authority shall impose a condition of approval requiring the payment of
20 any outstanding liens or fines by a date certain or prior to a specific event; [Ord. 2009-040]

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

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

25 ~~c3. Time extension approved by the ZC or BCC~~

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

28 ~~2B. Contest by the Applicant~~

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

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EXHIBIT B

ARTICLE 2, DEVELOPMENT REVIEW PROCEDURES APPLICATION PROCESSES AND PROCEDURES (CHAPTER C) (Updated 6/09/17)

Part 1. ULDC Art. 2.B, Public Hearing Process (page 26-32 of 87), is hereby amended as follows:

Reason for amendments: [Zoning]
1. Reorganize current Chapter 2.B, Public Hearing Process, which includes Rezoning, Conditional Uses, Development Order Amendments (DOA), Unique Structures and Type II Waivers to the new Chapter C, Public Hearing Processes.
2. Reduce redundancy by consolidating Standards for Rezoning, Conditional Uses and DOA

CHAPTER ~~BC~~ PUBLIC HEARING PROCESSES

Section 1 Purpose

The purpose of this Chapter is to establish procedures, review and approval standards for those processes that are subject to Table 2.A.1.B.1, BCC – Legislative and Quasi-Judicial Processes, and Table 2.A.1.C.1, ZC – Quasi-Judicial Processes.

Section 2 Sufficiency Review

A. Sufficiency

If the application is determined to be sufficient by the DRO, it shall be distributed to the applicable County Agencies for review pursuant to the procedures and standards of this Article. [Ord. 2005-041] [Partially relocated from Art. 2.A.1.G.4.a, Sufficiency]

B. Insufficiency

If an application is determined to be insufficient, based on the Reasons for Insufficiencies pursuant to the Zoning Technical Manual, staff shall provide a written notification to the applicant specifying the deficiencies. The notification shall be forwarded to the applicant within ten days of receipt of the application. [Partially relocated from Art. 2.A.1.G.4.b, Insufficiency]

1. No further action shall be taken on the application until the deficiencies are remedied. [Relocated from Art. 2.A.1.G.4.b.1), Related to Insufficiency]

2. If amended and determined to be sufficient, the application shall be processed. [Ord. 2005-041] [Partially relocated from Art. 2.A.1.G.4.b.2), Related to Insufficiency]

3. If the deficiencies are not remedied within 20 days of the by the next Intake day as indicated in the annual Zoning Calendar, the application shall be considered withdrawn. [Ord. 2005-041] [Ord. 2011-016] [Relocated from Art. 2.A.1.G.4.b.3), Related to Insufficiency]

C. Time Extension

The applicant may request for additional time to address the insufficiencies subject to the approval by the Zoning Director. Only one-time extension may be granted, and the application shall be administratively withdrawn if the applicant does not resolve the insufficiencies at the given time.

Section 3 Review

A. Review

The application shall meet all minimum Code requirements and standards pursuant to this Code and other applicable standards prior to certification by the DRO. During the review, the DRO with the advice of the Agencies shall prepare a list of certification issues and comments and make it available to the applicant and the public. An applicant shall follow the dates specified on the annual Zoning Calendar to satisfy any outstanding certification issues. [Partially relocated from Art. 2.A.1.I.2, Certification]

B. Certification

Certified applications shall be scheduled for the first hearing, or a subsequent hearing in accordance with the annual Zoning Calendar or as is mutually agreed upon by the applicant and the DRO. [Partially relocated from Art. 2.A.1.I.2, Certification]

C. Non-certification

If the application is not certified, the DRO shall prepare a list of outstanding certification issues and comments and shall be made available to the applicant. [Ord. 2008-003] [Partially relocated from Art. 2A.1.I.3, Non-certification]

1. Resubmittal Requirements

The applicant shall provide a written response addressing all outstanding certification issues and comments. The revised documents shall be re-submitted to the DRO for review and comment on the date as established on the Annual Zoning Calendar. The applicant shall request to be placed on the DRO Agenda pursuant to the annual Zoning Calendar. [Ord. 2005-041] [Ord. 2008-003] [Relocated from Art. 2.A.1.I.3.a, Resubmittal Requirements]

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EXHIBIT B

**ARTICLE 2, DEVELOPMENT REVIEW PROCEDURES APPLICATION PROCESSES AND PROCEDURES
(CHAPTER C)
(Updated 6/09/17)**

D. Application Modification After Certification

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

Reason for amendments: [Zoning]
1. Under the current provisions, it is not clear how far courtesy notices have to be extended when adjacent properties within the mailing boundary are owned by the applicant or a related entity. In some cases, a very large parcel owned by the same applicant or related entity are adjacent to a site required to provide notifications. If the current regulations are applied, the first properties being notified may be thousands of feet away from the site subject to a Zoning process in which case the courtesy notice is not relevant. This amendment establishes a maximum of 1,000 feet to determine the mailing boundary if the adjacent property is larger than 1,000 feet and owned by the same owner of the application. The 1,000 feet is used for consistency with its applicability to the extended courtesy area in the Rural and Exurban Tiers.
2. Expand the mailing boundary of 1,000 feet for regular mail to properties in the Glades Tier. This Tier has larger lot size than the Rural and Exurban Tiers where the regulation currently applies.
3. Clarify that the Public meetings for the Type 1B Variance are required to send out Courtesy Notices to the adjacent neighbors.

