



ST. LUCIE COUNTY

DEVELOPMENT REVIEW

TASK FORCE

THANK YOU!

This document could not have been created without the committment of efforts from the the following:

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INTRODUCTION

In October, 2010, Larry Pelton, Economic Development Council, and Linda Cox, Chamber of Commerce, met with Faye Outlaw to discuss creating a task force which was to evaluate the permitting and development process for area businesses and identify impediments to local business expansion and start up. The discussion originated at the request of the County's Citizen Budget Committee.

In November, the Chamber's Divisional Vice President of Government Affairs, Tyson Waters, invited several Chamber members and business individuals that were recognized as industry professionals and impacted businesses to assist in the process. County staff was also invited to participate in the discussion.

At its organizational meeting in December, after significant discussion the business leaders identified the goal of the Task Force as follows:

"Identifying and proposing regulations, policies and practices to minimize impediments in St. Lucie County codes in order to encourage and promote a positive environment for the expansion of existing businesses, while maintaining minimum standards for public health and safety."

Since its initial meeting in December, the Task Force has met monthly and offers this document as an initial report intended to offer immediate relief. The Task Force will continue to meet to identify other areas of concern.

This report is in no way intended to be a comprehensive review of the development and permitting process. Silence on issues not addressed in this initial report should not be construed as acceptance or affirmation of the process. Additionally, the Task Force review was limited to the current process and code; we did not review or comment on any of the pending Land Development Code Changes.

SUMMARY OF MEETINGS

As previously stated, the Task Force began meeting in December and has had one (1) meeting every month since that time. The Task Force thought it would be important to provide a brief summary of the meetings and what information was obtained over that time frame. This section will provide a brief summary of the meetings.

DECEMBER 8TH, 2010 – ORGANIZATIONAL MEETING

- Task Force mission and timetable.
- Scope of businesses affected:
 - new vs. existing business, businesses that will add jobs
 - bringing existing business & structures into compliance
 - comparison to other counties, similar efforts to reduce regulations.
- Scope of affected County Regulations and County Policy
 - Land Development Code
 - Economic Incentives or policy
 - Impact Fees
- Scope of affected SLC Departments
 - Planning – Growth Mgt. (Development Services)
 - ERD
 - Public Works
- Scope of what SLC controls versus Regulations not in this jurisdiction:
 - State & Federal, Fla. Dept. of Health, ADA, Water Mgt. District
- Attendance:
 - Chamber: Tyson Waters (Chairperson), Linda Cox
 - EDC: Larry Pelton, Rebecca Miller
 - St. Lucie Staff: Mark Satterlee, Kara Wood, Michael Brillhart
 - Other Committee: Rod Kennedy, Peter Harrison, Brad Currie, Bob Raynes, Craig Mundt
 -

DECEMBER 6, 2010: Mark Satterlee, SLC Staff prepared and emailed out Cost Analysis Associated with Development ([Exhibit 1 on page 13](#))



JANUARY 5TH, 2011

- Scope of typical code problems that cause delay, confusion, angst and “I give up and am moving my business to another county!”
 - Drainage, landscape. ROW, sidewalk / multi use path, signage
 - Review timelines in place vs. expedited review
 - What is “by right” vs. “discretionary”, what are site plan “trigger points”
- Discussion of type of businesses:
 - large, multi county – state wide companies that understand the process and routinely use professional consultants
 - small, local businesses that don’t know the process and do not use consultants
- Possible scope of task force final outcomes;
Moratoriums, Suspension or Deferral of LDC or State of Business Emergency
Strong staff powers for discretion, deferral or suspension of code & policy
Time period of all the above (1 year or longer)
- Attendance:
 - Chamber: Chairperson, Tyson Waters, Linda Cox
 - EDC: Larry Pelton, Rebecca Miller
 - SLC Staff: Mark Satterlee, Kara Wood, Karen Smith, Amy Griffin
 - SLC Commission: Todd Mowery
 - Other Committee: Rod Kennedy, Peter Harrison, Brad Currie, Bob Raynes, Craig Mundt, Marty Sanders

JANUARY 25, 2011: Mark Satterlee & SLC Staff prepare detailed matrix analysis of LDC Chapters 6, 7, 8, 9, 11 and analysis of Impact Fees (Exhibit 2 on page 14)

FEBRUARY 2ND, 2011

- drill down to LDC Code Chapters most affecting business
- identification of actual projects that are stereotypical of today’s problems
 - moratorium vs. deferral vs. exemptions vs. “fast track” Attendance:
 - Chamber: Tyson Waters, Chairperson, Linda Cox



- EDC: Larry Pelton
- SLC Staff: Mark Satterlee, Karen Smith, Mike Powley,
- SLC Commission: Todd Mowery
- Other Committee: Rod Kennedy, Peter Harrison, Brad Currie, Bob Raynes, Craig Mundt, Marty Sanders

FEBRUARY 28, 2011: Mark Satterlee & SLC Staff update detailed matrix analysis of LDC Chapters 6, 7, 8, 9, 11 and analysis of Impact Fees, added Chapter 6 and color coded red, yellow and green to indicate sensitivity (Exhibit 3 on page 22)

MARCH 2, 2011

- Election of new Chairperson, Brad Currie, (Tyson Waters resigned).
- Review of Palm Beach County ongoing efforts to reduce / reform LDC regulation.
- Discussion of amending existing code vs. moratorium, suspension or deferral.
- Committee hears of actual experiences of existing business that needed to expand in the past and will soon expand again
- First review of color code matrix, produced by SLC staff (red, yellow, green).
- Focus on final document, due in 3 months
- Attendance:
 - Chamber: New Chairperson, Brad Currie, Linda Cox, Tyson Waters
 - EDC: Larry Pelton
 - SLC Staff: Mark Satterlee, Karen Smith, Mike Powley,
 - SLC Commission: Todd Mowery
 - Other Committee: Rod Kennedy, Peter Harrison, Bob Raynes, Craig Mundt, Johnathan Ferguson, Marty Sanders

APRIL 6, 2011

- review of recent Indian River County code changes, to expedite development

- review of headaches, associated with
 - ROW dedication requirement
 - Landscape requirements
 - Vehicle Use Areas
 - Storm water treatment
- extensive discussion of ERD Issues, Chapter 6 & 7 of LDC:
 - endangered species, habitat, wetlands, water quality, mitigation, avoidance
 - State Requirement vs. County LDC Requirements vs. Comp. Plan
 - County liability for failure to adhere to Federal Law
- refine outline of final letter report:
 - **Define Targeted Projects:**
 - * Business types, business structures, square footage triggers
 - **Process Oriented Changes:**
 - **Code Changes:**
 - * ROW Dedication
 - * Sidewalk – Multi Use Paths
 - * Landscaping
 - * Vehicle Use Areas
 - * Wetlands, Coastal Areas, Listed Species & Habitat
 - * Walls, Fences, Hedges
- Attendance:
 - Chamber: New Chairperson, Brad Currie, Linda Cox, Preston Tyson
 - EDC: Amy Griffin, Karen Smith
 - SLC Staff: Mark Satterlee, Kara Wood
 - SLC Commission: Todd Mowery
 - Other Committee: Rod Kennedy, Peter Harrison, Bob Raynes, Craig Mundt, Johnathan Ferguson, Marty Sanders

MAY 4, 2011

- Drafting of Final Letter Report:
 - Write-up assignments to task force members
- determine who will implement the recommendations (if approved by BOCC)
- unfinished, to be completed, long term goals of Task Force
- Attendance:
 - Chamber: Chairperson, Brad Currie, Linda Cox
 - EDC: Larry Pelton
 - SLC Staff: (none)
 - Other Committee: Rod Kennedy, Peter Harrison, Bob Raynes, Craig Mundt, Johnathan Ferguson

FINDINGS

We chose to start with the site plan approval portion of the process. We determined there are three (3) areas that we needed to concentrate on. These three (3) areas are: Defining the project, Changes to the Processes, and Proposed Changes to the Code. This document will review what was discussed by the Task Force in relation to each of these areas and then provide specific recommendations that can be implemented.

I. DEFINE THE TARGETED PROJECTS?

The St. Lucie County Land Development Code (LDC) identifies several different procedures for review of site plans. These procedures identify what process a project goes through in order to obtain approval. They range from requiring a building permit only to requiring the Board of County Commissioners approval. The process by which a project goes through is based on the size of the project. The discussion of the Task Force centered on nonresidential projects. Therefore, this document concentrates on nonresidential uses. The general breakdown is the following:



| PROJECT DESCRIPTION | APPROVAL PROCESS |
|--|--|
| Any nonresidential use, including additions to existing structures of less than 5,999 feet | Building Permit Process (Staff Approval) |
| Any nonresidential use, including additions to existing structures of 6,000 to 24,999 square feet. | Minor Site Plan (Staff Approval) |
| 25,000 square feet or more of nonresidential floor space | Major Site Plan (BCC Approval) |

The consensus of the Task Force is that the Code is especially daunting for the smaller projects. Even though the approval process may be different, most of the requirements are the same for all projects, no matter what the size. This appears to be one of the problems smaller projects are facing. Some of the requirements laid out in the last part of this document may be easy for larger projects to comply with, while it may be a deal killer for smaller projects.

