

# EXHIBIT X

## ARTICLE 2, ~~DEVELOPMENT REVIEW PROCEDURES APPLICATION PROCESSES AND PROCEDURES~~ CHAPTER C, ADMINISTRATIVE PROCESS (Updated 7/3/17)

1  
2 Part 1. ULDC Art. 2.D, Administrative Process (page 37 - 49 of 87), is hereby amended as  
3 follows:  
4

Reason for amendments: [Zoning]
1. Proposed amendments will relocate the public hearing procedures to the new Chapter B. The revised Chapter C will be for Administrative processes only.
2. The proposed amendment clarifies the functions of the DRO after the ZC or BCC approved a DO.
3. Consolidate the Zoning Review (1 Agency) under Zoning Agency Review (max. 5 Agencies) as the DRO will determine how many Agencies will review an application based on the requests. This consolidation will not create an impact to the existing review and processing deadlines. The application fees can be adjusted based on the number of Agencies involved.

### 5 CHAPTER ~~D-C~~ ADMINISTRATIVE PROCESSES

#### 6 Section 1 ~~Development Review Officer (DRO) Purpose~~

##### 7 A.—Purpose

8 ~~The purpose of this Section is to~~ To establish procedures and standards for application submittal review  
9 ~~and decision making standards a review process for all developments requiring—~~ for those processes which  
10 ~~includes: finalizing a BCC or ZC approved DO; making decisions on applications that are subject to the~~  
11 ~~Table 2.A.1.C, Administrative Approval Processes; setting limits on the administrative authority of the DRO~~  
12 ~~to modify BCC or ZC approvals; and considering other administrative types of processes that do not issue~~  
13 ~~a DO. certification or approval by the DRO. Certification, approval, approval with conditions or denial of~~  
14 ~~an application shall be based upon comments and recommendations from appropriate PBC departments,~~  
15 ~~PBC divisions, and other local government agencies to the DRO. This Section also establish standards for~~  
16 ~~review, certification, approval or denial for Public Hearing or administrative processes; set limits on the~~  
17 ~~administrative authority of the DRO to modify BCC or ZC approvals; and the appeal process. The DRO~~  
18 shall perform the following functions: [Ord. 2009-040]

#### 19 Section 2 ~~Development Review Officer (DRO)~~

20 The DRO shall perform the following functions:

##### 21 ~~4A. Final Approval of a ZC or BCC's Approved DO Public Hearing Process~~

22 ~~Review and determine certification of applications for BCC or ZC public hearing process.~~ After the  
23 BCC or ZC hearing and approval of ~~the~~ an application, the DRO shall review the approved  
24 ~~development order DO~~ for consistency with the BCC or ZC approved plan and conditions of  
25 approval, as applicable, under the Final DRO approval process; ~~and~~, [Ord. 2009-040]

##### 26 1. ~~Finalize the Preliminary Plans~~

27 ~~The DRO shall finalize the Preliminary Plans that were approved by the BCC or ZC, and render~~  
28 ~~these plans as Final Plans.~~

##### 29 a. ~~Final Approved Plans~~

30 ~~All Plans shall be finalized by the DRO prior to the application of a building permit;~~  
31 ~~commencement of any related land development activities; utilization of any use or~~  
32 ~~approval granted by the BCC or ZC; or utilization of any use requiring a DRO approval,~~  
33 ~~unless stated otherwise herein.~~

##### 34 1) ~~DRO Expedited Process (DROE)~~

35 ~~Applicants may be allowed to submit for the Final Approval process by the DRO after~~  
36 ~~the ZC hearings, provided the application was placed on consent of the Hearing~~  
37 ~~Agenda; there was no opposition from the public; no issues raised by the ZC; and the~~  
38 ~~applicant accepts all the conditions of approval.~~

##### 39 2) ~~Concurrent Review~~

40 ~~An applicant may apply for a Type 2 or 3 Concurrent Review to the Zoning Division.~~

##### 41 a) ~~Type 2 Concurrent Review~~

42 ~~The applicant may submit an application to the Zoning Division for Final Approval~~  
43 ~~and to the Land Development Division for Plat Review; or to the Building Division~~  
44 ~~for Permit Review.~~

##### 45 b) ~~Type 3 Concurrent Review~~

46 ~~The applicant may submit an application to the Zoning Division for Final Approval;~~  
47 ~~the Land Development Division for Plat Review; and to the Building Division for~~  
48 ~~Permit Review.~~

#### Notes:

- Underlined indicates new text.
- ~~Stricken~~ indicates text to be ~~deleted~~. If being relocated, or partially relocated, destination is noted in bolded brackets [Relocated to: ] or [Partially relocated to: ].
- *Italicized* indicates relocated text. Source is noted in bolded brackets [Relocated from: ].
- .... A series of four bolded ellipses indicates language omitted to save space.

# EXHIBIT X

## ARTICLE 2, ~~DEVELOPMENT REVIEW PROCEDURES APPLICATION PROCESSES AND PROCEDURES~~ CHAPTER C, ADMINISTRATIVE PROCESS (Updated 7/3/17)

### ~~2B. Administrative Processes~~

~~Review and approval of applications for uses that have a "D" in the use matrices in Art. 4, Use Regulations or Table 4.A, Development Thresholds, pursuant to the following processes: The DRO shall make a final decision on a permanent or a temporary use pursuant to Table 2.C.2.B, DRO - Administrative Processes. Based on the level of complexity of the request(s), the review and the decision making process shall be assigned to either: [Ord. 2009-040] [Ord. 2017-007]~~

#### ~~1. Full DRO (DRO)~~

~~Review by all County Agencies; or~~

#### ~~2. Agency Review (ZAR)~~

~~Review by one to a maximum of five Agencies.~~

**Table 2.C.2.B, DRO - Administrative Processes**

<u>Requests</u>	<u>Processes</u>	
	<u>Full DRO</u>	<u>ZAR</u>
<u>A Use pursuant to Table 2.A.1.C.3, DRO - Administrative Processes; Table 4.A.9.A, Thresholds to Projects Requiring DRO Approval; and Art. 3.B, Overlays</u>	√	
<u>Adding a new use or replacement of a use that is subject to Administrative Approval (1)</u>	√	
<u>Adding a new use or replacement of a use that is subject to Administrative Approval on an approved Zoning Plan (site or subdivision) Specified in 4.B, Use Regulations as a DRO Approval</u>	√	√
<u>Administrative Modifications to Prior DO</u>	√	√
<u>Subdivision Plan pursuant to Art. 11, Subdivision, Platting and Required Improvements (2)</u>		
<u>Type 1 Waiver</u>	√	
<u>Type 1 Variance</u>		√
<u>Temporary Use pursuant to Art. 4.B.11, Temporary Uses</u>		√
<u>Reasonable Accommodation pursuant to Art. 5.L, Reasonable Accommodation</u>		√
<u>Zoning Confirmation Letter (Formal) (3)</u>		√
<u>Zoning Confirmation Letter (Basic) (3)</u>		√
<u>Release of Unity of Title (3)</u>		√
<b>Notes</b>		
(1)	There is no prior approved Zoning (Site or Subdivision) Plan.	
(2)	Could be reviewed and approved concurrent with a Final Master Plan that was approved by the BCC.	
(3)	This type of request will not issue a DO for the subject property.	

### ~~B. Application Types~~

- ~~1. The following types of development shall require approval of a master plan, site plan, subdivision plan, regulating plan and other types of plans listed in Art. 2.A.1.G.3, Plan Requirements by the DRO prior to the issuance of a building permit, commencement of any related land development activity, utilization of any use or approval granted by the BCC or ZC, or utilization of any use requiring approval by the DRO: [Ord. 2009-040]~~
  - ~~a. Conditional Use; [Ord. 2017-007]~~
  - ~~b. All development in a PDD or TDD;~~
  - ~~c. All development within the IR Zoning district, or projects electing to utilize the provisions of the IRO; [Ord. 2010-005]~~
  - ~~d. All proposed Development Orders within the UC or UI districts, excluding any improvements permitted under Art. 1.E, Prior Approvals or Art. 1.F, Non-conformities; [Ord. 2010-022] [Ord. 2011-016]~~
  - ~~e. "D" uses in the use matrices in to Art. 4, Use Regulations; [Ord. 2017-007]~~
  - ~~f. All new construction that creates, meets or exceeds the thresholds in Table 4.A.9, Development Threshold; [Ord. 2009-040] [Ord. 2017-007]~~
  - ~~g. Amendments or changes to any previously approved special exception, conditional use or other development which required approval of a site plan or subdivision by Ord. No.1957-003, Ord. No.1973-002, or Ord. No.1992-020 as amended;~~
  - ~~h. Any use governed by Art. 1.F.4, Nonconforming Use;~~
  - ~~i. Any amendment to a previously approved site plan; [Ord. 2011-016]~~
  - ~~j. All subdivision of land, unless exempt; and, [Ord. 2011-016]~~
  - ~~k. All requests for Type I Waivers. [Ord. 2011-016]~~
- ~~2. If any of these development types do not require construction of additional square foot, complete implementation of the DRO approval prior to utilization of any of the development types shall occur.~~

**Notes:**

- Underlined indicates **new** text.
- ~~Stricken~~ indicates text to be **deleted**. If being relocated, or partially relocated, destination is noted in bolded brackets [**Relocated to:** ] or [**Partially relocated to:** ].
- *Italicized* indicates relocated text. Source is noted in bolded brackets [**Relocated from:** ].
- .... A series of four bolded ellipses indicates language omitted to save space.

# EXHIBIT X

## ARTICLE 2, DEVELOPMENT REVIEW PROCEDURES APPLICATION PROCESSES AND PROCEDURES CHAPTER C, ADMINISTRATIVE PROCESS (Updated 7/3/17)

Reason for amendments: [Zoning]
1. The current Chapter D included the public hearing processes that should be located under the new Chapter C. The proposed amendment clarifies the functions of the DRO after the ZC or BCC approved a DO (Final Approval) or an application that is subject to DRO approval (Approval). The review procedures should be similar.
2. Also describes the re-submittal procedures when the applicant fails to address certification issues.

### Section 3C. Sufficiency Review Procedures

#### 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.

#### 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.

1. No further action shall be taken on the application until the deficiencies are remedied.

2. If amended and determined to be sufficient, the application shall be processed.

3. If the deficiencies are not remedied by the next Intake day as indicated in the annual Zoning Calendar, the application shall be considered withdrawn.