Section 4 Notification

A. Applicability

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

Table 2.C.4 – Notification Applicability

Process	Newspaper Publication	Courtesy Notice	Signs
Development Order Abandonment (ABN) (1)	Yes	N/A	N/A
Corrective Resolution	Yes	N/A	N/A
Type 1B Variance	N/A (2)	Yes	Yes
Type II Variance	Yes	Yes	Yes
Other Public Hearing (Rezoning, CA, CB, DOA, Unique Structure, Waiver)	Yes	Yes	Yes
Administrative Inquiry (3)	N/A	Yes	N/A
Redevelopment of Mobile Home Parks	N/A	N/A	Yes (4)

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

Notes:

- Applies to Administrative and Public Hearing Abandonments, excluding: Development Orders advertised and abandoned simultaneously as part of a subsequent Development Order; and, Development Orders advertised and reviewed for revocation pursuant to Art. 2.E, Monitoring.*
- Notification shall be required in compliance with F.S. 286.011.*
- Only applicable to an inquiry related to a specific development or parcel and not for general direction on a topic. [Ord. 2017-002]*
- In addition to any applicable signs required for the Public Hearing processes applications for the redevelopment of occupied mobile home parks shall be subject to additional sign requirements.*

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

B. Newspaper Publication

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

C. Courtesy Notice

1. Applicability and Mailing Boundary

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

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EXHIBIT B

ARTICLE 2, DEVELOPMENT REVIEW PROCEDURES APPLICATION PROCESSES AND PROCEDURES
(CHAPTER C)
(Updated 6/09/17)

1

Table 2.C.4.C – Courtesy Notice Requirements

Process	Recipients and Boundaries			
	Certified Mail 0 to 300 feet (1)(5)	Regular Mail 301 to 500 feet (1)(5)(7)	Regular Mail 0 to 500 feet	Regular Mail within One Mile (1)
Type 1 Variance	All owners of real property (2), condominium associations (3) and POAs, HOAs or equivalent.	NA	N/A	Counties and Municipalities (4)
Type 2 Variance		NA	N/A	
Other Public Hearing (Rezoning, CA, CB, DOA, Unique Structure, Waiver)		All owners of real property (2), condominium associations (3) and POAs, HOAs or equivalent.	N/A	
Administrative Inquiry (Site Specific) (6)	N/A	N/A	All owners of real property (2)	N/A
[Ord. 2011-016] [Ord. 2012-003] [Ord. 2015-031] [Ord. 2016-016] [Ord. 2017-002] [Ord. 2017-007]				
Notes:				
<ol style="list-style-type: none"> Distance shall be measured from the property line of the affected area, unless stated otherwise. If the adjacent property within the mailing boundary is owned by the applicant or a related entity, the 300 or 500 foot notification boundary shall be extended from these parcels. A larger notification boundary of 1,000 feet is required for properties located in the Exurban or Rural Tiers. [Ord. 2012-003] Includes all owners of real property, whose names and addresses are known by reference to the latest published ad valorem tax records of the PBC Property Appraiser. Includes condominium associations and all real property owners when real property consists of a condominium. Shall also include municipalities that have the subject parcel identified within the PBC Future Annexation Map The applicant shall provide the list of all Condominium Associations, POAs, HOAs or equivalent within the boundaries. [Ord. 2016-016] Shall be mailed a minimum of ten days prior to the date of the AI by the applicant submitting the inquiry. A larger notification boundary <u>from 301 to</u> 1,000 feet is required for properties located in the <u>Glades, Exurban or Rural Tiers.</u> [Relocated from note #1, above.] 				

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

2. Notice Content

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

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

3. Failure to Receive Courtesy Notice

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

D. Signs

- 1. The applicant shall post signs regarding the public hearing or the public meeting on the property subject to the application. The signs shall be prepared by the applicant using information provided by the Zoning Division, consistent with the requirements of the Zoning Technical Manual. Signs must be posted at least 15 days in advance of any public hearing. One sign shall be posted for each 250 feet of frontage along a street up to a maximum of ten signs. All signs shall be: **[Ord. 2010-022]** **[Ord. 2011-016]** **[Ord. 2012-003]** **[Ord. 2016-016]** **[Relocated from Art. 2.A.1.J.4.a, Related to Signs]**
 - a. Evenly spaced along the street when more than one sign per property is required; **[Ord. 2011-016]** **[Ord. 2012-003]** **[Relocated from Art. 2.A.1.J.4.a.1), Related to Signs]**
 - b. Setback no more than 25 feet from the property line; and, **[Ord. 2011-016]** **[Relocated from Art. 2.A.1.J.4.a.2), Related to Signs]**
 - c. Erected in full view of the public. **[Ord. 2011-016]** **[Relocated from Art. 2.A.1.J.4.a.3), Related to Signs]**

Where the property does not have sufficient frontage on a street, signs shall be in a location acceptable to the Zoning Director. The applicant shall submit photographs confirming the signs have been posted. The failure of any such posted notice to remain in place after it has been posted shall not be deemed a failure to comply with Art. 2.A.1.J, Notification or

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EXHIBIT B

ARTICLE 2, DEVELOPMENT REVIEW PROCEDURES APPLICATION PROCESSES AND PROCEDURES (CHAPTER C) (Updated 6/09/17)

be grounds to challenge the validity of any decision made by the approving authority. The applicant shall also be required to ensure the signs have been removed no later than five days after the final hearing. [Ord. 2010-022] [Ord. 2011-016] [Ord. 2015-031] [Relocated from Art. 2.A.1.J.4.a.3), Related to Signs]