The Task Force would like the changes proposed in this document to be applied to Existing Businesses that would like to expand and new businesses that wish to occupy an existing building. ***The Task Force recommends that the changes in this document apply to all projects adding less than 6,000 square feet of building structure and apply to all projects adding less than five (5) acres of improved, outside open areas (such as areas used for storage, container storage, parking, equipment or vehicle repair, containers, delivery, drive thru, material transfer, and all vehicle use areas).***

II. PROCESS ORIENTED CHANGE

The Task Force discussed on many occasions that if you are not in the “business” the process can be very confusing and full of surprises. While having a consultant on the applicant’s team greatly reduces these surprises, it was the desire of the Task Force to attempt to make the process as clear as possible for the average person. Many of the members of the Task Force were able to identify some of the common misunderstandings in the process. We also heard from



several property owners that have attempted to negotiate the process on their own. Staff understands they often deal with property owners and business owners that have little or no experience in obtaining approvals from local governments. While the Task Force agreed that it is not the County Staff’s responsibility to become the owner’s agent, there are some steps staff could take to make the process more business friendly.

Staff mentioned several times that there was a proposed new position at St. Lucie County. Staff referenced the title of this position as the “Business Navigator.” The intent of this position would be for someone to aid the property owners/business owners through the development review and building permit process. Much like the Economic Development Council would do for large projects, the Business Navigator would help guide smaller projects through the system. ***The Task Force recommends the creation of a Business Navigator position that is focused on smaller existing businesses that want to expand.***

As previously discussed, there are several different processes a project can go through based on its size. These thresholds are set by the Land Development Code. Each municipality has different requirements. St. Lucie County requirements are some of the strictest on the Treasure Coast. In this meaning, strict refers to the length of the approval process for smaller projects. For example, in St. Lucie County a project would have to receive approval by the Board of County Commissioners if it is larger than 25,000 square feet. Martin County’s threshold is 50,000 square feet and the City of Vero Beach is 100,000 square feet. Any project smaller than these thresholds would only require staff approval. ***The Task Force recommends the threshold for staff review only for proposed projects 50,000 square feet or less.***

When a property owner or business owner wants to expand often times their first stop is at the building department. The building department typically sends them over to the planning department where they meet with the On Call Planner. This is typically where the property owner/business owner begins to understand the process they will undergo to obtain the required approvals. Typically staff gives them applications that will be required along

with a fairly confusing flow chart.

The Task Force believes there are three (3) things staff can do to make this process less intimidating and easier to understand. ***First, they can create a more detailed narrative, or booklet, that describes the processes.*** This is a document that the applicant can take home and review and then ask more questions at a later date if needed. It needs to be specific, but easy to read. The need to contact Regional, State, and Federal Agencies should be clear within this document. The Task Force discussed many times that the County staff did not notify applicants that there are additional processes and approvals required for agencies outside of St. Lucie County. Outside agency review needs to be a predominate portion of the proposed narrative.

The second item that would make the process more clear is to ***update the process flow charts.*** These charts need to be made easier to understand for the typically business owner.

Lastly and most importantly, the ***Task Force recommends that Pre-Application meetings be made mandatory for all new applications.*** This will provide an opportunity for all of the County Departments to give notice to an applicant of what will be required of them. The Task Force discussed a similar process for individuals seeking building permit approval. While not all building permit applications may require a pre-application meeting, it was discussed that providing an opportunity for an applicant to ask questions and better understand the requirements, is a good idea.

The last item in this section addresses the process in between site plan approval and the building permit submittal. This process is typically called the detail plan approval and includes not only the detailed site/civil plans but also receiving all the applicable site construction permits and approvals. This process deals with the horizontal construction plan approval (paving, drainage, water, and sewer). This is typically where the Regional, State, and Federal agencies require approvals. Currently, the Task Force determined that there is no formal approval process for this portion of the approval. Examples of just

some of the required permits/approvals are as follows:

1. Local utility approval. Either St. Lucie County (SLC) Utilities Department, Port St. Lucie Utilities Department, or the Ft. Pierce Utilities Authority (FPUA).
2. State utility approval. Florida Department of Environmental Protection (FDEP).
3. St. Lucie County Health Department for septic/drainfield and well permits.
4. South Florida Water Management District for water withdrawal permit.
5. St. Lucie County Fire Department Approval.
6. Any work within an adjacent right-of-way requires either St. Lucie County approval or Florida Department of Transportation (FDOT).
7. Utility work within a right-of-way requires a FDOT Utility Permit.
8. A proposed driveway connection requires a St. Lucie County driveway permit or a FDOT Driveway Connection permit.
9. Land Clearing requires a SLC Environmental Resource Department (ERD) Permit.
10. Wetland impact requires a SLC ERD, SFWMD, FF&W and ACOE approval.
11. Stormwater treatment requires approval from SLC Engineering Department and the SFWMD Permit.
12. Projected site impact of more than 1-acre requires a National Pollutant Discharge Elimination System (NPDES) issued by FDEP.

These permits and approvals, and possibly others, are required in some combination or another for each project that is being proposed for construction improvement. After siteplan approval many potential small business owners may think the approval process is over and they can start building construction. But in fact, some of the hardest work is yet to be started. This is when the Task Force has learned that many applicants begin to get extremely frustrated with just starting to understand the time and money that may be required to finish their project, when they are midway through the project.



The Task Force recommends implementing a process for Detail Plan Approval. The City of Port St. Lucie completes this process much like the Development Review Process in the County. An applicant submits the detailed plans, to include final landscape plans, approvals and all final permits, and then the application is heard at a public staff meeting where the applicant has the ability to ask questions. Each department is represented at this meeting to explain their concerns and provide a comment letter so the applicant clearly understands staff's requirements. The benefit is that the applicant understands a time specific date that he can expect an answer to his detailed plan submittal package. As an example, the City of Port St. Lucie schedules an applicant within 3-weeks of his detailed plan submittal. The process is typically run thru the Growth Management or Planning Departments of various municipalities since this department usually handles the distribution of siteplans and is best structure to handle the tracking of applications and status thru-out other various departments. The public staff meeting is also attended by representatives of the school board, fire department, outside utility departments, police department, a representative of the planning board, ADA representative, mass transit, and any other department or agency that should or is willing to participate. This process would keep applications from being "lost" in the system, provide a timely response to new applicants, and gives every appropriate agency a chance to comment.

III. CODE CHANGES

The Task Force spent the most time discussing the different code requirements and how these requirements impact the new or existing small business. The overall goal of the Task Force is to identify items that are impeding the expansion/new small businesses during the economic slowdown. The Task Force was asked to look at the Code requirements and determine what requirements could be "put on hold" during this time. In looking at the requirements the Task Force and County staff had to determine which requirements could be "put on hold" and which ones could not due to public health, safety, and

welfare. ***The Task Force recommends the requirements outlined in this report be suspended for a period of two (2) years.*** This will allow projects submitted dur-



ing this time to not be required to comply with certain sections of the Land Development Code. The Task Force believes this will benefit the targeted sector of expanding or new small businesses. At the end of the two (2) year time frame, the program will be evaluated to determine if it did indeed help the intended group. It will then be determined if the program should be extended.

A. RIGHT-OF-WAY DEDICATION – The St. Lucie Land Development Code requires any applicant seeking a Development Order, for a project abutting a roadway designated on the Thoroughfare Network Right-of-Way Protection Plan, to dedicate sufficient land to account for the applicant's proportionate share of the right-of-way deficiency. Once the extent of the dedication has been determined by the County Engineer, the applicant is required to convey the dedicated right-of-way to St. Lucie County, free and clear of any liens or encumbrances, within ninety (90) days of the site plan approval or prior to the issuance of the building permit.

The Task Force understands the need for the County to acquire right-of-way dedications and believes that applicants are generally willing to provide the required right-of-way to the County. The problem, however, lies not with the dedication of the right-of-way itself, but the significant costs that can be incurred in meeting the County's policies and requirements for accepting the applicant's dedication.

These costs include the applicant providing a sketch and legal description, prepared by a Florida licensed surveyor, of the area to be donated, a Phase I Environment Site Assessment of the donated right-of-way and a title commitment and Owners Policy, insuring the donated area in an amount equal to 120% of the assessed value of the donated area from the year prior to the granting of the Development Order being sought by the applicant.