#### C. Time Extension

The applicant may request for additional time to address the insufficiencies subject to the approval by the Zoning Director.

### Section 4 Certification and Final Decision

#### 1A. Staff Review

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

##### ~~a. Expedited DRO Applications (EDA – Signature Only)~~

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

##### ~~2. Application Requirements~~

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

~~Staff shall have ten days from the date when an application is deemed sufficient to review the application. The DRO shall prepare a list of certification issues and comments and make it available to the applicant. The application shall meet all minimum Code requirements and standards pursuant to this Code and other applicable standards prior to a final decision by the DRO.~~

#### 3B. Action by the DRO Approval

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

#### C. Not-Approved

~~If the application is not approved, the DRO shall prepare a list of outstanding certification issues and comments within seven days from the date that the application is resubmitted, and shall be made available to the applicant.~~

##### 41. Re-submittal Requirements

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

#### Notes:

- Underlined indicates **new** text.
- ~~Stricken~~ indicates text to be **deleted**. If being relocated, or partially relocated, destination is noted in bolded brackets [**Relocated to:** ] or [**Partially relocated to:** ].
- *Italicized* indicates relocated text. Source is noted in bolded brackets [**Relocated from:** ].
- .... A series of four bolded ellipses indicates language omitted to save space.

# EXHIBIT X

## ARTICLE 2, ~~DEVELOPMENT REVIEW PROCEDURES APPLICATION PROCESSES AND PROCEDURES~~ CHAPTER C, ADMINISTRATIVE PROCESS (Updated 7/3/17)

<b>Reason for amendments:</b> [Zoning]
1. Reduce redundancy of what is already specified under the revised Chapter A, General, e.g. DO runs with the subject property/land.

### ~~Section 4 D.~~ Effect of an Administrative ~~Development Order~~ DO Approval by the DRO

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

- ~~4A.~~ Any permitted uses may occur in conjunction with or in place of the approval use;
- ~~2.~~ ~~A development order for a site plan or a subdivision plan shall apply to only the land legally described in the application submitted to, and found sufficient by, the DRO and shall run with the land for the life of the development order;~~
- ~~3B.~~ A ~~development order for a site plan or subdivision plan~~ DO approved approval by the DRO shall authorize only the particular site configuration, layout, design, level of impacts, and intensity/density which were approved by the DRO pursuant to the standards of this Code; and
- ~~4C.~~ A ~~DO development order for a site plan or subdivision~~ may only be amended pursuant to the procedures and standards in this ~~Section-Article~~.

<b>Reason for amendments:</b> [Zoning]
1. Clarify Administrative Approval is based on evaluation of Standards, similar to the Public Hearing evaluation procedures. Add two new standards: Consistency with Code and Adequate Public facilities to the existing Standards, these are the two important standards that are currently missing in this Chapter.
2. Add Standards for evaluation of Temporary Uses.

### ~~Section 5E.~~ Standards for Administrative Approval

~~Prior to approval by the DRO, a site plan or subdivision plan shall comply with the following standards: When considering a DO for a new use or modifications of a use listed as "D" in the Use Matrices of Art. 4, Use Regulations; Art. 3.B, Overlays; or Table 4.A.9.A, Thresholds for Projects Requiring DRO Approval, the DRO shall consider the following Standards A through C to evaluate a DO ; Standards A, B1 and C for an Administrative Modification to a DO; and Standards A, B.2 and C for Temporary Uses.~~

#### ~~1A.~~ Consistency with the Plan

~~Shall be consistent with the purposes, goals, objectives, and policies in the Plan. The request is consistent with the Comprehensive Plan.~~

#### ~~2.~~ Consistency with Neighborhood Plans

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

#### ~~3.~~ Other Relevant Codes

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

#### B. Consistency with the Code

The request complies with all applicable standards and provisions of this Code for use, layout, function, and general development characteristics. The request also complies with all applicable portions of Art. 4.B, Use Classification.

#### C. Adequate Public Facilities

The proposed amendment complies with Art. 2.F, Concurrency.

<b>Reason for amendments:</b> [Zoning]
1. Remove the public hearing portion of the Code and relocate to Chapter C.
2. Eliminate the specification of what DRO can impose Conditions on. The Condition Limitation in Section 5.A already provides clarification of when DRO cannot impose conditions.
3. Reduce redundancy of what is being included under Chapter A, General, e.g. all DO run with the land.

### ~~Section 6 F.~~ Conditions

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

The DRO shall have the authority to ~~recommend conditions of approval for Public Hearing development orders requiring BCC or ZC approval and~~ impose conditions of approval for ~~administrative development orders.~~ Conditions of approval may be recommended or imposed to: DO that are necessary to accomplish the purposes of the Plan and this Code to prevent or minimize adverse effects upon the public, the

#### Notes:

- Underlined indicates new text.
- ~~Stricken~~ indicates text to be ~~deleted~~. If being relocated, or partially relocated, destination is noted in bolded brackets [**Relocated to:** ] or [**Partially relocated to:** ].
- *Italicized* indicates relocated text. Source is noted in bolded brackets [**Relocated from:** ].
- .... A series of four bolded ellipses indicates language omitted to save space.

# EXHIBIT X

## ARTICLE 2, DEVELOPMENT REVIEW PROCEDURES APPLICATION PROCESSES AND PROCEDURES CHAPTER C, ADMINISTRATIVE PROCESS (Updated 7/3/17)

1 environment and neighborhoods; and to ensure compatibility, including, but not limited to, limitations on  
2 function, size, bulk, location of improvements and buildings, standards for landscaping, buffering, lighting,  
3 adequate ingress and egress, conveyance of property, on-site or off-site improvements, duration and hours  
4 of operation. Conditions shall be included if conventional standards are inadequate to protect the public  
5 interest and surrounding land uses or if additional improvements are needed to facilitate a transition  
6 between different uses. Any Code provision which is expressly restated as a condition of approval, shall  
7 not be eligible for a variance unless otherwise specified in the condition. Fixed time periods may be set for  
8 compliance with conditions and shall be governed by Art. 2.E, Monitoring. [Ord. 2009-040]

9 ~~a.—Ensure compliance with Code requirements; [Ord. 2009-040]~~

10 ~~b.—Ensure compatibility of the proposed development or use with surrounding land uses;~~  
11 ~~address the location of uses on the site to minimize potential adverse off-site impacts, and~~  
12 ~~ensure on-site safety; [Ord. 2009-040]~~

13 ~~c.—Require the execution of a unity of title, unity of control, shared parking and other legal~~  
14 ~~documentation necessary to satisfy requirements of this Code; [Ord. 2009-040]~~

15 ~~d.—Require road construction necessary to mitigate project impacts including but not limited~~  
16 ~~to drainage, turn lanes, sidewalks, and signalization; [Ord. 2009-040]~~

17 ~~e.—Reduce negative impacts from agricultural uses in the urban services area on surrounding~~  
18 ~~properties including but not limited to: controlling objectionable odors, fencing, sound~~  
19 ~~limitations; inspections, reporting or monitoring preservation areas, mitigation, and/or limits~~  
20 ~~of operation; and [Ord. 2009-040]~~

21 ~~f.—Allow specific requirements of the Code to be waived, provided the proposed development~~  
22 ~~meets the specific requirements for a Type I Waiver. [Ord. 2009-040] [Ord. 2012-027]~~

### 2A. Condition Limitations

24 ~~a.1.~~ Conditions imposed by the DRO shall be reasonable, not be contrary to law, limited to on-  
25 site improvements, except for off-site road improvements or conveyances specifically  
26 attributable to the project's impact.

27 ~~b.2.~~ Conditions shall not amend BCC, ZC ~~or variance~~ imposed conditions or affect previously  
28 approved conditions.

29 ~~c.3.~~ For modifications or additions to previously approved ~~DO development orders~~, conditions  
30 shall only be imposed to address the specific impacts of the new use or development.

31 ~~d.4.~~ Conditions shall not restrict land uses otherwise permitted by the Code, unless necessary  
32 for parking or concurrency purposes, or require payment of any fees not otherwise  
33 required.  
34

Reason for amendments: [Zoning]
1. Remove the public hearing portion of the Code and relocate to Chapter C.
2. For multiple modifications, an applicant must go through the Full DRO process even though part of the requests may be subject to the Zoning Agency Review.
3. Eliminate the specification of what DRO can impose Conditions on. The Condition Limitation in Section 5.A already provides clarification of when DRO cannot impose conditions.
4. Reduce redundancy of what is being included under Chapter A, General, e.g. all DO run with the land.

### Section 7 G. Administrative Modifications to Prior Development Orders DO

36 ~~The DRO may approve amendments to Preliminary Plans approved by the BCC/ZC, and approve Final~~  
37 ~~Plans, in accordance with the following procedures. To establish review criteria for the evaluation of~~  
38 ~~Administrative Modifications to those DO that were approved by the BCC, ZC or an Administrative DO.~~  
39 ~~These DO may be amended, extended, varied or altered subject to the following: [Ord. 2007-001] [Ord.~~  
40 ~~2008-003] [Ord. 2009-040] [Ord. 2010-005] [Ord. 2010-022] [Ord. 2011-001] [Ord. 2014-001]~~

#### 4A. Modifications to BCC ~~or~~ ZC ~~or~~ DRO Approvals

42 ~~The DRO shall have the authority to approve modifications to a Development Order DO approved~~  
43 ~~by the BCC, or ZC. An application for an amendment shall be submitted in accordance with this~~  
44 ~~Article 2.A.1., Applicability, and reviewed in accordance with the standards in Article 2.D.1.C,~~  
45 ~~Review Procedures. Applications must be submitted on deadlines established on the Zoning~~  
46 ~~Calendar. The authority of the DRO to modify a BCC or ZC approved plan prior approval shall be~~  
47 ~~limited to the following: Table 2.C.7, Administrative Modifications to Prior DO. The DRO shall~~  
48 ~~determine which Agencies will co-review the application, and thereby establish the type of process~~  
49 ~~the request shall be reviewed under: Full DRO or ZAR. A combination of requests may result in a~~  
50 ~~Full DRO process or higher level of review process. The Zoning Director shall maintain PPM Z0-0-~~  
51 ~~29, Administrative Modifications to Approved Site Plans, outlining a list of minor amendments and~~  
52 ~~establishing items that are exempt from the Administrative Modifications process. [Relocated from~~

#### Notes:

- Underlined indicates new text.
- ~~Stricken~~ indicates text to be ~~deleted~~. If being relocated, or partially relocated, destination is noted in bolded brackets [Relocated to: ] or [Partially relocated to: ].
- *Italicized* indicates relocated text. Source is noted in bolded brackets [Relocated from: ].
- .... A series of four bolded ellipses indicates language omitted to save space.