2. Exceptions

Signs posted by a public agency or the BCC may be posted on the nearest street or at major intersections leading to and within the subject property. [Relocated from Art. 2.A.1.J.4.b, Exceptions]

3. Additional Sign Notification Requirements for Redevelopment of Mobile Home Parks

The purpose of this Section is to provide additional notice to a prospective purchaser of a mobile home in a mobile home park that has either applied for or received an approval to redevelop the property, potentially to another use. Should a person decide to purchase any mobile home in this park, he or she may be required to bear the cost of removing the mobile home to another suitable location. An application for a DO that will result in the redevelopment of an existing occupied mobile home park, shall be subject to the following additional notification requirements:

a1) Standards for Notification

In addition to the sign requirements above, the following additional requirements shall apply:

- a) The applicant shall post signs within 30 days of an application being deemed sufficient.
b) Signs shall be prepared by the applicant using information provided by the Zoning Division, consistent with the requirements of the Zoning Technical Manual, and at a minimum shall be posted in English, Creole and Spanish, to include the following specific text: "This mobile home park has applied for or has received an approval to redevelop the property, potentially to another use. Should you decide to purchase any mobile home in this park, you may be required to bear the cost of removing the mobile home to another suitable location".
c) One sign shall be posted for each 250 feet of frontage, evenly spaced, along a street up to a maximum of 5 signs, and where applicable at the entrance to any park management offices and recreational facilities.
d) Signs shall remain posted until such time as the application is approved, denied or withdrawn.

2) Standards Applicable to Redevelopment Approvals

Upon approval, the above public information signs shall be updated and reposted in accordance with the following:

- a) The signs shall be posted within 30 days of a zoning application approval, in accordance with the information above, including number, spacing, location and language, to include the following text: "This mobile home park has been approved for (specific use). Should you decide to purchase any mobile home in this park, you may be required to bear the cost of removing the mobile home to another suitable location".
b) The signs shall be maintained until such time as all mobile home units within the affected development area have been removed from the park, or the approval is abandoned.

3) Compliance with Notice Requirement

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

- a) To the Zoning Division, for signs required under 1 above; and,
b) To the Monitoring and Compliance Section of the Planning Division, for signs required under 2 above.

E. Postponements

All applications postponed for three or more consecutive hearings shall require the applicant to provide new notification pursuant to Art. 2.C.4, Notification. [Ord. 2010-022] [Ord. 2011-016] [Relocated from Art. 2.A.1.J.5, Postponement]

Table with 2 columns: Reason for amendments, [Zoning]. Row 1: Assign a new title and split the two categories of approval processes--Public Hearing to be under the new Chapter C and Administrative under Chapter D. Row 2: For the Public Hearing process, clarify that the number of hearings should apply to all applications that are subject to quasi-judicial processes, with exceptions for those that are County-initiated Rezoning applications for properties that are 10 acres or more.

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EXHIBIT B

ARTICLE 2, DEVELOPMENT REVIEW PROCEDURES APPLICATION PROCESSES AND PROCEDURES (CHAPTER C) (Updated 6/09/17)

Section 5 Public Hearing Procedures

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

A. Scheduling

Once an application has been certified by the DRO, the responsible PBC official shall schedule a public hearing in accordance with the dates established in the annual Zoning Calendar. [Relocated from Art. 2.A.1.K.1, Scheduling]

1. Number of Hearings

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

2. Exception for Official Zoning Map Amendment

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

B. Staff Report and Recommendation

1. Report

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

C. Board Action

1. Action by ZC

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

a. Scheduling

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

b. Rezoning, Class A Conditional Use, DOA, Type 2 Waivers

The ZC shall consider the application, staff report, relevant support materials, DRO certification and public testimony given at the hearing. After close of the public hearing, the ZC shall recommend to the BCC that the application be approved, approved with conditions, modified, continued, postponed or denied based upon: the standards in Art. 2.C.6.A.2, Standards for Official Zoning Map Amendment, and Article 2.C.6.B.2, Standards for Conditional Uses and Development Order Amendments; or, the standards in Article 2.C.6.D.3, Standards for Type 2 Waivers. [Ord. 2008-003] [Ord. 2011-016] [Ord. 2012-027] [Ord. 2017-007] [Relocated from Art. 2.A.1.K.3.a.2), Rezoning, Class A Conditional Use, DOA, Type II Waiver]

c. Class B Conditional Use, DOA, Type 2 Variance and ABN

The ZC shall consider the application, staff report, relevant support materials, DRO certification, public testimony, and public testimony given at the hearing. After close of the public hearing, the ZC shall by not less than a majority of a quorum present approve, approve with conditions, modify, postpone, or deny the application. The actions shall be based upon Art. 2.C.6.B Standards for Class B Conditional Uses and Art. 2.C.6.D Standards for Type 2 Variances, and any standards specifically applicable to the use as required in Art. 4.B, Use Classification, thereby adopting a resolution approving, approving with conditions, or denying the proposed request. The resolution shall be filed with the Zoning Division, Clerk of the Circuit Court. [Ord. 2006-036] [Ord. 2008-003] [Partially relocated from Art. 2.A.1.K.3.a.3), Class B Conditional Use, DOA, and Type II Variance]