While the cost associated with meeting these requirements will vary depending on the extent of the dedications they can still be significant to small business owners when added to the other development costs incurred by the applicant in seeking development approvals for starting or expanding their existing business. ***Therefore, the Task Force recommends the following four options:***

- 1. Eliminate the requirement for dedication of right-of-way for targeted projects.***
- 2. Defer the dedication of the required right-of-way until the County is prepared to build the required improvements. This would allow the applicant to also defer the costs associated with providing the required documentation for the right-of-way dedication.***
- 3. Eliminate the requirement that the applicant provide the necessary documentation and let the County determine if such documentation is necessary on a case by case basis. If for example, the County has some reason to believe that there may be environmental concerns with the subject property then the County can, at its expense, have a Phase I Audit done. Requiring the applicant to dedicate the proposed right-of-way and then burdening them with the costs of providing the documentation required by the County is akin to looking the proverbial gift horse in the mouth. The applicant is already providing value to the County by donating the right-of-way.***
- 4. Let the County assume the costs of the title policy, the Phase I Audit and the sketch and legal.***

B. SIDEWALKS – Currently all new development proposed within the County’s Urban Service Boundary must construct a sidewalk within the right of way of all roads that abut the development or pay a fee in lieu of constructing the sidewalk. In many cases, especially for non-residential development, constructing a sidewalk serves little to no public purpose and paying a fee in lieu of construction does not benefit the development because there is no guarantee that the money will be used to construct sidewalks to serve the development. This is the type of one size fits all regulation that unnecessarily adds costs to development with no discernible benefit to the public or to the

business and in turn discourages small businesses from relocating to a new site or expanding an existing business.

In an effort to reduce the cost and regulatory barriers for small businesses which wish to relocate or expand in the County, ***the Task Force recommends the following changes to the sidewalk requirements be implemented:***

- 1. Existing non-residential development that submits an application to expand is exempt from the sidewalk requirements;***
- 2. Proposed new industrial development is exempt from the sidewalk requirements;***
- 3. Proposed new non-residential development (not industrial) up to a specified size is exempt from the sidewalk requirements;***
- 4. If sidewalks are still required for new non-residential development and the fee in lieu of construction option is chosen, then the money must be earmarked for sidewalk construction to specifically benefit the development. If the money is not used for a sidewalk to benefit the development within five (5) years, then the money is refunded to the development.***

The above recommendations represent the first steps in addressing sidewalk requirements that impose a disproportionate cost on individual businesses with little corresponding benefit to the public. The county’s sidewalk program needs to be overhauled to address these inequities, however, such an overhaul is beyond the scope of this initial effort to reduce the costs and barriers to small businesses. But the interim steps outlined above will help in the short term.

C. LANDSCAPING – The projects this Task Force focused on are typically located in existing non-residential buildings. Some of these buildings were constructed prior to today’s complex Landscaping Code. When a business owner decides to expand their business, they are often times required to bring the site into compliance with today’s code in regards to landscaping. This represents an increase in cost for the small expanding business. They are required to hire a consultant to complete the design and then install the plant materi-



als. *The Task Force recommends that all targeted projects not be required to meet the current landscape requirements.*

D. VEHICLE USE AREAS – *The Task Force recommends the following:*

1. Define the meaning of a “vehicle use area”.

Example. Vehicular Use Areas: All outside, surface area used for the parking, loading or unloading of passengers or merchandise, maneuvering, servicing, storage or circulation for licensed vehicles, including automobiles, trucks, motorcycles, buses. Specifically included are service stations, vehicle washing establishments, and uses with drive-up facilities such as, but not limited to banks, restaurants, office buildings and convenience stores.

- 2. Allow the right, in the LDR for specific uses to avoid complete hard surface application. Examples may be storage areas used strictly by forklifts or other off-road vehicles. Other examples of uses that would not require complete hard surface application may be storage areas, container storage areas, temporary land debris storage, salvage yards, recycling plants, etc.**
- 3. Allow the right for alternate surface application proposed by the applicants using the established variance process. It would be convenient to include definitions on hard surface applications (i.e. concrete, asphalt, paver brick) and alternate semi-previous surfaces (i.e. grass parking, block-mat, shell, gravel, etc)**
- 4. Allow either the County Engineer, Growth Development Director or the Planning Board the ability to approve the requested surface application variance.**
- 5. Allow the right for alternate surface application to special conditions that specifically apply within private operation of an industrial operation, are not typically used by licensed vehicles, include no pedestrian movements, and have no required posted speed limit and/or Federal traffic signage.**



E. MITIGATION OF WETLANDS – Allow mitigation of wetlands as allowed by the St. Lucie Code, the South Florida Water Management District, and the US Army Corps of Engineers. Specifically, allow agencies with State and Federal jurisdiction to determine the necessity and magnitude of mitigation as a part of the Joint ERP process. By applying the arbitrary wetland classification system that currently exists in the Comprehensive Plan, the County is imposing an additional layer of regulatory encumbrance to an already lengthy process. Additionally, by asserting jurisdiction over these areas, the County is potentially stepping outside of their specific area of expertise and allowing for what State regulatory staff has referred to as “emotional” wetlands to be claimed as jurisdictional. *The specific recommendation of this Task Force is to eliminate the County’s wetland classification system, as stated in the Comprehensive Plan, and allow for the State and Federal permitting process to be sufficient for the purposes of development review.*

F. LISTED SPECIES SURVEYS – Revisit the need for every project to complete a listed species survey with the County Attorney. Other municipalities do not require the same thing that St. Lucie County does. We had several debates on this issue during the Task Force meetings. The Task Force cannot determine why St. Lucie County treats this topic different than other County and City offices. It is understood that County staff have been advised by the County Attorney to err on the side of caution when it comes to potential impacts to listed species on proposed projects that are under review. However, a better explanation of the justification for listed species coordination and the electronic publication of resources that staff utilizes to make these requests would allow for better project planning to anticipate coordination delays with State and Federal agencies. Additionally, if the property owner and/or project principal are willing to sign an affidavit stating that they are aware of the liability associated with proceeding through development activities and will not hold staff liable for any subsequent potential impacts to listed species or their habitat that may fall under the jurisdiction of State or Federal agencies, then it may be worth investigating if this provides some legal buffer for staff. *If the responsible party has retained an environmental professional to evaluate listed species issues, then it is the opinion of the Task Force that the County*

should allow the burden of professional liability to be shouldered by these individuals. Furthermore, in order to allow for a reasonable review time-frame, the Task Force respectfully requests that County staff allow for the normal jurisdictional process to trigger review of listed species without the additional layers of review from staff that may have limited expertise in these areas and simply recycle the standard comments on all staff reviews.

G. WALLS, FENCES, HEDGES – Currently the Code requires the construction of walls, fences or hedges for properties that are considered to not be consistent or comparable to adjacent uses. Many existing businesses that want to expand are located in older commercial buildings and shopping centers. ***The Task Force recommends that targeted projects shall not be required to be in compliance with today's Code requirements.***

H. ALLOWED USES – The County has specific uses that are allowed in each of the zoning districts. The County uses the Standard Industrial Classification (SIC) to define proposed uses. This is a very specific way to identify allowed uses in each of the zoning districts. It is common for uses that would appear to make sense in certain areas to not be allowed. An example is a Gym/Workout facility in the Industrial zoning district. This is currently not allowed even though it would appear to be sound planning to allow such a use in that district. The City of Fort Pierce is in the process of amending their land development code. The City is proposing the permitting of uses to allow more flexibility with classification, and they are also providing a provision for administrative approval of uses that are not specifically defined. This would help tremendously with allowing a use to locate in areas where staff believes they are fully compatible but are simply not included on the list. ***The Task Force recommends immediate Code amendments that would allow more flexibility in allowing uses in zoning districts that make for sound planning.***

CONCLUSION

This report is in noway intended to be a comprehensive review of the development and permitting process. Silence on issues not addressed in this report should not be construed as acceptance or affirmation of the process. The Task Force was limited to reviewing the current process and the approved Land Development Code. There was no review completed of any of the proposed changes to the Land Development Code.

While this report represents the findings to date of the group, this topic does deserve additional follow up and continued review. The follow up will comprise of implementation of the recommendations described in this report. The implementation can be done by the Task Force, or the CBC could direct staff to develop implementation strategies.

The group also requests the County continue to be represented at bi-monthly meetings of the Task Force. These meetings will be held to continue to review the processes at the County and to allow a place for business/property owners to communicate their frustrations with issues encountered while moving through the approval process at the County. The Task Force would then complete a report similar to what is being provided now. This will ensure that the processes are continually reviewed to make sure they are as efficient as possible.