## EXHIBIT X

### ARTICLE 2, DEVELOPMENT REVIEW PROCEDURES APPLICATION PROCESSES AND PROCEDURES CHAPTER C, ADMINISTRATIVE PROCESS (Updated 7/3/17)

1 Art. 2.D.1.G.2.b, Agency Review] [Ord. 2008-003] [Ord. 2010-005] [Ord. 2010-022] [Ord. 2011-  
2 001]

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

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

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

#### 1. Exceptions

17 a. Class A or Class B Conditional Uses shall remain in the location approved by the BCC or  
18 ZC; unless a condition of approval allows the relocation.

19 b. Modification shall not be allowed if there is a BCC or ZC Condition of Approval that prohibits  
20 the amendment request.

21 ~~c.3) The limitations in Art. 2.D.1.G.1.a Table 2.C.7, Administrative Modifications to a Prior~~  
22 ~~Development Order shall not apply to a Renewable Energy Wind Facility within the AP~~  
23 ~~Zoning district. [Ord. 2011-016] [Ord. 2015-006] [Ord. 2017-007]~~

24 b. ~~An increase in the square footage indicated on the most recently ZC or BCC approved~~  
25 ~~Plan(s) shall be subject to the following: ~~[Ord. 2008-003] [Ord. 2009-040] [Ord. 2014-~~~~  
26 ~~025]~~

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

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

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

38 c. ~~Additions to or relocations of buildings and structures shall not be constructed closer to~~  
39 ~~perimeter property lines than shown on the plan approved by the BCC or ZC, unless the~~  
40 ~~FLU designation, Zoning district, or existing use of the adjacent parcel is compatible; ~~[Ord.~~~~  
41 ~~2009-040] [Ord. 2011-001]~~ [Partially relocated to Table 2.D.7 – Administrative  
42 ~~Modifications of a Prior DO]~~

43 1) ~~For a Renewable Energy Wind Facility within the AP Zoning District, this shall apply to~~  
44 ~~the Project Boundary, provided they meet separation or setback requirements from~~  
45 ~~streets, and residential uses and districts. ~~[Ord. 2011-016] [Ord. 2017-007]~~~~  
46 ~~[Relocated to Table 2.D.7 – Administrative Modifications of a Prior DO, footnote~~  
47 ~~#3]~~

48 d. ~~For a Renewable Energy Wind Facility within the AP Zoning District, an increase in no~~  
49 ~~more than ten percent, up to a maximum of ten, of the number of wind turbines approved~~  
50 ~~by the BCC. ~~[Ord. 2011-016] [Ord. 2014-025] [Ord. 2017-007]~~ [Relocated to Table 2.D.7~~  
51 ~~– Administrative Modifications of a Prior DO]~~

52 e. ~~An overall increase of not more than ten percent of the height of any structure; [Relocated~~  
53 ~~to Table 2.D.7 – Administrative Modifications of a Prior DO]~~

54 f. ~~Access points; ~~[Ord. 2008-003] [2015-006]~~~~

55 1) ~~Relocation, addition, or deletion of internal access points; ~~[Ord. 2015-006]~~ [Relocated~~  
56 ~~to Table 2.D.7 – Administrative Modifications of a Prior DO]~~

57 2) ~~Addition of emergency access ways, as required by PBC Fire Rescue. The DRO shall~~  
58 ~~ensure the District Commissioner is notified of this request in advance of final DRO~~  
59 ~~approval. The access point shall be secured by a gate that has the necessary~~  
60 ~~mechanism to ensure it is closed and secured after each Fire Rescue emergency call.~~  
61 ~~~~[Ord. 2015-006]~~ [Relocated to Table 2.D.7 – Administrative Modifications of a~~  
62 ~~Prior DO]~~

#### Notes:

- Underlined indicates new text.
- ~~Stricken~~ indicates text to be ~~deleted~~. If being relocated, or partially relocated, destination is noted in bolded brackets [Relocated to: ] or [Partially relocated to: ].
- *Italicized* indicates relocated text. Source is noted in bolded brackets [Relocated from: ].
- .... A series of four bolded ellipses indicates language omitted to save space.

## EXHIBIT X

# ARTICLE 2, DEVELOPMENT REVIEW PROCEDURES APPLICATION PROCESSES AND PROCEDURES CHAPTER C, ADMINISTRATIVE PROCESS (Updated 7/3/17)

- 1 g. ~~Relocation of open space or recreation areas, provided that the request does not result in~~  
2 ~~a substantial change in the amount, configuration, or character of open space or recreation~~  
3 ~~approved by the BCC or ZC; [Ord. 2008-003] [Relocated to Table 2.D.7 –~~  
4 ~~Administrative Modifications of a Prior DO]~~  
5 h. ~~The addition or modification of phase lines shall be consistent with the intent of the~~  
6 ~~Development Order; [Ord. 2008-003] [Ord. 2011-001]~~  
7 i. ~~The applicant shall demonstrate compliance with Article 2.F, Concurrency (Adequate~~  
8 ~~Public Facilities) for any increase in density or intensity beyond the original Development~~  
9 ~~Order or addition or modification of phase lines; [Ord. 2008-003] [Ord. 2009-040] [Ord.~~  
10 ~~2011-001] [Partially relocated to Table 2.D.7 – Administrative Modifications of a Prior~~  
11 ~~DO]~~  
12 j. ~~The applicant shall demonstrate compliance with Article 12, Traffic Performance~~  
13 ~~Standards, without additional conditions of approval to ensure compliance, as determined~~  
14 ~~by the County Engineer for any increase in traffic impact beyond what was reviewed and~~  
15 ~~approved in the original Development Order; [Ord. 2008-003] [Ord. 2009-040] [Ord.~~  
16 ~~2011-001]~~  
17 k. ~~Requested or Class A or B Conditional Uses shall remain in the location approved by the~~  
18 ~~BCC or ZC, unless a condition of approval allows relocation; or, [Ord. 2008-003] [Ord.~~  
19 ~~2010-005] [Ord. 2011-001] [Ord. 2012-027]~~  
20 l. ~~Add new or amend existing Freestanding ATMs. [Ord. 2013-021]~~  
21 m. ~~Modification to IRO or URAO Plans, provided that there are no conflicts with prior~~  
22 ~~conditions of approval, any improvement or amenity used to garner support for a project,~~  
23 ~~or testimony from Public Hearing(s); or, [Ord. 2010-005] [Ord. 2010-022] [Ord. 2011-016]~~  
24 ~~[Ord. 2012-027]~~  
25 n. ~~Requests for Type I Waivers; [Ord. 2011-016] [Ord. 2012-027] [Ord. 2015-031]~~  
26 o. ~~Requests to modify a Type II Waiver or a Type II Variance when the amendment request~~  
27 ~~is more conforming to Code requirements; [Ord. 2012-027] [Ord. 2015-031]~~  
28 p. ~~To add Type II electronic message signs; or [Ord. 2015-031] [Ord. 2016-042]~~  
29 q. ~~The number of loading spaces may be proportionately reduced, if the space is not needed~~  
30 ~~as a result of a reduction in size or change in use. [Ord. 2016-042]~~  
31 **2. Administrative Modifications**  
32 **a. Purpose**  
33 ~~To establish procedures to allow for approvals of specific minor corrections, additions and~~  
34 ~~amendments to Final Plans approved by the BCC, ZC or DRO. [Ord. 2007-001] [Ord.~~  
35 ~~2014-001] [Ord. 2015-006] [Ord. 2016-016]~~  
36 **b. Agency Review**  
37 ~~Agency Review is for applications that require amendment(s) to existing approved plan(s).~~  
38 ~~This type of application requires review, comments, and conditions by a maximum of five~~  
39 ~~DRO Agencies. The DRO shall determine which Agencies are required to review the~~  
40 ~~amendment based upon the request and compliance with County Ordinances. The Zoning~~  
41 ~~Director shall maintain PPM Z0-0-29, Administrative Modifications to Approved Site Plans,~~  
42 ~~outlining a list of minor amendments and establishing items that are exempt from the~~  
43 ~~Administrative Modifications process. Amendments include the following, provided Art.~~  
44 ~~2.D.1.G.1, Modifications to BCC or ZC Approvals, requirements are not exceeded: [Ord.~~  
45 ~~2008-003] [Ord. 2011-001] [Ord. 2014-001] [Ord. 2015-006] [Ord. 2016-016]~~  
46 1) ~~Increases in building square footage indicated on the latest BCC, ZC or DRO approved~~  
47 ~~plan shall be limited to the following: [Ord. 2008-003] [Ord. 2014-001] [Ord. 2015-~~  
48 ~~006] [Ord. 2016-016]~~  
49 a) ~~Maximum of five percent or 2,500 square feet of any building, structure or outdoor~~  
50 ~~area considered square footage, whichever is less; [Ord. 2008-003] [Ord. 2014-~~  
51 ~~001] [Ord. 2015-006] [Ord. 2016-016]~~  
52 b) ~~Maximum 2,500 square feet of the total BCC, ZC or DRO approved square~~  
53 ~~footage; and, [Ord. 2016-016]~~  
54 c) ~~Increases in square footage shall not be used to create new freestanding buildings~~  
55 ~~or structures. [Ord. 2008-003] [Ord. 2014-001] [Ord. 2015-006] [Ord. 2016-016]~~  
56 d) ~~Provisions a) to c) above, shall not apply to accessory structures which are not~~  
57 ~~subject to Concurrency review in accordance with PPM Z0-0-049, or clubhouses~~  
58 ~~located in the Recreation pod of a PDD. [Ord. 2008-003] [Ord. 2014-001] [Ord.~~  
59 ~~2015-006] [Ord. 2016-016]~~  
60 2) ~~The relocation of building square footage indicated on the latest BCC, ZC or DRO~~  
61 ~~approved site plan shall be limited to the following: [Ord. 2016-016]~~

### Notes:

- Underlined indicates new text.
- ~~Stricken~~ indicates text to be ~~deleted~~. If being relocated, or partially relocated, destination is noted in bolded brackets [Relocated to: ] or [Partially relocated to: ].
- *Italicized* indicates relocated text. Source is noted in bolded brackets [Relocated from: ].
- .... A series of four bolded ellipses indicates language omitted to save space.