2. Action by BCC

a. Scheduling

After the review and recommendation of the ZC, the application shall be considered at the next available regularly scheduled public hearing by the BCC, or such time as is mutually agreed upon between the applicant and the Zoning Director. The scheduling of the

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application for public hearing shall ensure the public notice requirements are satisfied. [Relocated from Art. 2.A.1.K.3.b.1), Action by BCC]

b. Public Hearing(s)

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

c. Decision

At the conclusion of the final public hearing, the BCC shall approve, approve with conditions, modify, postpone, withdraw, or deny the proposed DO based upon: the standards in Article 2.C.6.A.2, Standards for Official Zoning map Amendment, and Article 2.C.6.B.2, Standards for Conditional Uses, and DOA; or, the standards in Article 2.C.6.D.3, Standards for Type 2 Waivers, thereby adopting a resolution approving, approving with conditions, or denying a proposed request by not less than a majority of a quorum present. The resolution shall be filed with the Clerk of the Circuit Court. [Ord. 2008-003] [Ord. 2012-027] [Ord. 2017-007] [Relocated from Art. 2.A.1.K.3.b.3), Decision, page 20]

3. Remand by the ZC or BCC

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

4. Action by the Hearing Officer

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

Table with 2 rows and 1 column. Row 1: Reason for amendments: [Zoning]. Row 2: 1. Proposed to change the order of hearing proceedings, which requires the applicant to make the presentation to the Decision Making Bodies first and follow by staff presentation. This change will not follow the Robert's Rules of Orders. Row 3: 2. Add Postponement by right to reflect current practice. An applicant may request postponement of an application hearing if the request is made five days prior to the scheduled hearing.

D. Conduct of Hearing

1. Oath or Affirmation

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

2. Rights of All Persons

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

3. Order of Proceedings

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

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

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

c. Public testimony shall be heard. [Relocated from Art. 2.A.1.K.4.c.3), Related to Order of Proceedings]

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- d. The PBC official responsible for reviewing the application may respond to any statement made by the applicant or any public comment. [Relocated from Art. 2.A.1.K.4.c.4), Related to Order of Proceedings]
e. The applicant may respond to any testimony or evidence presented by the PBC staff or public at the discretion of the Chair. [Relocated from Art. 2.A.1.K.4.c.5), Related to Order of Proceedings]
f. The governing body may direct questions to staff and the applicant specific to the request. [Relocated from Art. 2.A.1.K.4.c.6), Related to Order of Proceedings]
g. The governing body shall discuss the facts of the petition and make a recommendation. [Relocated from Art. 2.A.1.K.4.c.1), Related to Order of Proceedings]

E. Continuance or Postponement

1. BCC and ZC

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

2. Postponement by Right

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

F. Other Procedures

Other procedures, which includes: Withdrawal; Denial of Application; Suspension of Applications; Violation of Condition of DO; Misrepresentation; Appeal; and, Outstanding Liens or Fines are referenced in Art. 2.A.8, Withdrawal, Denial or Suspension of Applications; Art. 2.A.10, Misrepresentation; Art. 2.A.11, Appeal; and Art. 2.A.12, Outstanding Liens or Fines.

Table with 2 rows and 1 column. Row 1: Reason for amendments: [Zoning]. Row 2: 1. Clarify that Standard under Rezoning includes standard Zoning district, with or without a Conditional Overlay Zone (COZ allows conditions of approval to be imposed), PDD and TDD.) Amend current text for Rezoning to reduce redundancy. Row 3: 2. Add additional standard for rezoning to a PDD or TDD since these types of applications are subject submittal of plans showing the proposed layout of the buildings, parking, and landscaping.

Section 6 Types of Applications

Section 1A Official Zoning Map Amendment (Rezoning)

A1. Purpose

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

B2. Standards

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

4a. Consistency with the Plan

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

2b. Consistency with the Code

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

1) Rezoning to a PDD or TDD

The proposed use or amendment complies with all applicable standards and provisions of this Code for property development regulations, use regulations, and general

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development characteristics The design layout of the proposed use(s) minimizes adverse effects, including any negative impacts of the proposed use on adjacent lands.

3c. Compatibility with Surrounding Uses

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

4d. Effect on the Natural Environment

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

~~5. Development Patterns~~

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

6e. Adequate Public Facilities

The proposed amendment complies with Art. 2.F, Concurrency and will result in an orderly and timely development pattern. [Ord. 2007-001]

7f. Changed ~~Conditions or~~ Circumstances

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

~~G3. Effect of a Map Amendment~~

1a. General

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

2b. Time Limitations

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

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

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

E5. Rezoning of Mobile Home Parks

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

Reason for amendments: [Zoning]

- 1. Split Conditional Use and DOAs from Unique Structures and Type 2 Waivers since they do not share the same Standards for evaluating the DO request.