ST. LUCIE COUNTY
DEVELOPMENT REVIEW
TASK FORCE
EXHIBITS



[DRAFT] St Lucie County – Costs Associated with Development - Small Business

(And suggestions for reducing costs and improving service)

1. Land development requirements that impose costs on small business and projects or expansions.

- a. Costs that typically affect an older development “coming towards compliance” with new or updated regulations and requirements.
 - i. Permit application fees from multiple County departments
 - 1. Planning
 - 2. Public Works and Engineering
 - 3. Fire District
 - 4. Health Department
 - 5. Environmental Resource Department
 - 6. Utilities
 - ii. Permit applications and fees to multiple agencies outside the County
 - 1. Water management districts
 - 1. South Florida
 - 2. Fort Pierce Farms or North St. Lucie
 - 2. Florida Department of Transportation (FDOT)
 - 3. Fort Pierce Utilities Authority (FPUA)
 - 4. Florida Department of Environmental Protection (FDEP)
 - 5. Army Corps of Engineers (ACOE)
 - 6. Florida Fish and Wildlife Conservation Commission (FWC)
 - iii. Additional permit related fees that may be incurred on plan submittals
 - 1. Plat documents and attorneys fees
 - 2. Survey work
 - 3. Traffic analysis
 - 4. Environmental Impact Report
 - 5. Signed/sealed engineered plans and/or architectural drawings
 - 6. Building permit fees as a percentage of project cost
 - 7. Building inspection fees for follow-up inspections
 - iv. Site development or site improvement for properties not originally equipped with these improvements that include such things as:
 - 1. Installation of landscaping and automatic irrigation
 - 2. Sidewalks or multiuse paths,
 - 3. Additional paved parking,
 - 4. Paved access,
 - 5. On-site drainage and stormwater retention
 - 6. Compliance with building design requirements
 - 7. Dumpster enclosures
 - 8. Off-site improvements
 - 1. Turn lanes
 - 2. Bus stop
 - 3. Utility upgrades
 - v. Impact fees and proportionate fair share costs

2. Suggestions for Cost Reduction and Process Improvement

- a. Cost Reductions in processing applications, development related fees and improvement implementation
 - i. Plan submittal requirement deferrals
 - ii. Two-year deferral for implementing certain improvements
 - iii. Discretionary waivers or eliminating need for Board level approvals
 - 1. For example - Environmental report waiver must go to the BOCC for approval
 - iv. Incentives
 - 1. Similar to current economic development incentives that are geared towards larger projects
 - 1. Tax abatement
 - 2. Job Growth incentives
 - 3. Impact fee reductions/refunds
 - 2. Reimbursement of development review fees
 - 3. Expedited review and reduced document submittal
 - 4. Increase thresholds for administrative or staff approval for site plans
 - 5. Eliminate Planning Board approval for certain projects
- b. Process Improvement Suggestions
 - i. Public Workshops outlining process or small business expo with various agencies/ Chamber of Commerce
 - 1. So you want to open or expand your business in St Lucie County – here’s how...
 - 2. How do I...? Where do I...? Who regulates...? How much is this going to cost altogether?
 - ii. Customer Service and Staff Training – Improving customer service and how we do business
 - 1. Train staff in customer service and “exceeding the customer’s expectations”. Training to teach staff the fundamentals of customer service as it applies to the functions they perform
 - 2. Place customer service expectations (i.e. customer-oriented service, return calls within 24 hours, go the extra mile, etc.) on performance evaluations;
 - 3. Extend expedited permitting process to all commercial projects (set tighter review times for staff);
 - 4. Staff attending DRC need training by Directors to expedite and prioritize comments;
 - 5. Develop a guide “How to Get A Permit in St. Lucie County” that is user friendly and geared towards the general public;
 - iii. Create a plan review process ombudsmen between business owner and various agencies – not unlike that being envisioned for Economic Development projects
 - iv. Develop a “one-stop” permitting process or develop review via multi-agency review group

DRAFT

SMALL BUSINESS TASK FORCE

SMALL PROJECT COMPARISON CHART

The following chart compares applications submitted for projects that may be new developments or, modifications to pre-existing uses that propose an addition to an existing building or structure, expansion of the developable area or a change in the use of a property. All new development is subject to compliance with the County's Land Development Code (LDC) standards in effect the time of development.

| Project Name | X-TREME FUNCTION HALL | TROPICAL MARTINI | 13th St. CHURCH OF GOD | WILSON DAY CARE | CELL TOWER |
|--|---|--|--|---|--|
| APPLICATION TYPE PROJECT DESCRIPTION | Minor Site Plan application request for new construction of a 9,311 square foot facility for social events and meetings. | Conditional Use application request for a Consume on Premises license for alcoholic beverages in an existing 4,000 square foot leased space within an in-line shopping center. | Minor Adjustment to a Minor Site Plan application request for a 2,760 square foot expansion to a 9,415 square foot Church. | Major Adjustment to an existing Conditional Use to allow for the expansion of an existing 2,416 square foot day care. | Conditional Use application request for a 130 foot tall cell tower located on an 8,000 square foot leased parcel. |
| DATE SUBMITTED | 7/1/2007 | 4/6/2009 | 4/6/2009 | 1/16/2009 | 7/31/2008 |
| DATE CERTIFIED BY | 1/8/2009 | 5/15/2009 | 10/6/2009 | 6/6/2009 | 7/14/2009 |
| DATE APPROVED BY PDS DIRECTOR | 5/26/2009 PDS 09-001 | Recommendation was made to move the project forward. | 10/6/2009 GM Order 09-016 | 8/10/2009 | Recommendation to move forward. |
| DATE APPROVED BY PLANNING & ZONING BD | Not required for a Minor Site Plan. | 01/21/2010 | Not required for a Minor Adjustment to a minor site plan. | Not Required for a Major Adjustment to a Conditional Use, goes straight to BOCC. | 8/20/2009 |
| DATE APPROVED BY BOARD OF CO COMM | Not required for a Minor Site Plan. | 2/16//2010 Res.No: 10-005 | Not required for a Minor Adjustment to a minor site plan. | 2/02/2010 Res.No: 10-029 | 1/5/2010 applicant requested to substitute a different parcel which was later approved on 11/09/2010 under Resolution No:10-109. |
| FEES: PDS | \$400 | \$1,500 | \$400 | \$1,200 | 6,100 |
| FEES: ERD | \$100 | \$100 | \$95 | \$100 | \$150 |
| FEES: CONCURRENCY | \$200 | | \$0 | \$50 | \$50 |
| FEES: FIRE DISTRICT | \$218 | | \$0 | \$218 | |
| FEES: TOTAL | \$918 | \$1,600 | \$495 | \$1,568 | \$6,300 |
| MAJOR ISSUES | Conditions of Approval included hours of operation and lighting restrictions. In addition, sound proof insulation was required and all doors facing east are to be marked "Emergency only". | Conditions of Approval included hours of operation and compliance with the County Noise Ordinance. In addition, sound proof insulation was required. Biggest issue centered on noise problems with the mobile home park to the west. This was a very old bar that was there prior to any requirements for a wall or landscaping behind the bar. This was a space leased by a tenant. | | The day care shares a joint site with the Virginia Medical office building. Staff required both applications to be reviewed at the same time. | Strict application of the LDC requires the applicant to pave a very long stretch of road and pay a Proportionate Fair Share of off site improvements. Therefore the applicant requested a Paving Waiver. This resulted in 3 Public Hearing Agenda Items. The applicant switched parcels and was granted approvals 11 months later as SL Beth Song. |
| | | | | | Strict LDC regulations require unreasonable landscaping around a cell tower in the middle of a cattle pasture. |
| Conditions of Approval | 13 Conditions Of Approval | 3 Conditions Of Approval | 7 Conditions Of Approval | 3 Conditions Of Approval | 8 Conditions Of Approval |



**Chapter 7 Development Design and Improvement Standards
Changes to Pre-Existing Uses and Developments Compliance Requirements**

The following list identifies requirements that apply to pre-existing uses and developments that propose an addition to an existing building or structure, expansion of the developable area or a change in the use of a property. All new development is subject to compliance with the County's Land Development Code (LDC) standards in effect the time of development.