# EXHIBIT X

## ARTICLE 2, DEVELOPMENT REVIEW PROCEDURES APPLICATION PROCESSES AND PROCEDURES CHAPTER C, ADMINISTRATIVE PROCESS (Updated 7/3/17)

- a) ~~No more than 25 percent of the total site approved square footage or other area indicated as being covered by buildings or structures to portions of the site not previously covered. [Ord. 2016-016]~~
- b) ~~No modification shall relocate square footage to a building that enlarges the footprint more than 25 percent of the building area. [Ord. 2016-016]~~
- c) ~~Clubhouse located in the Recreation pod of a PDD shall be exempt from the relocation thresholds. [Ord. 2016-016]~~
- 3) ~~Modifications to approved Alternative Landscape Plan (ALP) [Ord. 2008-003] [Ord. 2014-001]~~
- 4) ~~Modifications to approved phase lines; [Ord. 2014-001]~~
- 5) ~~New uses that require DRO approval, provided all improvements to the use are interior to the structure, with the exception of the following minor exterior improvements: [Ord. 2014-001]~~
  - a) ~~Modifications to existing parking areas; [Ord. 2014-001]~~
  - b) ~~Outdoor dining areas; [Ord. 2014-001]~~
  - c) ~~Walk-in coolers; or, [Ord. 2014-001]~~
  - d) ~~Above ground tanks. [Ord. 2014-001]~~
- 6) ~~Palm Beach County School Board Projects; [Ord. 2008-003] [Ord. 2014-001]~~
- 7) ~~Modifications to approved Type 1B Excavation; [Ord. 2008-003] [Ord. 2011-001] [Ord. 2014-001] [Ord. 2017-007]~~
- 8) ~~Minor modifications to approved architectural elevations provided consistent with previously approved elevations and conditions of approval; [Ord. 2014-001] [Ord. 2015-031]~~
- 9) ~~Proposed or relocated guard houses; and, [Ord. 2014-001] [Ord. 2015-031]~~
- 10) ~~PUD informational signs. [Ord. 2015-031]~~
- 11) ~~Stealth Towers equal to or less than 100 feet in height located in the AGR, AR and RE Zoning Districts, provided the parcel has an existing DRO approved site plan. [Ord. 2017-007]~~

~~The applicant shall be responsible for obtaining the recommendation of approval and any comments from the affected DRO agencies, in a form and manner established by the Zoning Director. [Ord. 2007-001] [Ord. 2008-003] [Ord. 2011-001]~~

### ~~c. Zoning Review~~

- ~~Zoning review is for applications that require only Zoning Division approval of: minor corrections to tabular data, additions and amendments to existing approved plans. Amendments include the following: [Ord. 2008-003] [Ord. 2014-001] [Ord. 2015-006]~~
- 1) ~~Change in sign location; [Ord. 2008-003]~~
  - 2) ~~Minor modifications to approved parking areas (such as relocation of handicapped parking spaces or removal of spaces exceeding ULDC requirements); [Ord. 2008-003] [Ord. 2014-001]~~
  - 3) ~~Relocation of terminal islands to accommodate trees or utility lines; [Ord. 2008-003]~~
  - 4) ~~Reduction in building size, provided there are no changes to approved architectural elevations; [Ord. 2008-003]~~
  - 5) ~~Minor modifications to approved lot lines to be consistent with plat; [Ord. 2008-003] [Ord. 2014-001]~~
  - 6) ~~Temporary sales trailers pursuant to a Special Permit); [Ord. 2008-003] [Ord. 2014-001] [Ord. 2015-031]~~
  - 7) ~~Other minor structures subject to approval by the DRO and, [Ord. 2008-003] [Ord. 2014-001] [Ord. 2015-031]~~
  - 8) ~~Type II time and temperature or fuel price electronic message signs to approved freestanding signs. [Ord. 2015-031]~~

(This space intentionally left blank)

### Notes:

- Underlined indicates **new** text.
- ~~Stricken~~ indicates text to be **deleted**. If being relocated, or partially relocated, destination is noted in bolded brackets [**Relocated to:** ] or [**Partially relocated to:** ].
- *Italicized* indicates relocated text. Source is noted in bolded brackets [**Relocated from:** ].
- .... A series of four bolded ellipses indicates language omitted to save space.



# EXHIBIT X

## ARTICLE 2, DEVELOPMENT REVIEW PROCEDURES APPLICATION PROCESSES AND PROCEDURES CHAPTER C, ADMINISTRATIVE PROCESS (Updated 7/3/17)

1

**Table 2.C.7 - Administrative Modifications to a Prior Development Order**

<u>Request</u>	<u>Allowable Modification</u>	<u>Criteria</u>
<b>Full DRO</b>		
<u>Relocation of Building square footage (1) (2)</u> [Partially relocated from Art. 2.D.]	Allow relocation of no more than 25 percent of the total approved square footage or other area indicated as being covered by buildings or structures to portions of the site not previously covered. [Relocated from Art. 2.D.1.G.1.a.]	<ul style="list-style-type: none"> <li>Relocation of square footage shall not enlarge the building footprint more than 50 percent of the building area as approved by the BCC or ZC; [Ord. 2015-006] [Ord. 2016-016] [Partially relocated from Art. 2.D.1.G.1.a.1), above]</li> <li>Relocated square footage shall not be used to create additional freestanding buildings or structures; [Ord. 2009-040] [2015-006] [Partially relocated from Art. 2.D.1.G.1.a.2), above]</li> <li>Relocation of square footage may be integrated vertically provided the overall height will not exceed ten percent of the approved height and meet setback requirements. [Partially relocated from Art. 2.D.2.D.1.G.1.e, above]</li> <li>Shall not be relocated or constructed closer to perimeter property lines than what was originally shown on the BCC or ZC approved plan, unless the FLU designation, zoning district, or existing use of the adjacent parcel is compatible (3). [Ord. 2009-040] [Ord. 2011-001] [Partially relocated from Art. 2.D.2.D.1.G.1.c, above]</li> </ul>
<u>BCC or ZC DO - Increase in square footage for building, structure or outdoor area that is considered as square footage (1) (2)</u> [Partially relocated from Art. 2.D.2.D.1.G.1.b, above]	Allow an increase of a maximum of five percent or 5,000 square feet of any building, structure or outdoor area that is considered as square footage; whichever is less. [Relocated from Art. 2.D.2.D.1.G.1.b.1), above]	<ul style="list-style-type: none"> <li>The increase shall not exceed a maximum of 5,000 square feet of the total square feet approved by the BCC or ZC; [Relocated from Art. 2.D.2.D.1.G.1.b.2), above]</li> <li>The increase shall not be used to create new freestanding building(s) or structure(s) [Ord. 2015-006]; and, [Relocated from Art. 2.D.2.D.1.G.1.b.3), above]</li> <li>Subject to Adequate Public Facilities Review. [Ord. 2008-003] [Ord. 2009-040] [Ord. 2011-001] [Relocated from Art. 2.D.2.D.1.G.1.b.3), above]</li> </ul>
<u>Internal Access Points</u> [Relocated from Art. 2.D.2.D.1.G.1.f.1), above]	Allow relocation, addition or deletion [Ord. 2015-006] [Relocated from Art. 2.D.2.D.1.G.1.f.1), above]	<ul style="list-style-type: none"> <li>The modification shall not decrease the adjacent landscape buffer or interior planting.</li> </ul>
<u>External Emergency Access Ways</u> relocated from Art. 2.D.2.D.1.G.1.f.2), above]	Addition of emergency access ways [Relocated from Art. 2.D.2.D.1.G.1.f.2), above]	<ul style="list-style-type: none"> <li>Required by the PBC Fire Rescue Department; relocated from Art. 2.D.2.D.1.G.1.f.2), above]</li> <li>Notify the District Commissioner by Zoning Division; and relocated from Art. 2.D.2.D.1.G.1.f.2), above]</li> <li>Access point(s) shall be secured by a gate that has the necessary mechanism to ensure it is closed and secured after each Fire Rescue emergency call. [Ord. 2015-006] relocated from Art. 2.D.2.D.1.G.1.f.2), above]</li> </ul>
<u>Relocation of Open Space or Recreation Area(s)</u>	Allow the relocation of open space or recreation area(s) [Ord. 2008-003]. [Partially relocated from Art. 2.D.2.D.1.G.1.g, above]	<ul style="list-style-type: none"> <li>Relocation shall be within the same site;</li> <li>The required open space or recreation area(s) shall remain the same; and</li> <li>By relocating the open space or recreation area, it will not result an incompatibility issue from the adjacent properties or pods that are internal to the site.</li> </ul>
<u>Phase Lines of the Development</u>	Allow addition and modification of phase line of the development. This may apply to those ZC or BCC approved DO that have no Phase lines. [Ord. 2008-003] [Ord. 2011-001] [Partially relocated from Art. 2.D.2.D.1.G.1.h, above]	<ul style="list-style-type: none"> <li>The approved DO may or may not have proposed Phase lines, and addition is allowed if the Phase lines are consistent with the intensity or density of the approved DO; and</li> <li>Addition or modification of the Phase lines shall not exceed the approved Public Facilities (Concurrency).</li> </ul>
<u>Type 2 Waiver or Type 2 Variance</u>	Modification of the approved Waiver or Variance	<ul style="list-style-type: none"> <li>Modification shall result in more conformance to the current Code requirements.</li> </ul>

2  
3  
4  
5  
6  
7  
8  
9  
10

(This space intentionally left blank)

**Notes:**

- Underlined indicates **new** text.
- ~~Stricken~~ indicates text to be **deleted**. If being relocated, or partially relocated, destination is noted in bolded brackets [Relocated to: ] or [Partially relocated to: ].
- *Italicized* indicates relocated text. Source is noted in bolded brackets [Relocated from: ].
- .... A series of four bolded ellipses indicates language omitted to save space.