~~Section 2 B Class A Conditional Uses and Class B Conditional Use, Development Order Amendments, Unique Structures and Type II Waivers~~

~~A1. Purpose~~

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

~~B2. Standards for Conditional Uses and Development Order Amendments~~

~~When considering a Development Order DO application for a Conditional Use, the BCC and or ZC shall consider the applicable S standards 4—8 a. through g. indicated below. A Conditional Use or Development Order Amendment which fails to meet any of these Standards shall be deemed adverse to the public interest and shall not be approved. [Ord. 2007-001] [Ord. 2011-016] [Ord. 2012-003] [Ord. 2017-007]~~

1a. Consistency with the Plan

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

2b. Consistency with the Code

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The proposed use or amendment complies with all applicable standards and provisions of this Code for ~~use, layout, function,~~ property development regulations and general development characteristics. The proposed use also complies with all applicable portions of Article 4.B, Use Classification Regulations. The design layout of the proposed use(s) minimizes adverse effects, including any negative impacts of the proposed use on adjacent lands. [Ord. 2007-001]

3c. Compatibility with Surrounding Uses

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

4. ~~Design Minimizes Adverse Impact~~

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

5d. Design Minimizes Environmental Impact

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

6. Development Patterns

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

7e. Adequate Public Facilities

The extent to which the proposed use complies with Art. 2.F, Concurrency , and will result in an orderly and timely development. [Ord. 2007-001]

8f. Changed ~~Conditions or~~ Circumstances

There are demonstrated changed ~~conditions or~~ circumstances , provided by the applicant's Justification Statement that necessitate a modification. [Ord. 2007-001]

C. ~~Standards for Unique Structure~~

~~In order to be considered a Unique Structure, the BCC and ZC shall consider and find that all five standards listed below have been satisfied by the applicant prior to making a motion or decision for approval of a Unique Structure. A request for a unique structure which fails to meet any of these standards shall be doomed adverse to the public interest and shall not be approved.~~ [Ord. 2009-040] [Partially relocated to Art. 2.C.6.E, Standards for Unique Structure]

1. ~~Consistency with the Plan~~

~~The proposed architectural composition is consistent with the purposes, goals, objectives, and policies of the Plan, including standards for building and structural intensities and densities.~~ [Ord. 2009-040] [Relocated to Art. 2.C.6.E.1, Consistency with the Plan]

2. ~~Complies with Other Standards of Code~~

~~The proposed architectural composition complies with all standards imposed on it by all other applicable provisions of this Code for use, layout, function, and general development characteristics.~~ [Ord. 2009-040] [Relocated to Art. 2.C.6.E.2, Complies with Other Standards of Code]

3. ~~Architectural Compatibility~~

~~The proposed architectural composition is consistent with the Architectural Style, (see Technical Manual for examples) and generally consistent with the: scale, proportion, unity, harmony and context of the architecture in the surrounding area.~~ [Ord. 2009-040] [Relocated to Art. 2.C.6.E.3, Architectural Compatibility]

4. ~~Design Minimizes Environmental Impact~~

~~The proposed architectural composition minimizes environmental impacts, including but not limited to water, air, stormwater management, wildlife, vegetation, wetlands, and the natural functioning of the environment.~~ [Ord. 2009-040] [Relocated to Art. 2.C.6.E.4, Design Minimizes Environmental Impact]

5. ~~Circumstances~~

~~Whether and to what extent it can be demonstrated that there are any circumstances that support the designation.~~ [Ord. 2009-040] [Relocated to Art. 2.C.6.E.5, Circumstances]

D. ~~Class A Conditional Use~~

13. Authorized Class A Conditional Uses

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

E. ~~Requested Use~~

~~All prior approvals for a Requested Use shall correspond to a Conditional Use.~~ [Ord. 2017-007] [Relocated to 2.C.6.A.5, Requested Use, below]

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F. ~~Class B Conditional Use~~

14. Authorized Class B Conditional Uses

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

5. Requested Use

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

G. Type II Waivers

1. Purpose

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

2. Applicability

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

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

Table with 1 column and 14 rows listing various waiver types such as GAO Minimum Density Requirements, Urban Redevelopment Area, PDD Frontage, etc.

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

3. Standards

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

a. The Waiver does not create additional conflicts with other requirements of the ULDC, and is consistent with the stated purpose and intent for the Zoning district or Overlay; [Ord. 2010-022] [Ord. 2011-016] [Ord. 2012-027] [Relocated to Art. 2.C.6.D.3.a, related to Standards]

b. The Waiver will not cause a detrimental effect on the overall design and development standards of the project, and will be in harmony with the general site layout and design details of the development; and, [Ord. 2010-022] [Ord. 2012-027] [Relocated to Art. 2.C.6.D.3.b, related to Standards]

c. The alternative design option recommended as part of the Waiver approval, if granted, will not adversely impact adjacent properties. [Ord. 2010-022] [Ord. 2012-027] [Relocated to Art. 2.C.6.D.3.c, related to Standards]

HC. Development Order Amendment (DOA)

1. General Purpose

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

2. Standards for DOA

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When considering a DOA application, the BCC and ZC shall consider the applicable Standards indicated in Table 2.C, Standards to Evaluate a DO.

23. Expedited Application Consideration (EAC)

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

a. Criteria

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

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

b. Procedures

After approval by the County Engineer and the Zoning Director to participate in an EAC process, the application shall be submitted and reviewed pursuant to the applicable development approval procedure, except that:

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

Reason for amendments: [Zoning]
1. Type II is now amended to Type 2 consistent with the general formatting of the ULDC. 2) Reorder the Public Hearing Process in the new Chapter C beginning with Rezoning, Conditional Uses, DOAs, Type 2 Waivers, Unique Structures, Abandonments and Type 2 Variance.