EXHIBIT 2
continued

| Improvement/LDC Section | Expansion of a Non Site Plan Project | Expansion of a Site Plan Project | New Uses in Existing Buildings | Relief or Alternative Provisions | Miscellaneous/Notes |
|--|---|---|---|---|--|
| Dimensional Requirements - Area, Yard, Height, and Open Space Requirements LDC Section 7.04.00 | Compliance with the dimensional requirements of the zoning district is required, unless a variance is granted. If the site has a nonconforming use, building or lot see LDC Section 10.00.00. | Expansions must be in compliance with the dimensional requirements of the zoning district, unless a variance is granted. | Not applicable, if the existing structure was built in compliance with the code or complies with LDC Section 10. | Relief from the dimensional requirements may be granted through the variance provisions of Section 10.00.00. Non-conforming uses, buildings and lots are subject to the provisions of Section 10.00.00. | PUD zoning allows the BOCC to approve alternative dimensional requirements. There are no "use" variances. |
| Right of Way (ROW) Dedication LDC Section 7.05.03 (I) | The dedication of additional ROW along the project's road frontage will be required, if needed to meet minimum County standards. | The dedication of additional ROW along the project's road frontage will be required, if needed to meet minimum County standards. | If a permit is sought, ROW along the project's road frontage may be required, if needed to meet minimum County standards. | LDC Section 7.05.09 prohibits dedication of ROW resulting in deprivation of reasonable use of property. | Decision may be appealed to the County Administrator. |
| Sidewalks LDC Section 7.05.04 (A) | All new non-residential development is required to provide sidewalks or a multiuse path along the parcel frontage or pay a fee in lieu of construction. | All non-residential development in the unincorporated county and residential development in the urban service boundary is required to provide sidewalks or multiuse path along the parcel frontage or pay a fee in lieu of construction. | All non-residential uses seeking development permits will be required to provide sidewalks or a multiuse path along the parcel frontage or pay a fee in lieu of construction. | LDC Section 7.05.04(A)(c) allows DRC to exempt site plan projects based upon specified findings. Section 7.05.04(A)(4)(h) provides for total or partial relief and payment of a fee-in lieu of construction upon BOCC approval. | |
| Bikeways & Bicycle Racks LDC Section 7.05.04 (B) & (C) | Bike Lanes: Required if the project requires a new or reconstructed County maintained road. Bike Racks: All new non-residential development to provide bicycle racks, except industrial and agricultural. | Bike Lanes: If the project requires a new or reconstructed County maintained road bike lanes are required. Bike Racks: All new non-residential development to provide bicycle racks, except industrial and agricultural. | Bike Lanes: If the project requires a new or reconstructed County maintained roads bike lanes are required. Bike Racks: All new non-residential development to provide bicycle racks , except industrial and agricultural. | If demonstrated that bicycle traffic would not have access to the development, the bike parking requirement may be waived. The PDS Director may reduce the number of required auto spaces by 1 for each 6 bicycle parking spaces provided. | The PDS Director may also request additional bike parking spaces, if needed. Bike racks may also be requested for PUD recreational facilities or bus stops. |
| Provision for Access to New Development LDC Section 7.05.07 | Paving of unpaved roads not required, but a fair share payment may be required. | Paving of unpaved access roads or fee in lieu of paving would be required. | Paving of an unpaved access road not required, but a fair share payment may be required. | Allows for a waiver by the BOCC upon meeting the specified criteria. | |
| Off-street Parking & Loading Requirements LDC Section 7.06.01 | An increase in area or capacity of a structure existing prior to 7/1/84, except for the addition of an entry or increased storage up to 10% of the existing structure; or a parking area existing on or before 8/1/90 that is expanded in area or capacity requires compliance with all off-street parking and loading facility requirements for old and new facilities. Also all parking and vehicular use areas existing as of 3/1/99 that are altered shall be constructed with all weather surfacing. | Approved site plans will require compliance with the off-street parking and loading facilities for the increase in floor area, capacity or impervious surface area only, unless a change in use is proposed, the parking lot existed as of 8/1/1990 and is enlarged in area or capacity, in which case the entire parking lot shall comply with the code. | Requires all parking and loading areas to be brought up to code. Shopping centers or similar multi-user building is not subject to this provision provided no additional parking is required for the proposed change in use. | Relief: May be granted by the PDS Director or BOCC as provided in Section 7.06.01(B) & (F). Alternatives: Combined, shared and reserved parking areas (RPA) or context sensitive parking provisions in LDC 7.06.02 (B)(2, 3, 4 & 6). For RPA areas also see LDC Section 7.09.04(C)(7). All parking spaces, access aisles, vehicular use areas are to be all weather surface unless alternative material is approved by the County Engineer LDC Section 7.06.01(D). | When repairs and alterations are to be made in a building occupied by a nonconforming use, all off-street parking requirements contained in this Code shall be met if the cost of repairs or alterations exceed 50% of the assess value of the building and structures, LDC Section 7.06.01(E) |



Chapter 7 Development Design and Improvement Standards
Changes to Pre-Existing Uses and Developments Compliance Requirements

The following list identifies requirements that apply to pre-existing uses and developments that propose an addition to an existing building or structure, expansion of the developable area or a change in the use of a property. All new development is subject to compliance with the County's Land Development Code (LDC) standards in effect the time of development.

| Improvement/LDC Section | Expansion of a Non Site Plan Project | Expansion of a Site Plan Project | New Uses in Existing Buildings | Relief or Alternative Provisions | Miscellaneous/Notes |
|--|--|--|--|--|---|
| Stormwater Management, Applicability to Existing Development LDC Section 7.07.09 | Compliance required if impervious area is expanded to 4,000 SF or an existing 4,000 SF impervious area is expanded. | Compliance required for any activity that requires a new or amended site plan and involves 10% or more of the land area of the parcel. | Compliance required if the use is changed from residential to non-residential. | Exemptions for construction of residential 1, 2, and 3 unit residential buildings, specified maintenance work, and bona fide agricultural operations and activities LDC | |
| Utilities - Electric, cable, telephone, wire services. LDC Section 7.08.00(F) | New utilities installed in conjunction with the expansion are to be placed underground, unless otherwise addressed through the development review process. | New utilities installed in conjunction with the expansion are to be placed underground, unless otherwise addressed through the development review process. | New utilities installed in conjunction with the expansion is to be placed underground, unless otherwise addressed through the development review process. | | |
| Utilities - Water and Wastewater LDC Section 7.08.00 | May require connection to available central water and sewer systems. Changes to an existing on-site water or wastewater system will require Health Department approval. | Requires connection to available central water and sewer. Health Department approval required for the expansion of wastewater treatment systems and potable water uses. | May require connection to available central water and sewer systems. Changes to an existing on-site water or wastewater system and a change from residential to non-residential will require Health Department approval. | | |
| Landscaping and Screening LDC Section 7.09.00 | Requires a landscape plan for all new or expanded structures, LDC Section 7.09.03(A). When an off-street parking area existed as of 8/1/90 and such off-street parking lot is enlarged in area or capacity, the entire parking lot, both old and new shall comply with the code, LDC Section 7.09.04(G). | Compliance with all current standards will be required for the new development areas and off-street parking areas existing as of 8/1/90 that are enlarged in area or capacity. | Requires compliance with all landscaping requirements, except for shopping centers or multi-user buildings, provided no additional parking is required. | Provisions of LDC Section 7.09.04(E) may be waived or varied by the BOCC for Planned Developments. LDC Section 7.09.04(O) addresses administrative relief and alternative landscape plans. | Existing native vegetation may satisfy all or part of the landscape requirements upon approval by ERD Director. |
| Community Architectural Standards LDC Section 7.10.24 | Applies to new and substantial expansion of an existing building or structures in CN, CO, CG, I, RF and PUD (commercial only), PNRD, and PMUD Zoning Districts. | Applies to new and substantial expansion of an existing building or structures in CN, CO, CG, I, RF and PUD (commercial only), PNRD, and PMUD Zoning Districts. | Not applicable. | | A change in signage in the applicable zoning districts may require compliance with the signage standards. |

Notes:
BOCC: Board of County Commissioners
If there is a change in use of the structure or property two categories may apply.

January 10, 2011



**Chapter 8 Accessory Uses and Structures
Changes to Pre-Existing Uses and Developments Compliance Requirements**

The following list identifies requirements that apply to pre-existing uses and developments that propose an addition to an existing building or structure, expansion of the developable area or a change in the use of a property. All new development is subject to compliance with the County's Land Development Code (LDC) standards in effect the time of development.

| Improvement/LDC Section | Expansion of a Non Site Plan Project | Expansion of a Site Plan Project | New Uses in Existing Buildings | Relief or Alternative Provisions | Miscellaneous/Notes |
|---|---|---|---|---|---|
| Fences, Walls, and Hedges - Section 8.00.04 | Non-residential project abutting a residential development will be required to have a eight (8) foot high wall or fence separating the two uses with landscaping on both sides. | Non-residential project abutting a residential development will be required to have a eight (8) foot high wall or fence separating the two uses with landscaping on both sides. | Non-residential project abutting a residential development will be required to have a eight (8) foot high wall or fence separating the two uses with landscaping on both sides. | | All accessory uses shall meet the requirements for the zoning district in which located. |
| Deed or Property Restrictions 8.00.03(F)(8) | Thos lands with recorded property or deed restrictions that impose stricter standards, the stricter standards apply. | Thos lands with recorded property or deed restrictions that impose stricter standards, the stricter standards apply. | Thos lands with recorded property or deed restrictions that impose stricter standards, the stricter standards apply. | | Enforcement of the provisions is the duty of the homeowners or property owners association. |
| Swimming Pools Section 8.00.05 | Unless the pool is entirely screen, shall be completely enclosed with a fence or wall at least four (4) feet high. | Unless the pool is entirely screen, shall be completely enclosed with a fence or wall at least four (4) feet high. | Unless the pool is entirely screen, shall be completely enclosed with a fence or wall at least four (4) feet high. | The BOCC may grant a waiver from the fencing requirement upon making the findings specified in Section 8.05.00(B) | |

Notes:
BOCC: Board of County Commissioners
If there is a change in use of the structure or property two categories may apply.