**EXHIBIT X**

**ARTICLE 2, DEVELOPMENT REVIEW PROCEDURES APPLICATION PROCESSES AND PROCEDURES**  
**CHAPTER C, ADMINISTRATIVE PROCESS**  
 (Updated 7/3/17)

1

**Table 2.C.7 - Administrative Modifications to a Prior Development Order (Continued)**

<u>Request</u>	<u>Allowable Modification</u>	<u>Criteria</u>
		<b>ZAR</b>
<u>Relocation of Building square footage (1) (2)</u>	<u>Allow relocation of no more than 25 percent of the total approved square feet (sq. ft.) or other area indicated as being covered by buildings or structures to portions of the site not previously covered.</u>	<ul style="list-style-type: none"> <li>Relocation of sq. ft. shall not enlarge the building footprint more than 25 percent of the building area as approved by the BCC or ZC;</li> <li>Relocated sq. ft. shall not be used to create additional freestanding buildings or structures;</li> <li>Relocation of sq. ft. may be integrated vertically provided the overall height will not exceed ten percent of the approved height and meet setback requirement; and</li> <li>Shall not be relocated or constructed closer to perimeter property lines than what was originally shown on the BCC or ZC approved plan, unless the FLU designation, Zoning District, or existing use of the adjacent parcel is compatible (3).</li> </ul>
<u>BCC, ZC or DRO DO - Increase in square footage for building, structure or outdoor area that is considered as square footage (1) (2)</u>	<u>Allow an increase of a maximum of five percent or 2,500 square feet of any building, structure or outdoor area that is considered as square footage; whichever is less.</u>	<ul style="list-style-type: none"> <li>The increase shall not exceed a maximum of 2,500 sq. ft. of the total sq. ft. approved by the BCC or ZC;</li> <li>The increase in square feet shall not be used to create new freestanding building(s) or structure(s); and</li> <li>Subject to Adequate Public Facilities Review.</li> </ul>
<u>Overall Height Increase</u>	<u>Allow a maximum of ten percent</u>	<ul style="list-style-type: none"> <li>Request is based on approved Architectural Elevations; and</li> <li>Meets setback requirements.</li> </ul>
<u>Relocation of Site Elements: Signs</u>	<u>Allow change in location of freestanding ground mounted signs</u>	<ul style="list-style-type: none"> <li>Request is based on an approved Master Sign Plan; and,</li> <li>New sign is not relocated to a safe sight corner or in a location that obstruct view of vehicular traffic;</li> </ul>
<u>Architectural Elevations</u>	<u>Allow modifications to approved Architectural elevations</u>	<ul style="list-style-type: none"> <li>If the proposed modifications are consistent with the BCC, ZC or DRO approved Architectural elevations or any applicable Conditions of Approval</li> </ul>
<u>Reduction in building size</u>	<u>Allow reduction in building square feet</u>	<ul style="list-style-type: none"> <li>The reduction shall not negatively impact the layout and design of the approved plan; and</li> <li>Amendment to the approved Adequate Public Facilities to indicate the reduction in square feet.</li> </ul>
<u>Modification of Type 1B Excavation</u>	<u>Allow reconfiguration</u>	<ul style="list-style-type: none"> <li>Reconfiguration shall not bring the excavation closer to the property line.</li> </ul>
<u>Phase Lines of the Development</u>	<u>Allow modification of phase line of the development. This shall apply to those ZC or BCC approved DO that have approved Phase lines.</u>	<ul style="list-style-type: none"> <li>Modification is allowed if the Phase lines are consistent with the intensity or density of the approved DO; and</li> <li>Modification of the Phase lines shall not exceed the approved Public Facilities (Concurrency).</li> </ul>
<u>Freestanding Unmanned Structure</u>	<u>Addition or modification of ATM or Unmanned Retail Structure. [Ord. 2013-021] [Partially relocated from Art. 2.D.2.D.1.G.1.i, above]</u>	<ul style="list-style-type: none"> <li>Proposed location shall not impede vehicular or pedestrian traffic circulation.</li> </ul>
<u>Renewable Energy Wind Facility (3) [Relocated from Art. 2.D.2.D.1.G.1.d, above]</u>	<u>Allow an increase of number a maximum of ten percent of wind turbines approved by the BCC. [Ord. 2011-016] [Ord. 2014-025] [Ord. 2017-007] [Relocated from Art. 2.D.2.D.1.G.1.d, above]</u>	<ul style="list-style-type: none"> <li>Location of these turbines shall meet separation or setback requirements from streets, and residential uses and districts.</li> </ul>
<p>(1) This shall not apply to accessory structures which are not subject to Concurrency review Adequate Public Facilities Review in accordance with PPM-ZO-O-049, Permits Not Subject to Concurrency Review; and; [Relocated from Art. 2.A.1.G.1.a.2), page 39]</p> <p>(2) Clubhouse located in the Recreation pod of a PDD shall be exempt from the relocation thresholds. [Ord. 2016-016] [Relocated from Art. 2.A.1.G.2.b.2).c), page 40]</p> <p>(3) For a Renewable Energy Wind Facility within the AP Zoning District, this shall apply to the Project Boundary, provided they meet separation or setback requirements from streets, and residential uses and districts. [Ord. 2011-016] [Ord. 2017-007] [Relocated from Art. 2.D.1.G.1.c.1), above]</p>		

2  
3  
4  
5  
6

**2. Other Modifications**

Addition or relocation of guard house or minor structures shall be allowed pursuant to PPM ZO-0-049, as amended.

<b>Reason for amendments:</b> [Zoning]
1. Replace Special Permit process with the Zoning Agency Review process. Temporary Use is currently under Art. 4.B.11.
2. Clarify that temporary use also includes temporary structures affiliated with the temporary use; or temporary structures that are for emergency; infrastructure improvements; construction activities. Temporary use can also be accommodated in a permanent structure.
3. Update the Standards for evaluation of a Temporary Use request. Remove Consistency with the Comprehensive Plan as the Plan does not go into details of temporary use, but add Consistency with the Code, which includes all the requirements (parking, landscaping, sign, etc.) to evaluate the request

**Notes:**

- Underlined indicates **new** text.
- ~~Stricken~~ indicates text to be **deleted**. If being relocated, or partially relocated, destination is noted in bolded brackets **[Relocated to: ]** or **[Partially relocated to: ]**.
- *Italicized* indicates relocated text. Source is noted in bolded brackets **[Relocated from: ]**.
- .... A series of four bolded ellipses indicates language omitted to save space.

# EXHIBIT X

## ARTICLE 2, DEVELOPMENT REVIEW PROCEDURES APPLICATION PROCESSES AND PROCEDURES CHAPTER C, ADMINISTRATIVE PROCESS (Updated 7/3/17)

### Section 28 Special-Permit Temporary Use

See Art. 4.B.11, Temporary Uses.

#### **A. Purpose**

To create standards and an approval process for certain uses and structures, which are generally temporary in nature, but require monitoring for compliance with Code requirements to ensure compatibility with surrounding land uses. A temporary use may also be accommodated in a temporary structure or a permanent structure that is legally approved. [Ord. 2007-013] [Ord. 2015-006]

#### **B. Authorized Special-Permits Applicability**

~~Only the uses identified in the use matrices in Art. 4, Use Regulations, by an "S" shall require a special permit. This designation does not constitute an authorization of such use or an assurance that such use will be approved under this Code. Each proposed special permit application shall be evaluated by the Zoning Director for compliance with the standards and conditions set forth in this Section, and the applicable district. [Ord. 2015-006] [Ord. 2017-007]~~

##### **1. Temporary Uses**

Temporary Uses shall include, but are not limited to:

- a. Uses that are identified in Table 4.B.11.A, Temporary Uses; and,
- b. Temporary activities that are associated with an approved DO;

##### **2. Temporary Structures**

Temporary structures may come in different forms, which includes but are not limited to: Structures as defined in Art. 1.1.2.S.109, Structure; tents; trailer or portable facility container.

#### **C. Pre-Application Appointment (PAA)**

The applicant shall request for a PAA to meet with staff prior to the submittal of a Temporary Use application to ensure the proposed use complies with Code requirements and whether it is subject to the review and permit process from other County Agencies.

#### **~~CD. Sufficiency Review Determination~~**

~~All Special-Permit Temporary Use requests are subject to the requirements of Art. 2.A.1.G.4, 2.D.3.A, Review Sufficiency Review. [Ord. 2015-006]~~

#### **~~DE. Review Process~~**

~~The application shall be submitted to the DRO subject to a ZAR process, in a form established by the Zoning Director and shall be consistent with this Code.~~

##### **1. Building Permit Process**

~~Any Special-Permit Temporary Use application requiring building permits shall be submitted to the Zoning Division a minimum of 30 days prior to the effective date of the Special-Permit ZAR Approval. Prior to issuance of the Special-Permit a ZAR Approval Letter, any associated building permits shall be secured and all required inspections scheduled with the Building and Code Enforcement Divisions and Fire Department. [Ord. 2007-013] [Ord. 2009-040] [Ord. 2015-006]~~

#### **~~EF. Standards~~**

~~The following standards shall apply to all special permits:~~

- ~~1. Compliance with the goals policies and objectives in the Plan;~~
- ~~2. **Consistency with the Code**  
The request complies with applicable requirements of this Code; and, Compliance with the applicable property development regulations of the zoning district in which the use is located;~~
- ~~3. Compliance with all applicable portions of this Code, including, but not limited, concurrency, parking, and landscaping; and~~
- ~~4. Utilization of the location, design, layout, access, and duration of the use to minimize potential adverse impacts on surrounding land uses.~~

##### **3. Adequate Public Facilities**

The proposed amendment complies with Art. 2.F, Concurrency.

#### **~~FG. Conditions~~**

~~The Zoning Division shall have the authority to apply conditions to the special-permit Temporary Use which ensure compliance with Code requirements, time limitations, and the standards above. If a special-permit Temporary Use is found in violation of any condition or Code requirement, the Zoning Division may withhold future special-permits from prohibit the applicant from requesting the same temporary use for a period of 24 months.~~

#### **~~GH. Renewal Limited Timeframe~~**

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

- ~~1. Special permits requiring annual renewal shall be subject to the following:
  - ~~a. Renewal shall occur on or prior to the date the original permit was issued, or a new permit shall be applied for;~~
  - ~~b. Renewal permit shall be subject to the regulations in effect at the time of renewals; and,~~
  - ~~c. Renewal fee as provided in the fee schedule.~~~~

#### Notes:

- Underlined indicates new text.
- ~~Stricken~~ indicates text to be ~~deleted~~. If being relocated, or partially relocated, destination is noted in bolded brackets [**Relocated to:** ] or [**Partially relocated to:** ].
- *Italicized* indicates relocated text. Source is noted in bolded brackets [**Relocated from:** ].
- .... A series of four bolded ellipses indicates language omitted to save space.