D. Type 2 Waivers

1. Purpose

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

2. Applicability

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

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Table 2.C.6.D - Summary of Type 2 Waivers

Type 2 Waiver Summary List
GAO Minimum Density Requirements
Urban Redevelopment Area
PDD Frontage
PDD Cul-de-sacs
AGR TMD Parking Structure
AGR TMD Block Structure
Commercial Communication Towers [Ord. 2017-007]
Large Scale Commercial Development Location of Front Side and Rear Parking
Art. 8.G.3.B, Electronic Message Signs [Ord. 2016-020]
Art. 7.F.3.E, Chain Link Fences [Ord. 2016-016]
[Ord. 2012-027] [Ord. 2016-016] [Ord. 2016-020] [Ord. 2017-007]

[Relocated from Table 2.B.2.G – Summary of Type II Waivers, above]

3. Standards for a Type 2 Waiver

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

[Relocated from Art. 2.B.2.G.3, Standards, above]

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

E. Standards for Unique Structure

When considering a Development Order application for a Unique Structure, the BCC and ZC shall consider the standards indicated below. A request for a Unique Structure which fails to meet any of these standards shall be deemed adverse to the public interest and shall not be approved. [Ord. 2009-040] [Partially relocated from Art. 2.B.2.C, Standards for Unique Structure, above]

1. Consistency with the Plan

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

2. Complies with Other Standards of Code

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

3. Architectural Compatibility

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

4. Design Minimizes Environmental Impact

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

5. Circumstances

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

~~I. Conditions of Approval~~

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

~~The DRO and ZC may recommend, and the BCC may impose, such conditions in a Development Order for a Class A Conditional Use, Type II Waiver, or Development Order~~

Notes:

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EXHIBIT B

ARTICLE 2, DEVELOPMENT REVIEW PROCEDURES APPLICATION PROCESSES AND PROCEDURES (CHAPTER C) (Updated 6/09/17)

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

~~2. Class B Conditional Use~~

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

~~J. Effect of Issuance of a Development Order~~

~~1. General~~

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

~~2. Site Plan Compliance/Initiation of Use~~

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

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

Reason for amendments: [Zoning]
1. Type II is now amended to Type 2 consistent with the general formatting of the ULDC.
2. Reorder the Public Hearing Process in the new Chapter C beginning with Rezoning, Conditional Uses, DOAs, Type 2 Waivers, Unique Structures, Abandonments and Type 2 Variance.
3. Relocate those specific requirements that the ZC is not authorized to consider as Variances, this Section is currently under Chapter A of Art.2, and should be consolidated under the Type 2 Variance requirements for ease of use for the readers.

~~Section 3 F Type II 2 Variance~~

~~A1. General Purpose~~

~~To allow variances in accordance with Art. 2.B.3.E, Standards, unless stated otherwise. A Variance allows adjustment from certain Code requirements as it applies to land development. Variance requests for density or intensity beyond the stated limits of the Plan shall be prohibited. [Relocated to Prohibition, below] Type II Variances shall be required for the following: [Ord. 2011-001] [Ord. 2012-003]~~

~~2. Prohibition~~

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

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

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

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

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

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

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EXHIBIT B

ARTICLE 2, DEVELOPMENT REVIEW PROCEDURES APPLICATION PROCESSES AND PROCEDURES (CHAPTER C) (Updated 6/09/17)