Date: 01/25/2011



**Chapter 9 Permitted Permanent and Authorized Temporary Signs
Changes to Pre-Existing Uses and Developments Compliance Requirements**

All new development is subject to compliance with the County's Land Development Code (LDC) standards in effect the time of development.

| Improvement/LDC Section | Expansion of a Non Site Plan Project | Expansion of a Site Plan Project | New Uses in Existing Buildings | Relief or Alternative Provisions | Miscellaneous/Notes |
|--|--|--|--|---|--|
| Permitting and Exemptions - Section 9.04.01(A) | The erection, physical alteration, reconstruction or physical conversion of any sign must obtain a sign permit. | The erection, physical alteration, reconstruction or physical conversion of any sign must obtain a sign permit. The sign must be shown on the site plan to obtain a sign permit. | The erection, physical alteration, reconstruction or physical conversion of any sign must obtain a sign permit. | No permit is required for the sole purpose of changing content or graphics on an existing sign that otherwise complies with the Code. | Substantial expansions to existing buildings or structures (such as a sign) may require compliance with the sign provisions in Section 7.10.24(C) Community Architectural Standards. |
| Permitting and Exemptions - Section 9.04.01(A) | No sign permit shall be issued for development without the concurrent issuance of a Certificate of Zoning Compliance. | No sign permit shall be issued for development without the concurrent issuance of a Certificate of Zoning Compliance. | No sign permit shall be issued for development without the concurrent issuance of a Certificate of Zoning Compliance. | Exceptions to the sign permit requirements are identified in Section 9.04.02. | Substantial expansions to existing buildings or structures (such as a sign) may require compliance with the sign provisions in Section 7.10.24(C) Community Architectural Standards. |
| Permitting and Exemptions - Section 9.04.01(B) | The application for sign permit must include depiction of the proposed sign and specifications (height, sign area, dimensions, supports, illumination) and the location on the site and relation to other structures and right-of-way. | The proposed sign and specifications (height, sign area, dimensions, supports, illumination) and the location on the site and relation to other structures and right-of-way. | The application for sign permit must include depiction of the proposed sign and specifications (height, sign area, dimensions, supports, illumination) and the location on the site and relation to other structures and right-of-way. | Denial of a sign permit may be appealed to the Board of Adjustment within 30 days of denial, Section 9.04.01(E). | |
| Nonconforming Signs Section 9.05.00 | Nonconforming signs shall not be structurally altered or enlarged unless they conform to the Code, except for substitution or interchange of copy. | Nonconforming signs shall not be structurally altered or enlarged unless they conform to the Code, except for substitution or interchange of copy. | Nonconforming signs shall not be structurally altered or enlarged unless they conform to the Code, except for substitution or interchange of copy. | Nonconforming signs that were properly permitted in compliance with code at the time the sign was erected, may continue. All other nonconforming signs shall be removed unless erected prior to 9/1/61. | Nonconforming signs which are more than 50% destroyed by wind, deterioration or other damage shall be made to conform with all requirements of the Code, or be completely removed. |

Notes:
BOCC: Board of County Commissioners
If there is a change in use of the structure or property two categories may apply.

Date:02/25/2011



**Chapter 11 Administration and Enforcement
Changes to Pre-Existing Uses and Developments Compliance Requirements**

The following list identifies requirements that apply to pre-existing uses and developments that propose an addition to an existing building or structure, expansion of the developable area or a change in the use of a property. All new development is subject to compliance with the County's Land Development Code (LDC) standards in effect the time of development.

| Improvement/LDC Section | Expansion of a Non Site Plan Project | Expansion of a Site Plan Project | New Uses in Existing Buildings | Relief or Alternative Provisions | Miscellaneous/Notes |
|---|---|---|---|---|--|
| Development Order Amendments Section 11.01.04 | Development Order Amendments: it is unlawful to change, modify, alter, or otherwise deviate from the terms or conditions of the permit without first obtaining a modification of the Preliminary or Final Development Order. A modification may be applied for in the same manner as the original Preliminary or Final Development Order. | It is unlawful to change, modify, alter, or otherwise deviate from the terms or conditions of the permit without first obtaining a modification of the Preliminary or Final Development Order. A modification may be applied for in the same manner as the original Preliminary or Final Development Order. | It is unlawful to change, modify, alter, or otherwise deviate from the terms or conditions of the permit without first obtaining a modification of the Preliminary or Final Development Order. A modification may be applied for in the same manner as the original Preliminary or Final Development Order. | Existing Conditions of Approval are open to re-negotiation. The modification is approved in the same manner as the original approval. | Fees vary depending on the application type. Most DOA's are subject to the DRC Review process. This includes extension requests which are processed in the same manner as the original approval. |
| Rezoning Section 11.06.00 | Rezoning: Amendments to the text of this Code may be proposed by the Board of County Commissioners, the Planning and Zoning Commission, or any other interested party. B. Amendments to the Official Zoning Atlas may be proposed by the Board of County Commissioners, the Planning and Zoning Commission, or over fifty (50) percent of the owners of the real property to be directly affected by the proposed amendment. | Re-zoning approvals "run with the land" and have different site plan requirements for Planned Developments than for Standard Zoning Districts. | Each of the Standard Zoning Districts identify a list of Permitted Uses, Conditional Uses and accessory uses. Any change in use or modification to the uses permitted in the approved Zoning District may require a Re-zoning. Planned Developments are required to identify any Conditional Uses at the time of the re-zoning. A change may constitute a change in the original approval and requires an adjustment pursuant to Section 11.02.05 of LDC. | Conditions of Approval cannot be imposed on a Standard Re-zoning and can only be imposed on Planned Developments. The Variance process is only process for relief from dimensional requirements stipulated in Chapter 7 through the BOA. | Fees are charged and applications are subject to the public hearing process in Section 11.00.04 with noticing requirements in Section 11.00.03. Most Re-zonings are subject to the DRC Review process. |
| Conditional Uses Section 11.07.00 | Conditional Uses The purpose of this section is to provide for uses that are generally compatible with the use characteristics of a zoning district, but which require individual review of their location, design, intensity, configuration, and public facility impact in order to determine the appropriateness of the use on any particular site in the district and their compatibility with adjacent uses. Conditional uses may require the imposition of additional conditions to make the uses compatible in their specific contexts. | Most Conditional Uses do not trigger the Site Plan review process unless they are located within a Planned Development. | Each of the Standard Zoning Districts identify a list of Permitted Uses, Conditional Uses and accessory uses. Approval of a Conditional Use is specific to that owner at that location and it does not "run with the land". Any changes, including a change in name requires an adjustment. | Existing Conditions of Approval are open to re-negotiation. The modification is approved pursuant to Section 11.07.05 E of the LDC. Minor Adjustments are granted by the PDS Director. A Major Adjustment is subject to the Substantial Conformity test and goes back to the BOCC for approval. | Fees are charged pursuant to Section 11.00.03 and applications are subject to the public hearing process in Section 11.00.04. Most Conditional Uses are subject to the DRC Review process. |



**Chapter 11 Administration and Enforcement
Changes to Pre-Existing Uses and Developments Compliance Requirements**

The following list identifies requirements that apply to pre-existing uses and developments that propose an addition to an existing building or structure, expansion of the developable area or a change in the use of a property. All new development is subject to compliance with the County's Land Development Code (LDC) standards in effect the time of development.

| Improvement/LDC Section | Expansion of a Non Site Plan Project | Expansion of a Site Plan Project | New Uses in Existing Buildings | Relief or Alternative Provisions | Miscellaneous/Notes |
|--|---|--|--|---|---|
| Developer Agreements Section 11.08.00 | Developer Agreements can apply to any Zoning District, and any size project whether it is a minor site plan, major site plan, planned development or not. They typically apply to a certain issue such as a Proportionate Fair Share Agreement. | not applicable | Depending on the determination of concurrency of infra-structure, DVA's are one way to allow for expansions, however allow SLC to update COA's with new impact fees. | Existing Conditions of Approval are open to re-negotiation. The modification is approved pursuant to Section 11.08.00 of the LDC. | Fees vary depending on the application type. Most Developer Agreements are subject to the DRC Review process, and Public Hearing process. |
| Minor Site Plans Section 11.02.03 | not applicable. | Minor Site Plan, Minor Adjustment and Major Adjustment | For Minor Adjustments, it has been the past policy and practice to limit reviews to the "Affected Area" and not require the entire site to be subject to review and conditions of approval. | The Variance process is only process for relief from dimensional requirements stipulated in Chapter 7 through the BOA. | Fees vary depending on the application type. Applications are approved administratively by the PDS Director or designee. Most are subject to the DRC Review process. |
| Major Site Plans Section 11.02.04 | not applicable. | Major Site Plan, Minor Adjustment and Major Adjustment | For Minor Adjustments, it has been the past policy and practice to limit reviews to the "Affected Area" and not require the entire site to be subject to review and conditions of approval. | The Variance process is only process for relief from dimensional requirements stipulated in Chapter 7 through the BOA. | Fees vary depending on the application type. These applications may go before the BOCC at a regular public meeting. Most are subject to the DRC Review process. |
| Planned Unit Development Planned Non Residential Planned Mixed Use Section 11.02.05 | not applicable. | Planned Unit Development Planned Non Residential Planned mixed use | Planned Developments are required to identify any Conditional Uses at the time of the re-zoning. Any modification may constitute a change in the original approval and requires an adjustment pursuant to Section 11.02.05 of LDC. | Through the proposed site plan, the applicant can vary dimensional requirements in exchange for more open space, some public benefit to be provided or other negotiated conditions of approval. Existing Conditions of Approval are open to re-negotiation. The modification is approved pursuant to Section 11.02.05 E and F of the LDC. Minor Adjustments are granted by the PDS Director. A Major Adjustment is subject to the Substantial Conformity test and goes back to the BOCC for approval. | Fees are charged and applications are subject to the public hearing process in Section 11.00.04 with noticing requirements in Section 11.00.03. Re-zonings are subject to the DRC Review process. |



SMALL BUSINESS TASK FORCE

SMALL PROJECT COMPARISON CHART

The following chart compares applications submitted for projects that may be new developments or, modifications to pre-existing uses that propose an addition to an existing building or structure, expansion of the developable area or a change in the use of a property. All new development is subject to compliance with the County's Land Development Code (LDC) standards in effect the time of development.