# EXHIBIT X

## ARTICLE 2, ~~DEVELOPMENT REVIEW PROCEDURES APPLICATION~~ ~~PROCESSES AND PROCEDURES~~ CHAPTER C, ADMINISTRATIVE PROCESS (Updated 7/3/17)

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

4 ~~A Temporary Use shall be limited to the timeframe pursuant to the approval . Each temporary Use~~  
5 ~~shall be subject to a new application and to the most current code requirements, unless otherwise~~  
6 ~~stated herein.~~

### 7 ~~H.~~ **Expiration**

8 Failure to utilize ~~a special permit~~ the Approval for the Temporary Use within one year of ~~issuance~~  
9 ~~the date of Approval~~, or by the date specified in the ZAR Result Letter or in a condition of approval,  
10 shall result in the ~~permit~~ Approval becoming null and void.

### 11 ~~I.~~ **Discontinuance**

12 An ~~special permit~~ Approval for the Temporary Use shall expire if the use or activity is discontinued  
13 for more than 90 days.

### 14 ~~J.~~ **Revocation**

15 An ~~special permit~~ Approval for the Temporary Use may be revoked at any time by the Zoning  
16 Director if it is determined that the recipient is in violation of the Code, a related standard, or a  
17 condition of approval. Revocation of a ~~special permit~~ Approval for the Temporary Use shall result  
18 in the ~~permit~~ Approval becoming null and void. The use or activity permitted by the ~~special permit~~  
19 Approval shall cease immediately and the affected area shall be returned to its ~~pre-permit~~ original  
20 state before the Approval for the Temporary Use was issued.  
21

#### Reason for amendments: [Zoning]

- |   |
|---|
| 1. Replace Type 1A variance with Type 1 Waiver process. Type 1B Administrative Variance will be renamed to Type 1 Variance. |
|---|

### 22 Section ~~39~~ **Type 1A and Type 1B Administrative Variances**

#### 23 **A. Purpose**

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

#### 32 **B. Application Procedures**

33 ~~All Type 1A and Type 1B Administrative Variances~~ are subject to Art. 2.A.1.G, Application  
34 Procedures. ~~This Section may not be combined with any other Section that allows variations from~~  
35 ~~the same PDRs.~~

36 [Ord. 2015-006]

#### 37 ~~C.—Type 1A Administrative Variances~~

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

##### 39 ~~1.—Structural Encroachments into Setbacks~~

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

##### 42 ~~2.—Preservation of Vegetation~~

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

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

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

##### 47 ~~3.—Native Ecosystem Overlay District (NEO)~~

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

##### 51 ~~a.—Procedure~~

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

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

##### 58 ~~b.—Restrictive Covenant~~

#### Notes:

- Underlined indicates new text.
- ~~Stricken~~ indicates text to be ~~deleted~~. If being relocated, or partially relocated, destination is noted in bolded brackets [**Relocated to:** ] or [**Partially relocated to:** ].
- *Italicized* indicates relocated text. Source is noted in bolded brackets [**Relocated from:** ].
- .... A series of four bolded ellipses indicates language omitted to save space.

## EXHIBIT X

# ARTICLE 2, ~~DEVELOPMENT REVIEW PROCEDURES APPLICATION PROCESSES AND PROCEDURES~~ CHAPTER C, ADMINISTRATIVE PROCESS (Updated 7/3/17)

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

#### ~~4. Vacant Lots~~

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

- ~~a. The length of time the lot has been maintained as a vacant lot;~~
- ~~b. Whether the applicant intends to redevelop the lot within one year of the demolition of the home;~~
- ~~c. Whether literal interpretation of the terms of the requirements would create an unnecessary and undue hardship, and the applicant can demonstrate that the demolition does not significantly diminish the residential character of the neighborhood;~~
- ~~d. The existence of special conditions that mitigate the detrimental effect of the vacant lot on the character of the residential neighborhood; and~~
- ~~e. Whether granting the variance will be consistent with the purposes, goals, objectives, and policies of the Plan and this Code.~~

#### ~~D.C. Type 1B Administrative Variances~~

~~A pre-application meeting PAA with staff shall be required prior to application submittal. Variance requests for density or intensity beyond the stated limits of the Plan shall be prohibited. Type 1B Variances may be considered for the following: [Ord. 2006-036] [Ord. 2008-003] [Ord. 2012-003]~~

##### ~~1. Residential Lots of Three Units or Less~~

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

- ~~a. Reductions or increases of Property Development Regulations PDR greater than five percent of the minimum or maximum requirement. [Ord. 2006-036] [Ord. 2008-003] [Ord. 2012-003]~~
- ~~b. Relief from Article 5.B.1.A, Accessory Uses and Structures as follows: General; Fences, Walls and Hedges; Docks; Entry Features; Fuel, Gas, or Chemical Storage Tanks; Dumpsters; Neighborhood Recreation Facility; Outdoor Recreation Amenities; Screen Enclosures; and Permanent Generators. [Ord. 2008-003] [Ord. 2013-001]~~
- ~~c. Relief from Art. 7.D.4.A.3-B.2, Residential Hedge Height. [Ord. 2015-006]~~
- ~~d. Relief from Excavation Standards in Art. 4.B.10.C.2, Type 1A Excavation and Art. 4.B.10.C.3, Type 1B Excavation. [Ord. 2008-003] [Ord. 2017-007]~~

##### ~~2. Non Residential Projects~~

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

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

##### ~~3. Permanent Generators on SFD and ZLL Lots~~

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

#### ~~E. Limitations~~

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

#### ~~F.E. Conditions~~

~~The Zoning Director DRO may recommend impose conditions of approval in a development order for an administrative variance Type 1 Variance as necessary to accomplish the goals, objectives and policies of the Plan and this Code, including, but not limited to, limitations on size, bulk, location, requirements for landscaping, buffering, lighting, and provisions of adequate ingress and egress. Any violation of the variance or condition shall be a violation of this Code.~~

#### Notes:

- Underlined indicates **new** text.
- ~~Stricken~~ indicates text to be **deleted**. If being relocated, or partially relocated, destination is noted in bolded brackets [**Relocated to:** ] or [**Partially relocated to:** ].
- *Italicized* indicates relocated text. Source is noted in bolded brackets [**Relocated from:** ].
- .... A series of four bolded ellipses indicates language omitted to save space.

# EXHIBIT X

## ARTICLE 2, DEVELOPMENT REVIEW PROCEDURES APPLICATION PROCESSES AND PROCEDURES CHAPTER C, ADMINISTRATIVE PROCESS (Updated 7/3/17)

### GF. Time Limitation

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

### H.G. Standards

~~The Zoning Director shall consider and find that all criteria listed below have been satisfied by the applicant prior to making a final decision regarding an application for an administrative variance. When considering a Type 1 Variance request, the DRO shall consider Standards 2.C.9.G.1 through 7, indicated below. A Type 1 Variance which fails to meet any of these Standards shall be deemed adverse to the public interest, and shall not be approved.~~

#### 1. Type 1A

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

#### 2. Type 1B

- ~~a.1. Special conditions and circumstances exist that are peculiar to the parcel of land, building or structure, that are not applicable to other parcels of land, structures, or buildings in the same district; **[Ord. 2006-036]**~~
- ~~b.2. Special conditions and circumstances do not result from the actions of the applicant; **[Ord. 2006-036]**~~
- ~~c.3. Granting the variance shall not confer upon the applicant any special privilege denied by the Plan and this Code to other parcels of land, structures or buildings in the same district; **[Ord. 2006-036]**~~
- ~~d.4. Literal interpretation and enforcement of the terms and provisions of this Code would deprive the applicant of rights commonly enjoyed by other parcels of land in the same district, and would work an unnecessary and undue hardship; **[Ord. 2006-036]**~~
- ~~e.5. Granting the variance is the minimum variance that will make possible a reasonable use of the parcel of land, building, or structure; **[Ord. 2006-036]**~~
- ~~f.6. Granting the variance will be consistent with the purposes, goals, objectives, and policies of the Plan and this Code; and **[Ord. 2006-036]**~~
- ~~g.7. Granting the variance will not be injurious to the area involved or otherwise detrimental to the public welfare. **[Ord. 2006-036]**~~

### I.H. Effect of Development Order a Type 1 Variance DO

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

### ~~Section 4 — Administrative Inquiry (AI)~~

#### ~~A. Purpose~~

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

#### ~~B. Applicability~~

~~An inquiry is not a public hearing and is not subject to the advertising and notice requirements of Article 2, Development Review Process. The decision of the BCC shall be final. **[Ord. 2011-016]**~~

#### ~~C. Procedures~~

~~An AI may be made by a public agency through the Zoning Director using forms and procedures established by the Zoning Division. The AI shall be placed on the BCC agenda by the Zoning Division for the date the inquiry is intended to be presented. Courtesy Notice pursuant to Art.~~

### Notes:

- Underlined indicates new text.
- ~~Stricken~~ indicates text to be ~~deleted~~. If being relocated, or partially relocated, destination is noted in bolded brackets **[Relocated to: ]** or **[Partially relocated to: ]**.
- *Italicized* indicates relocated text. Source is noted in bolded brackets **[Relocated from: ]**.
- .... A series of four bolded ellipses indicates language omitted to save space.