- 1 *1.G.1.B.6, Lots Reduced by Eminent Domain, Properties Affected by Eminent Domain*
2 *Proceedings; [Ord. 2007-013] [Ord. 2008-003] [Ord. 2010-022] [Ord. 2014-001]*
3 *[Relocated from Art. 2.A.1.D.1.b.5)e), Related to Zoning Commission]*
4 *f. Art. 5.C.1.H.1.f Design Elements Subject to ZC or BCC approval; [Ord. 2011-001]*
5 *[Relocated from Art. 2.A.1.D.1.b.5)f), Related to Zoning Commission]*
6 *g. Art 5.C.1.H.1.g Rural Design Elements; [Ord. 2011-001] [Relocated from Art.*
7 *2.A.1.D.1.b.5)g), Related to Zoning Commission]*
8 *h. Art 5.C.1.I, Large Scale Commercial Development; [Ord. 2011-001] [Relocated from Art.*
9 *2.A.1.D.1.b.5)h), Related to Zoning Commission]*
10 *i. Art. 5.D, Parks and Recreation – Rules and Recreation Standards; [Relocated from Art.*
11 *2.A.1.D.1.b.5)i), Related to Zoning Commission]*
12 *j. Art. 5.F, Legal Documents (excluding provisions in Art. 5.F.2, Easements); [Relocated*
13 *from Art. 2.A.1.D.1.b.5)j), Related to Zoning Commission]*
14 *k. Art. 5.G, Density Bonus Programs; [Relocated from Art. 2.A.1.D.1.b.5)k), Related to*
15 *Zoning Commission]*
16 *l. Art. 8.G.3.B, Electronic Message Signs; [Ord. 2016-020] [Relocated from Art.*
17 *2.A.1.D.1.b.5)l), Related to Zoning Commission]*
18 *m. Art. 13, Impact Fees; [Relocated from Art. 2.A.1.D.1.b.5)m), Related to Zoning*
19 *Commission]*
20 *n. Art. 14, Environmental Standards; [Relocated from Art. 2.A.1.D.1.b.5)n), Related to*
21 *Zoning Commission]*
22 *o. Art. 15, Health Regulations; [Relocated from Art. 2.A.1.D.1.b.5)o), Related to Zoning*
23 *Commission]*
24 *p. Art. 16, Airport Regulations, and.*
25 *p. Art. 2.G, Decision Making Bodies; [Relocated from Art. 2.A.1.D.1.b.5)p), Related to*
26 *Zoning Commission]*
27 **3. Type 2 Variance Applications**
28 Type 2 Variance applications include processing applications that are administered by the
29 Zoning Division, and the Land Development Division. [Ord. 2011-001] [Ord. 2012-003]
30 **a. Zoning Type 2 Variance (ZV)**
31 The ZV shall only apply to the following applications:
32 1. ~~any application requesting variances from the ULDC requirements which are allowed~~
33 ~~under the authority of Article 2.A.1.D.1.b, Zoning Commission; [Ord. 2011-001]~~
34 2. ~~any application~~ requesting five or more variances; [Ord. 2009-040] [Ord. 2011-001]
35 3. ~~any application~~ requesting variances that exceed 15 percent of a required standard or
36 Property Development Regulations for residential lots of three units or less; [Ord.
37 2009-040] [Ord. 2011-001] [Ord. 2012-003]
38 4. ~~any application~~ requesting variances that exceed the standards of Art. 2.D.3.D.2, Non
39 Residential Projects; [Ord. 2012-003] [Ord. 2012-027]
40 5. ~~any airport zoning variance as described in Art. 2.B.3.D.2, Airport Variance; and, [Ord.~~
41 ~~2006-036] [Ord. 2009-040] [Ord. 2012-003] [Ord. 2012-027]~~
42 **B. Application Procedure**
43 **1b. Subdivision Variance**
44 A variance from Article 11, Subdivision, Platting and Required Improvements, shall be
45 submitted to the County Engineer and shall comply with the application procedures and
46 requirements of this Chapter. The County Engineer shall review the application and forward
47 a copy to the applicable agencies for review and comment within 15 days after the
48 application is determined sufficient.
49 **2c. Noise Variance**
50 An application for a noise variance shall be subject to the following criteria in addition to
51 the provisions of Art. 2.B.3.E, Standards: [Ord. 2010-022]
52 ~~a.1)~~ Additional time is necessary to alter the activity to comply with the provisions of Art.
53 5.E.4.B, Noise Limitations and Prohibitions; [Ord. 2010-022]
54 ~~b.2)~~ The activity, operation, or noise source will be of temporary duration which cannot be
55 done in a manner that complies with Art. 5.E.4.B, Noise Limitations and Prohibitions;
56 [Ord. 2010-022]
57 ~~c.3)~~ No reasonable alternative is available. Any variance granted pursuant to this section
58 contains all conditions upon which the variance has been granted, including but not
59 limited to the effective date, time of day, location, sound level, limit or equipment
60 limitation and duration of the variance. [Ord. 2010-022]
61 **3d. Sequence of Submittal**
62 An application for a variance shall comply with the following:

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EXHIBIT B

ARTICLE 2, DEVELOPMENT REVIEW PROCEDURES APPLICATION PROCESSES AND PROCEDURES (CHAPTER C) (Updated 6/09/17)

1 a.1) Approval of a variance shall be obtained prior to master plan, site plan or subdivision
2 plan approval by the DRO, plat recordation, or issuance of a building permit, whichever
3 occurs first.

4 b.2) If an application for a development order is contingent upon approval of a variance,
5 then the variance shall be obtained prior to certification by the DRO.

6 ~~c. Application for a variance from the Airport Zoning regulations shall comply with the
7 review procedures in Article 16, Airport Regulations.~~

8 ~~e.3) A pre-application meeting with staff shall be required prior to application submittal.
9 [Ord. 2008-003]~~

10 ~~Ce.~~ Application Requirements

11 1). Description

12 All properties described in one application must be contiguous. The Zoning Director
13 may require more than one application if the property concerned contains more than
14 40 acres, or the fee paid for one application would not equal the cost of processing
15 multiple applications.

16 ~~Df.~~ Review and Recommendation

17 1). Zoning and Subdivision Variances

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

24 2. ~~Airport Variance~~

25 ~~A variance from Art. 16, Airport Regulations, shall require the applicant to submit a copy of the
26 application by certified mail to the FDOT Aviation Section and DOA. The FDOT and DOA shall
27 have 45 days from receipt of the application to provide comments to the applicant and ZC, after
28 which the right to comment is waived. The ZC may proceed with consideration of an application
29 only upon receipt of FDOT and DOA comments or upon the applicant's filing a copy of a
30 certified mail return receipt showing the 45 days have elapsed, demonstrating FDOT's and
31 DOA's intent to waive the right to comment. [Ord. 2005-002] [Ord. 2006-036]~~

32 ~~a. When reviewing variances from the Art. 16, Airport Regulations, the ZC may approve,
33 approve with conditions, postpone, or deny with or without prejudice a variance for the
34 erection, alteration, or modification of any structure which would cause the structure to
35 exceed the Federal obstruction standards as contained in 14 C.F.R. ss. 77.21, 77.23,
36 77.25, 77.28, and 77.29. The variance may not always be evaluated or granted solely on
37 the basis that the proposed will not exceed Federal obstruction standards. Except as
38 otherwise provided in Chapter 333, Fla. Stat., the standards in Art. 2.B.3.E, Standards,
39 shall be used to evaluate the variance application. [Ord. 2006-036]~~

40 ~~Eg.~~ Standards for Zoning or Subdivision Variance

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

44 1). Special conditions and circumstances exist that are peculiar to the parcel of land,
45 building or structure, that are not applicable to other parcels of land, structures or
46 buildings in the same district;

47 2). Special circumstances and conditions do not result from the actions of the applicant;

48 3). Granting the variance shall not confer upon the applicant any special privilege denied
49 by the Plan and this Code to other parcels of land, buildings, or structures, in the same
50 district;

51 4). Literal interpretation and enforcement of the terms and provisions of this Code would
52 deprive the applicant of rights commonly enjoyed by other parcels of land in the same
53 district, and would work an unnecessary and undue hardship;

54 5). Granting the variance is the minimum variance that will make possible the reasonable
55 use of the parcel of land, building or structure;

56 6). Granting the variance will be consistent with the purposes, goals, objectives, and
57 policies of the Plan and this Code; and

58 7). Granting the variance will not be injurious to the area involved or otherwise detrimental
59 to the public welfare.