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| FEES: ERD | \$100 | \$100 | \$95 | \$100 | \$150 |
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| FEES: TOTAL | \$918 | \$1,600 | \$495 | \$1,568 | \$6,300 |
| MAJOR ISSUES | Conditions of Approval included hours of operation and lighting restrictions. In addition, sound proof insulation was required and all doors facing east are to be marked "Emergency only". | Conditions of Approval included hours of operation and compliance with the County Noise Ordinance. In addition, sound proof insulation was required. Biggest issue centered on noise problems with the mobile home park to the west. This was a very old bar that was there prior to any requirements for a wall or landscaping behind the bar. This was a space leased by a tenant. | | The day care shares a joint site with the Virginia Medical office building. Staff required both applications to be reviewed at the same time. | Strict application of the LDC requires the applicant to pave a very long stretch of road and pay a Proportionate Fair Share of off site improvements. Therefore the applicant requested a Paving Waiver. This resulted in 3 Public Hearing Agenda Items. The applicant switched parcels and was granted approvals 11 months later as SL Beth Song. |
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EXHIBIT 2
continued



**Chapter 6 Development Design and Improvement Standards
Changes to Pre-Existing Uses and Developments Compliance Requirements**

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| Improvement/LDC Section | Expansion of a Non Site Plan Project | Expansion of a Site Plan Project | New Uses in Existing Buildings | Relief or Alternative Provisions | Miscellaneous/Notes |
|---|--|--|--------------------------------|--|--|
| Vegetation Protection and Preservation Section 6.00.00 | Compliance required with the avoidance, minimization, and mitigation criteria and the Vegetation Removal/Exemption process. | Compliance required with the avoidance, minimization, and mitigation criteria and the Vegetation Removal/Exemption process. | Not applicable | Exemptions from the permitting process for activities outlined in Section 6.00.03. Exemptions for mitigation requirements for activities outlined in Section 6.00.04. Administrative relief provision for single family residential mitigation requirements per Section 6.00.04.D.3. Flexibility in alternative mitigation methods outlined in 6.00.05.D.3.b | Existing native vegetation preserved may satisfy all or part of the mitigation requirements. |
| Mangrove Protection Section 6.01.01 | Compliance with state regulations required. | Compliance with state regulations required. | Not applicable | Florida Department of Environmental Protection provides exemption criteria. | Local delegation of mangrove protection has not yet been established. |
| Coastal Area Protection Section 6.02.01 | Provides criteria for development on environmentally sensitive coastal lands. Requires protection of dunes, listed species, and ground/surface water. | Provides criteria for development on environmentally sensitive coastal lands. Requires protection of dunes, listed species, and ground/surface water. | Not applicable | Allows for development which meets code criteria, including avoidance/minimization of impacts. | |
| Coastal Area Protection Vegetation and Landscaping Section 6.02.01.D | Compliance with 25% habitat set aside and native or drought tolerant landscaping landward of the frontal dune. | Compliance with 25% habitat set aside and native or drought tolerant landscaping landward of the frontal dune. | Not applicable | | |
| Shoreline Protection Section 6.02.02 | Compliance with buffer zones required for properties located on the St Lucie River and Indian River Lagoon. | Compliance with buffer zones required for properties located on the St Lucie River and Indian River Lagoon. | Not applicable | Exemptions for lots of record as of August 1, 1989, public infrastructure, and properties with an approved variance. Administrative variance for buffer to be reduced to 40 feet. Variance process per Section 10.01.11. | |
| Wetlands Protection Section 6.02.03 | Compliance required for development proposed within wetlands or wetland buffer areas. | Compliance required for development proposed within wetlands or wetland buffer areas. | Not applicable | Comprehensive Plan Policies set forth criteria for the BOCC to grant waivers. | |
| Wetlands Protection Permits, Mitigation, and Exemptions Section 6.02.03.D, E, and G | Compliance required for development proposed within wetlands or wetland buffer areas. Outlines local government requirements for permitting, mitigation, and exemptions. | Compliance required for development proposed within wetlands or wetland buffer areas. Outlines local government requirements for permitting, mitigation, and exemptions. | Not applicable | Section 6.02.03.G lists activities which are exempt from local permitting requirements. | The County has not been implementing this section of code, and has contracted a Wetlands Study, to determine appropriate code revisions. |
| Native Upland Habitat Protection Section 6.04.01 | Compliance with criteria for alteration or development per Section 6.04.01.C required. | Compliance with criteria for alteration or development per Section 6.04.01.C required. | Not applicable | Exemptions for residential lots of records as of August 1, 1990 which are less than one half acre and areas in which the environmentally sensitive area has been altered and/or degraded lawfully prior the adoption of this code. | |



Chapter 7 Development Design and Improvement Standards
Changes to Pre-Existing Uses and Developments Compliance Requirements

The following list identifies requirements that apply to pre-existing uses and developments that propose an addition to an existing building or structure, expansion of the developable area or a change in the use of a property. All new development is subject to compliance with the County's Land Development Code (LDC) standards in effect the time of development.

| Improvement/LDC Section | Expansion of a Non Site Plan Project | Expansion of a Site Plan Project | New Uses in Existing Buildings | Relief or Alternative Provisions | Miscellaneous/Notes |
|--|---|---|--|---|--|
| Dimensional Requirements - Area, Yard, Height, and Open Space Requirements LDC Section 7.04.00 | Compliance with the dimensional requirements of the zoning district is required, unless a variance is granted. If the site has a nonconforming use, building or lot see LDC Section 10.00.00. | Expansions must be in compliance with the dimensional requirements of the zoning district, unless a variance is granted. | Not applicable, if the existing structure was built in compliance with the code or complies with LDC Section 10. | Relief from the dimensional requirements may be granted through the variance provisions of Section 10.00.00. Non-conforming uses, buildings and lots are subject to the provisions of Section 10.00.00. | PUD zoning allows the BOCC to approve alternative dimensional requirements. There are no "use" variances. |
| Right of Way (ROW) Dedication LDC Section 7.05.03 (I) | The dedication of additional ROW along the project's road frontage will be required, if needed to meet minimum County standards. | The dedication of additional ROW along the project's road frontage will be required, if needed to meet minimum County standards. | If a permit is sought, ROW along the project's road frontage may be required, if needed to meet minimum County standards. | LDC Section 7.05.09 prohibits dedication of ROW resulting in deprivation of reasonable use of property. | Decision may be appealed to the County Administrator. |
| Sidewalks LDC Section 7.05.04 (A) | All new non-residential development is required to provide sidewalks or a multiuse path along the parcel frontage or pay a fee in lieu of construction. | All non-residential development in the unincorporated county and residential development in the urban service boundary is required to provide sidewalks or multiuse path along the parcel frontage or pay a fee in lieu of construction. | All non-residential uses seeking development permits will be required to provide sidewalks or a multiuse path along the parcel frontage or pay a fee in lieu of construction. | LDC Section 7.05.04(A)(c) allows DRC to exempt site plan projects based upon specified findings. Section 7.05.04(A)(4)(h) provides for total or partial relief and payment of a fee-in lieu of construction upon BOCC approval. | |
| Bikeways & Bicycle Racks LDC Section 7.05.04 (B) & (C) | Bike Lanes: Required if the project requires a new or reconstructed County maintained road. Bike Racks: All new non-residential development to provide bicycle racks, except industrial and agricultural. | Bike Lanes: If the project requires a new or reconstructed County maintained road bike lanes are required. Bike Racks: All new non-residential development to provide bicycle racks, except industrial and agricultural. | Bike Lanes: If the project requires a new or reconstructed County maintained roads bike lanes are required. Bike Racks: All new non-residential development to provide bicycle racks, except industrial and agricultural. | If demonstrated that bicycle traffic would not have access to the development, the bike parking requirement may be waived. The PDS Director may reduce the number of required auto spaces by 1 for each 6 bicycle parking spaces provided. | The PDS Director may also request additional bike parking spaces, if needed. Bike racks may also be requested for PUD recreational facilities or bus stops. |
| Provision for Access to New Development LDC Section 7.05.07 | Paving of unpaved roads not required, but a fair share payment may be required. | Paving of unpaved access roads or fee in lieu of paving would be required. | Paving of an unpaved access road not required, but a fair share payment may be required. | Allows for a waiver by the BOCC upon meeting the specified criteria. | |
| Off-street Parking & Loading Requirements LDC Section 7.06.01 | An increase in area or capacity of a structure existing prior to 7/1/84, except for the addition of an entry or increased storage up to 10% of the existing structure; or a parking area existing on or before 8/1/90 that is expanded in area or capacity requires compliance with all off-street parking and loading facility requirements for old and new facilities. Also all parking and vehicular use areas existing as of 3/1/99 that are altered shall be constructed with all weather surfacing. | Approved site plans will require compliance with the off-street parking and loading facilities for the increase in floor area, capacity or impervious surface area only, unless a change in use is proposed, the parking lot existed as of 8/1/1990 and is enlarged in area or capacity, in which case the entire parking lot shall comply with the code. | Requires all parking and loading areas to be brought up to code. Shopping centers or similar multi-user building is not subject to this provision provided no additional parking is required for the proposed change in use. | Relief: May be granted by the PDS Director or BOCC as provided in Section 7.06.01(B) & (F). Alternatives: Combined, shared and reserved parking areas (RPA) or context sensitive parking provisions in LDC 7.06.02 (B)(2, 3, 4 & 6). For RPA areas also see LDC Section 7.09.04(C)(7). All parking spaces, access aisles, vehicular use areas are to be all weather surface unless alternative material is approved by the County Engineer LDC Section 7.06.01(D). | When repairs and alterations are to be made in a building occupied by a nonconforming use, all off-street parking requirements contained in this Code shall be met if the cost of repairs or alterations exceed 50% of the assess value of the building and structures, LDC Section 7.06.01(E) |
| Stormwater Management, Applicability to Existing Development LDC Section 7.07.09 | Compliance required if impervious area is expanded to 4,000 SF or an existing 4,000 SF impervious area is expanded. | Compliance required for any activity that requires a new or amended site plan and involves 10% or more of the land area of the parcel. | Compliance required if the use is changed from residential to non-residential. | Exemptions for construction of residential 1, 2, and 3 unit residential buildings, specified maintenance work, and bona fide agricultural operations and activities LDC Section | |