# EXHIBIT X

## ARTICLE 2, ~~DEVELOPMENT REVIEW PROCEDURES APPLICATION PROCESSES AND PROCEDURES~~ CHAPTER C, ADMINISTRATIVE PROCESS (Updated 7/3/17)

~~2.A.1.J, Notifications, is required for an AI applicable to a parcel for a specific inquiry or to provide development status not monitored by the provisions in Art. 2.E, Monitoring. [Ord. 2011-016] [Ord. 2017-002]~~

### ~~Section 5 Interpretations~~

#### ~~A. Purpose~~

~~To establish a process for Interpretations of this Code as defined in Article 1.B, Interpretation of the Code. [Ord. 2011-016]~~

#### ~~B. Applicability~~

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

#### ~~C. Procedures~~

##### ~~1. Submission of Request for Interpretation~~

~~A request for interpretation shall be submitted to the appropriate PBC official in a form established by that official and made available to the public. The request shall be accompanied by fee established by the BCC. [Ord. 2011-016]~~

##### ~~2. Sufficiency Determination~~

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

##### ~~3. Rendering of Interpretation~~

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

#### ~~D. Appeal~~

~~A person applying for an interpretation pursuant to this section may seek an appeal according to Art. 2.A.1.S, Appeal. [Ord. 2011-016]~~

#### ~~E. Official Record~~

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

### ~~Section 610 Type 1 Waiver~~

#### ~~A. Purpose~~

~~The purpose of To establish procedures and evaluation standards for a Type 1 Waivers. A Type 1 Waiver is to allow flexibility for and minor adjustments to the property development regulations mixed use; infill redevelopment projects; site design or layout; preservation or incorporation of existing native, non-prohibited or specimen vegetation; or for the innovative use of plant material and for an improved site design where alternative solutions can be permitted, subject to the criteria. Waivers are not intended to relieve specific financial hardship nor circumvent the intent of this Code. A Waiver may not be granted if it conflicts with other sections of this Code, or the Florida Building Code. [Ord. 2011-016] [Ord. 2016-042]~~

#### ~~B. Applicability~~

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

(This space intentionally left blank)

#### Notes:

- Underlined indicates **new** text.
- ~~Stricken~~ indicates text to be **deleted**. If being relocated, or partially relocated, destination is noted in bolded brackets [**Relocated to:** ] or [**Partially relocated to:** ].
- *Italicized* indicates relocated text. Source is noted in bolded brackets [**Relocated from:** ].
- .... A series of four bolded ellipses indicates language omitted to save space.

# EXHIBIT X

## ARTICLE 2, DEVELOPMENT REVIEW PROCEDURES APPLICATION PROCESSES AND PROCEDURES CHAPTER C, ADMINISTRATIVE PROCESS (Updated 7/3/17)

1

<b>Table 2.C.9 - Summary of Type 1 Waivers</b>	
<b>Requests</b>	<b>ULDC Reference</b>
<i>Glades Area Overlay (GAO)</i>	<u>Table 3.B.4.F, Type 1 Waivers for Industrial Pods</u>
<i>NEO, Native Ecosystem Overlay</i>	<u>Art. 3.B.7.D, Property Development Regulations (PDR)</u>
<i>Northlake Boulevard Overlay Zone (NBOZ) Design Guidelines</i>	<u>Table 3.B.8.E, Type 1 Waivers for NBOZ Design Guidelines</u>
<i>Infill Redevelopment Overlay (IRO)</i>	<u>Table 3.B.15.G, Type 1 Waivers</u>
<i>Urban Redevelopment Overlay (URAO)</i>	<u>Table 3.B.16.G, Type 1 and 2 URAO Waivers (1)</u>
<i>Structural Setback – Reduction by five percent or less than the minimum requirement</i>	<u>Table. 3.D.1.A – Property Development Regulations</u>
<i>Required Parking for Location Criteria Exception in Type I Restaurant with Drive Through</i>	<u>Art. 4.B.2.C.32.f.3)a)(2), Location Criteria – Exceptions, Design Criteria</u>
<i>Commercial Greenhouse Loading Zones</i>	<u>Art. 4.B.6.C.17.c.4)b), Loading</u>
<i>Solid Waste Transfer Station Landscape Buffer Planting</i>	<u>Art. 4.B.7.C.10.d, Buffer</u>
<i>Screening for Roof Mounted Mechanical Equipment</i>	<u>Art. 5.B.1.A.19.a.2), Screening Requirements for Roof Mounted Mechanical Equipment</u>
<i>Green Architecture</i>	<u>Art. 5.C.1.E.3, Type 1 Waiver – Green Architecture</u>
<i>Required Parking for Community Vegetable Garden</i>	<u>Table 6.A.1.B – Minimum Off-Street Parking and Loading Requirements, Note 10.</u>
<i>Reduction in Number of Minimum Required Loading Spaces [uses &lt; 10,000 square feet]</i>	<u>Art. 6.B.1.D.2, Type 1 Waiver – Reduction of Minimum Number of Required Loading Spaces</u>
<i>Reduction of Loading Space Width or Length [for uses that require limited loading]</i>	<u>Art. 6.B.1.H.7, Type 1 Waiver – Reduction of Loading Space Width or Length</u>
<i>Landscaping</i>	<u>Table 7.B.3, Type 1 Waiver for Landscaping</u>
<i>Billboard Replacement – Billboard Location Criteria</i>	<u>Art. 8.H.2.D.4., Replacement</u>
<i>PUD Informational Signs</i>	<u>Art. 8.G.3.B.6.b, Standards for Type 3 Electronic Message Signs</u>
<b>[Ord. 2012-027] [Ord. 2014-025] [Ord. 2015-031] [Ord. 2016-016] [Ord. 2016-042]</b>	

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

3

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

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

4

5 **C. Standards**

6 When considering ~~a DO application for a Type 1 Waiver, whether to approve, approve with~~  
 7 ~~conditions, or deny a Type I Waiver request~~, the DRO shall consider the following standards in  
 8 addition to any other standards applicable to the specific Waiver as contained in this Code. For a  
 9 Waiver application that requires the submittal of an ALP, the Applicant shall comply with additional  
 10 standards pursuant to Art. 7.B.3.A2-A, Type I Waivers for Landscaping. **[Ord. 2010-022] [Ord.**  
 11 **2011-016] [Ord. 2012-027] [Ord. 2016-042]**

- 12 1. The Waiver does not create additional conflicts with other requirements of the ULDC, and is  
 13 consistent with the stated purpose and intent for the Zoning district or Overlay; **[Ord. 2010-**  
 14 **022] [Ord. 2011-016] [Ord. 2012-027]**
- 15 2. The Waiver will not cause a detrimental effect on the overall design and development standards  
 16 of the project, and will be in harmony with the general site layout and design details of the  
 17 development; and, **[Ord. 2010-022] [Ord. 2012-027]**
- 18 3. The alternative design option recommended as part of the Waiver approval, if granted, will not  
 19 adversely impact adjacent properties. **[Ord. 2010-022] [Ord. 2012-027]**

20

**Notes:**

- Underlined indicates **new** text.
- ~~Stricken~~ indicates text to be **deleted**. If being relocated, or partially relocated, destination is noted in bolded brackets **[Relocated to: ]** or **[Partially relocated to: ]**.
- *Italicized* indicates relocated text. Source is noted in bolded brackets **[Relocated from: ]**.
- .... A series of four bolded ellipses indicates language omitted to save space.



# EXHIBIT X

## ARTICLE 2, DEVELOPMENT REVIEW PROCEDURES APPLICATION PROCESSES AND PROCEDURES CHAPTER C, ADMINISTRATIVE PROCESS (Updated 7/3/17)

1 Part 10. ULDC Art. 2.D.7, Reasonable Accommodation (pages 48-49 of 88), are hereby amended  
2 as follows:  
3

Reason for amendments: [Zoning]

1) Clarify that Reasonable Accommodation is not a process but should be a request subject to the Zoning Agency Review process, and should be relocated to Art.5.K, Reasonable Accommodation.

### 4 ~~Section 7~~ **Reasonable Accommodation**

#### 5 ~~A. Purpose and Intent~~

6 ~~The purpose of this section is to establish procedures for processing requests for Reasonable~~  
7 ~~Accommodation from the County's Unified Land Development Code and related rules, policies,~~  
8 ~~practices and procedures, for persons with disabilities as provided by the Federal Fair Housing~~  
9 ~~Amendments Act (42 U.S.C. 3601, et. seq.) (FHA), or Title II of the Americans with Disabilities Act~~  
10 ~~(42 U.S.C. Section 12131, et. seq.) (ADA). Any person who is disabled, or qualifying entities, may~~  
11 ~~request a Reasonable Accommodation, pursuant to the procedures set out in this section. [Ord.~~  
12 ~~2011-016]~~

#### 13 ~~B. Applicability~~

14 ~~An applicant shall be required to apply for all applicable Development Review processes available~~  
15 ~~in the ULDC prior to filing a request for Reasonable Accommodation, unless compliance with~~  
16 ~~available Development Review processes would deprive the applicant, or persons with disabilities~~  
17 ~~served by the applicant, of an equal opportunity to use and enjoy housing. [Ord. 2015-006]~~

#### 18 ~~C. Notice to the Public of Availability of Accommodation~~

19 ~~The County shall endeavor to provide notice to the public, advising that disabled individuals or~~  
20 ~~qualifying entities may request a Reasonable Accommodation. [Ord. 2011-016]~~

#### 21 ~~D. Application Procedures~~

22 ~~The application forms and requirements for submitting a request for Reasonable Accommodation~~  
23 ~~shall be on forms specified by the County Administrator or designee. [Ord. 2011-016]~~

##### 24 ~~1. Application Contents~~

25 ~~The following considerations shall be applicable for any application information or~~  
26 ~~documentation required: [Ord. 2011-016]~~

##### 27 ~~a. Confidential Information~~

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

##### 40 ~~b. Address of Applicant~~

41 ~~Address of the applicant is requested, unless governed by 42 U.S.C. §290d.d., in which~~  
42 ~~case the address shall not be required, but the applicant may be requested to provide~~  
43 ~~documentation to substantiate a claim verifying applicability. [Ord. 2011-016] [Ord. 2015-~~  
44 ~~006]~~

##### 45 ~~c. Address of Housing~~

46 ~~Address of housing or other location at which accommodation is requested unless~~  
47 ~~governed by 42 U.S.C. §290d.d., in which case address shall not be required, but the~~  
48 ~~applicant may be requested to provide documentation to substantiate a claim verifying~~  
49 ~~applicability. [Ord. 2011-016]~~

##### 50 ~~2. Sufficiency Determination~~

51 ~~The County Administrator or designee shall determine whether the application is sufficient or~~  
52 ~~insufficient within ten days of submittal by reviewing the information required in the application.~~  
53 ~~If staff determines the application is not sufficient, a written notice shall be sent to the applicant~~  
54 ~~specifying the deficiencies within the ten-day determination timeframe set forth herein. [Ord.~~  
55 ~~2015-006]~~

##### 56 ~~3. Fee~~

57 ~~There shall be no fee imposed by the County for a request for Reasonable Accommodation~~  
58 ~~under this section or an appeal of a determination on such request, and the County shall have~~

### Notes:

- Underlined indicates **new** text.
- ~~Stricken~~ indicates text to be **deleted**. If being relocated, or partially relocated, destination is noted in bolded brackets [**Relocated to:** ] or [**Partially relocated to:** ].
- *Italicized* indicates relocated text. Source is noted in bolded brackets [**Relocated from:** ].
- .... A series of four bolded ellipses indicates language omitted to save space.