60 ~~Fh.~~ Conditions

61 The Zoning Director, or County Engineer, or Airport Director, whichever is appropriate, may
62 recommend, and the ZC may impose, such conditions in a Development Order for a Type
63 II Variance as are necessary to accomplish the goals, objectives and policies of the Plan

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1 and this Code, including limitations on size, bulk, location, requirements for landscaping,
2 buffering, lighting, and provisions of adequate ingress and egress, or exemptions for
3 applications not subject to building permits. Any violation of the Type II Variance or a
4 condition shall be a violation of this Code. [Ord. 2006-036] [Ord. 2012-027]

Q.G. Development Order Abandonment ABN

1. General

7 A DO for a Conditional Use or similar DO granted under Ordinance 1957-003, Ordinance 1973-
8 002, Ord. No. 1992-002 or Ord. No. 2003-067, as amended, may be abandoned according to
9 the procedures in this Section and pursuant Chapter C, Public Hearing Processes. [Ord. 2010-
10 022] [Relocated from Art. 2.A.1.Q.1, General related to Development Order
11 Abandonment]

2. DOs Not Implemented

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

a. Public Hearing Abandonment

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

b. Administrative Abandonment

19 Administratively abandoned upon demonstration to the Zoning Director that the DO was
20 not implemented; or [Relocated from Art. 2.A.1.Q.2.b, Administrative Abandoned]

c. Revocation

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

3. Implemented DOs

25 Certain implemented DOs, pursuant to Art. 2.D, Administrative Process, qualify for
26 administrative abandonment. Other implemented DOs require Public Hearing abandonment by
27 the Board (BCC or ZC) that approved the DO. [Ord. 2009-040] [Ord. 2010-022] [Ord. 2011-
28 001] [Relocated from Art. 2.A.1.Q.3, Implemented Development Orders]

a. Public Hearing Abandonment

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

b. Administrative Abandonment

37 A DO, which was used, implemented or benefited from, may be administratively
38 abandoned by filing an application with the Zoning Director demonstrating that the following
39 criteria are met; [Relocated from Art. 2.A.1.Q.3.a, Administrative Abandonment]

40 1) All conditions of approval have been met; [Relocated from Art. 2.A.1.Q.3.a.1),
41 related to Administrative Abandonment]

42 2) There is no reliance by other parties on additional performance; and, [Relocated from
43 Art. 2.A.1.Q.3.a.2), related to Administrative Abandonment]

44 3) Consent of all property owners has been received. [Relocated from Art.
45 2.A.1.Q.3.a.3), related to Administrative Abandonment]

c. Unpaid Status Fees

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

4. Additional Criteria

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

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

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

59
60
61
62 (This space intentionally left blank)

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ARTICLE 2, DEVELOPMENT REVIEW PROCEDURES APPLICATION PROCESSES AND PROCEDURES (CHAPTER C) (Updated 6/09/17)

Table with 1 row: Reason for amendments: [Zoning] 1. Relocate Conditions of Approval after the description of each Types of Public Hearing Process. Minor amendments of applying acronyms.

Section 7 Conditions of Approval

A. BCC Approved DO or DOA

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

B. ZC Approved DO or DOA

The DRO may recommend, and the ZC may impose, such conditions in a DO or DOA approved by the ZC. [Ord. 2017-007] [Relocated from Art. 2.B.2.I, Conditions of Approval, above]

Table with 1 row: Reason for amendments: [Zoning] 1. Relocate Conditions of Approval after the description of each Types of Public Hearing Process. Minor amendments of applying acronyms.

Section 8 Effect of Issuance of a Development Order

A. General

Issuance of a DO or DOA shall be deemed to authorize only the particular site configuration, layout and level of impacts which were approved pursuant to this Code, unless the approval is abandoned. [Ord. 2011-016] [Ord. 2017-007]

1. Zoning Plan Compliance/Initiation of Use

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

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

GB. Effect of Development Order

1. General

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

2. Time Limitation

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

a. Request for Time Extension

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

b. Exemption for Applications Not Subject to Building Permit

If a Type II Variance is requested that does not require a building permit to implement, then the applicant shall include a written statement with the application requesting a condition

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ARTICLE 2, ~~DEVELOPMENT REVIEW PROCEDURES APPLICATION~~ PROCESSES AND PROCEDURES (CHAPTER C) (Updated 6/09/17)

1 of approval to grant an exemption from time limitation requirements. Granting of the
2 exemption from time limitations shall be subject to ZC approval of a condition of approval
3 specifying that no building permit is necessary to vest the Type II Variance. **[Ord. 2012-**
4 **027]**

5 **3. Conforming**

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

11

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