## EXHIBIT X

# ARTICLE 2, DEVELOPMENT REVIEW PROCEDURES APPLICATION PROCESSES AND PROCEDURES CHAPTER C, ADMINISTRATIVE PROCESS (Updated 7/3/17)

~~no obligation to pay a applicant's, or an appealing party as applicable, attorneys' fees or costs in connection with the request, or an appeal. [Ord. 2011-016] [Ord. 2015-006]~~

#### ~~4. County Assistance~~

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

#### ~~5. Findings for Reasonable Accommodation~~

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

~~a. a physical or mental impairment which substantially limits one or more major life activities; [Ord. 2011-016]~~

~~b. a record of having such impairment; or [Ord. 2011-016]~~

~~c. that they are regarded as having such impairment. [Ord. 2011-016]~~

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

#### ~~6. Authority~~

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

#### ~~7. Action by Appropriate PBC Official~~

~~A written response shall be issued within 45 days of the date of sufficiency advising the applicant of the PBC official's action. [Ord. 2011-016] [Ord. 2015-006]~~

##### ~~a. Request for Additional Information Timeframes~~

~~If additional information is required to make a final decision, the following shall apply:~~

~~[Ord. 2011-016] [Ord. 2015-006]~~

~~1) Within 45 days of sufficiency determination, a written notice requesting additional information may be requested, specifying what information is required. [Ord. 2011-016] [Ord. 2015-006]~~

~~2) The applicant shall have 15 days from the date of the written notice to respond to the request for additional information not to exceed 60 days from the date of the sufficiency determination. [Ord. 2011-016] [Ord. 2015-006]~~

~~a) If the additional information provided by the applicant satisfies staffs' request, a written determination shall be issued within 30 days. [Ord. 2011-016] [Ord. 2015-006]~~

~~b) If the applicant fails to provide the requested additional information within the 15 day period, a letter shall be issued to the applicant advising the applicant that the application is considered withdrawn. [Ord. 2011-016] [Ord. 2015-006]~~

##### ~~b. Determination~~

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

~~1) grant the accommodation request; [Ord. 2011-016]~~

~~2) grant a portion of the request and deny a portion of the request; [Ord. 2011-016]~~

~~3) impose conditions upon the grant of the request; or [Ord. 2011-016]~~

~~4) deny the request. Any such denial shall be in writing and shall state the grounds therefore. [Ord. 2011-016]~~

##### ~~c. Notice of Proposed Decision~~

~~All written determinations shall give notice of the right to appeal. The notice of determination shall be sent to the requesting party (i.e. the disabled individual or his/her representative) by certified mail, return receipt requested. [Ord. 2011-016]~~

#### ~~8. Appeal~~

~~Within 30 days after the appropriate PBC official has rendered a decision on a Reasonable Accommodation, the applicant may appeal the decision. This timeframe shall be based upon the date of the letter mailed to the requesting party. All appeals shall contain a statement containing sufficient detail of the grounds for the appeal. Appeals shall be to a Hearing Officer as set forth in this Code. The Hearing Officer shall, after duly noticing the applicant of the public hearing for appeal, render a determination as soon as reasonably practicable, but in no~~

#### Notes:

- Underlined indicates new text.
- ~~Stricken~~ indicates text to be ~~deleted~~. If being relocated, or partially relocated, destination is noted in bolded brackets [**Relocated to:** ] or [**Partially relocated to:** ].
- *Italicized* indicates relocated text. Source is noted in bolded brackets [**Relocated from:** ].
- .... A series of four bolded ellipses indicates language omitted to save space.

## EXHIBIT X

# ARTICLE 2, ~~DEVELOPMENT REVIEW PROCEDURES APPLICATION~~ ~~PROCESSES AND PROCEDURES~~ CHAPTER C, ADMINISTRATIVE PROCESS (Updated 7/3/17)

~~event later than 60 days after an appeal has been filed. Such hearing shall be de novo. A Hearing Officer's decision may be appealed to the 15th Judicial Circuit Court by petition for writ of certiorari. [Ord. 2011-016]~~

### ~~9. Stay of Enforcement~~

~~While an application for Reasonable Accommodation, or appeal of a determination of same, is pending before the County, the County will not enforce the subject ULDC requirement, or related rules, policies, practices or procedures, against the applicant. [Ord. 2011-016]~~

### ~~10. Time Limitation~~

~~A Determination granting, partially granting, or granting with conditions, a Reasonable Accommodation, may remain valid either for one-year from the date of issuance, or by the date specified in a Development Order or associated Condition of Approval, otherwise it shall become null and void. This provision shall retroactively apply to all prior Determinations for a Reasonable Accommodation prior to the effective date of this Ordinance. [Ord. 2017-002]~~

~~[Relocated to Art. 5.K]~~

<b>Reason for amendments:</b> [Zoning]
--

- |  |
|--|
| 1. Add Zoning Confirmation Letter (ZCL) processes to Chapter C. ZCL is a current service provided to the public. |
|--|

## Section 11 Zoning Confirmation Letter (ZCL)

### A. Purpose

To establish a process allowing applicants to request a confirmation of information for a parcel of land, including but not limited to: FLU designation, zoning district, prior DO history. This process may also be used for interpretations of this Code as defined in Art. 1.B. Interpretation of the Code.

### B. Types of ZCL

The request for a ZCL by an applicant may be in form of a Basic ZCL or a Formal ZCL.

#### 1. Basic ZCL

An applicant may request for standard land use and zoning information pertinent to a parcel of land. The response from the Zoning Division is in a form summarizing the requested information, including but not limited to; FLU designation; zoning district; and whether the property is conforming to Code requirements; or the property has any prior approval(s). Basic ZCL may include plans or other relevant documents pertinent to the property.

#### 2. Formal ZCL

An applicant may request for clarification or an interpretation of code requirements, conditions of approvals, prior approvals or any issues that are pertinent to a parcel of land. The request may be site or non-site specific. An applicant is required to provide to the Zoning Division a written summary with question(s) related to the code, condition of approval or to a specific parcel of land. Formal ZCL may include plans or other relevant documents pertinent to the property. Staff shall respond to the request(s) in a letter format.

### C. Sufficiency Review

All requests for a ZCL are subject to requirements pursuant to Article 2.D.3, Review. Request(s) for a Formal ZCL shall be subject to a mandatory PAA to ensure staff has a general understanding of the applicant's request(s).

### D. Review

The applicant shall submit a request for a ZCL to the DRO subject to a ZAR process.

#### 1. Basic ZCL Response

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

#### 2. Formal ZCL Response

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

<b>Reason for amendments:</b> [Zoning]
--

- |   |
|---|
| 1. Clarify to state that the Administrative Inquiry (AI) is not required to post it in the local newspaper, but require Staff to send out Courtesy Notice related to the AI to the Adjacent properties. |
|---|

## Section 4.12 Administrative Inquiry (AI)

### Notes:

- Underlined indicates **new** text.
- ~~Stricken~~ indicates text to be **deleted**. If being relocated, or partially relocated, destination is noted in bolded brackets **[Relocated to: ]** or **[Partially relocated to: ]**.
- *Italicized* indicates relocated text. Source is noted in bolded brackets **[Relocated from: ]**.
- .... A series of four bolded ellipses indicates language omitted to save space.

## EXHIBIT X

# ARTICLE 2, ~~DEVELOPMENT REVIEW PROCEDURES APPLICATION PROCESSES AND PROCEDURES~~ CHAPTER C, ADMINISTRATIVE PROCESS (Updated 7/3/17)

### A. Purpose

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

### B. Applicability

An inquiry is not a public hearing ~~and is not subject to the advertising, and~~ but is subject to the notice requirements of Table 2.A.1.J, Notification Applicability, Article 2, Development Review Process. The decision of the BCC shall be final. [Ord. 2011-016]

### C. Procedures

An AI may be made by a public agency through the Zoning Director using forms and procedures established by the Zoning Division. The AI shall be placed on the BCC agenda by the Zoning Division for the date the inquiry is intended to be presented. Courtesy Notice pursuant to Art. 2.A.1.J, Notifications, is required for an AI applicable to a parcel for a specific inquiry or to provide development status not monitored by the provisions in Art. 2.E, Monitoring. [Ord. 2011-016] [Ord. 2017-002] [Relocated from Art. 2.D.4, Administrative Inquiry]

## Section 513 Interpretations

### A. Purpose

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

### B. Applicability

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

### C. Procedures

#### 1. Submission of Request for Interpretation

A request for interpretation shall be submitted to the appropriate PBC official in a form established by that official and made available to the public. The request shall be accompanied by fee established by the BCC. [Ord. 2011-016]

#### 2. Sufficiency Determination

All interpretation requests are subject to requirements pursuant to Art. 2.D.3, ~~A-1-G-4, Sufficiency-Review~~. [Ord. 2011-016]

#### 3. Rendering of Interpretation

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

### D. Appeal

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

### E. Official Record

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

U:\Zoning\CODEREV\Research - Central\Art. 2 - Development Review Procedures\2017\6 - Subcommittee\7-25-2017\Attachments\7-20-17 Chapter C- Administrative Application Processes.docx

#### Notes:

- Underlined indicates **new** text.
- ~~Stricken~~ indicates text to be **deleted**. If being relocated, or partially relocated, destination is noted in bolded brackets [**Relocated to:** ] or [**Partially relocated to:** ].
- *Italicized* indicates relocated text. Source is noted in bolded brackets [**Relocated from:** ].
- .... A series of four bolded ellipses indicates language omitted to save space.