**Chapter 7 Development Design and Improvement Standards
Changes to Pre-Existing Uses and Developments Compliance Requirements**

The following list identifies requirements that apply to pre-existing uses and developments that propose an addition to an existing building or structure, expansion of the developable area or a change in the use of a property. All new development is subject to compliance with the County's Land Development Code (LDC) standards in effect the time of development.

| Improvement/LDC Section | Expansion of a Non Site Plan Project | Expansion of a Site Plan Project | New Uses in Existing Buildings | Relief or Alternative Provisions | Miscellaneous/Notes |
|--|--|--|--|--|---|
| Utilities - Electric, cable, telephone, wire services. LDC Section 7.08.00(F) | New utilities installed in conjunction with the expansion are to be placed underground, unless otherwise addressed through the development review process. | New utilities installed in conjunction with the expansion are to be placed underground, unless otherwise addressed through the development review process. | New utilities installed in conjunction with the expansion is to be placed underground, unless otherwise addressed through the development review process. | | |
| Utilities - Water and Wastewater LDC Section 7.08.00 | May require connection to available central water and sewer systems. Changes to an existing on-site water or wastewater system will require Health Department approval. | Requires connection to available central water and sewer. Health Department approval required for the expansion of wastewater treatment systems and potable water uses. | May require connection to available central water and sewer systems. Changes to an existing on-site water or wastewater system and a change from residential to non-residential will require Health Department approval. | | |
| Landscaping and Screening LDC Section 7.09.00 | Requires a landscape plan for all new or expanded structures, LDC Section 7.09.03(A). When an off-street parking area existed as of 8/1/90 and such off-street parking lot is enlarged in area or capacity, the entire parking lot, both old and new shall comply with the code, LDC Section 7.09.04(G). | Compliance with all current standards will be required for the new development areas and off-street parking areas existing as of 8/1/90 that are enlarged in area or capacity. | Requires compliance with all landscaping requirements, except for shopping centers or multi-user buildings, provided no additional parking is required. | Provisions of LDC Section 7.09.04(E) may be waived or varied by the BOCC for Planned Developments. LDC Section 7.09.04(O) addresses administrative relief and alternative landscape plans. | Existing native vegetation may satisfy all or part of the landscape requirements upon approval by ERD Director. |
| Community Architectural Standards LDC Section 7.10.24 | Applies to new and substantial expansion of an existing building or structures in CN, CO, CG, I, RF and PUD (commercial only), PNRD, and PMUD Zoning Districts. | Applies to new and substantial expansion of an existing building or structures in CN, CO, CG, I, RF and PUD (commercial only), PNRD, and PMUD Zoning Districts. | Not applicable. | | A change in signage in the applicable zoning districts may require compliance with the signage standards. |

Notes:
BOCC: Board of County Commissioners
If there is a change in use of the structure or property two categories may apply.

January 10, 2011



Chapter 8 Accessory Uses and Structures
Changes to Pre-Existing Uses and Developments Compliance Requirements

The following list identifies requirements that apply to pre-existing uses and developments that propose an addition to an existing building or structure, expansion of the developable area or a change in the use of a property. All new development is subject to compliance with the County's Land Development Code (LDC) standards in effect the time of development.

| Improvement/LDC Section | Expansion of a Non Site Plan Project | Expansion of a Site Plan Project | New Uses in Existing Buildings | Relief or Alternative Provisions | Miscellaneous/Notes |
|---|---|---|---|---|---|
| Fences, Walls, and Hedges - Section 8.00.04 | Non-residential project abutting a residential development will be required to have a eight (8) foot high wall or fence separating the two uses with landscaping on both sides. | Non-residential project abutting a residential development will be required to have a eight (8) foot high wall or fence separating the two uses with landscaping on both sides. | Non-residential project abutting a residential development will be required to have a eight (8) foot high wall or fence separating the two uses with landscaping on both sides. | | All accessory uses shall meet the requirements for the zoning district in which located. |
| Deed or Property Restrictions 8.00.03(F)(8) | Thos lands with recorded property or deed restrictions that impose stricter standards, the stricter standards apply. | Thos lands with recorded property or deed restrictions that impose stricter standards, the stricter standards apply. | Thos lands with recorded property or deed restrictions that impose stricter standards, the stricter standards apply. | | Enforcement of the provisions is the duty of the homeowners or property owners association. |
| Swimming Pools Section 8.00.05 | Unless the pool is entirely screen, shall be completely enclosed with a fence or wall at least four (4) feet high. | Unless the pool is entirely screen, shall be completely enclosed with a fence or wall at least four (4) feet high. | Unless the pool is entirely screen, shall be completely enclosed with a fence or wall at least four (4) feet high. | The BOCC may grant a waiver from the fencing requirement upon making the findings specified in Section 8.05.00(B) | |

Notes:
BOCC: Board of County Commissioners
If there is a change in use of the structure or property two categories may apply.

Date: 01/25/2011



**Chapter 9 Permitted Permanent and Authorized Temporary Signs
Changes to Pre-Existing Uses and Developments Compliance Requirements**

All new development is subject to compliance with the County's Land Development Code (LDC) standards in effect the time of development.

| Improvement/LDC Section | Expansion of a Non Site Plan Project | Expansion of a Site Plan Project | New Uses in Existing Buildings | Relief or Alternative Provisions | Miscellaneous/Notes |
|--|--|--|--|---|--|
| Permitting and Exemptions - Section 9.04.01(A) | The erection, physical alteration, reconstruction or physical conversion of any sign must obtain a sign permit. | The erection, physical alteration, reconstruction or physical conversion of any sign must obtain a sign permit. The sign must be shown on the site plan to obtain a sign permit. | The erection, physical alteration, reconstruction or physical conversion of any sign must obtain a sign permit. | No permit is required for the sole purpose of changing content or graphics on an existing sign that otherwise complies with the Code. | Substantial expansions to existing buildings or structures (such as a sign) may require compliance with the sign provisions in Section 7.10.24(C) Community Architectural Standards. |
| Permitting and Exemptions - Section 9.04.01(A) | No sign permit shall be issued for development without the concurrent issuance of a Certificate of Zoning Compliance. | No sign permit shall be issued for development without the concurrent issuance of a Certificate of Zoning Compliance. | No sign permit shall be issued for development without the concurrent issuance of a Certificate of Zoning Compliance. | Exceptions to the sign permit requirements are identified in Section 9.04.02. | Substantial expansions to existing buildings or structures (such as a sign) may require compliance with the sign provisions in Section 7.10.24(C) Community Architectural Standards. |
| Permitting and Exemptions - Section 9.04.01(B) | The application for sign permit must include depiction of the proposed sign and specifications (height, sign area, dimensions, supports, illumination) and the location on the site and relation to other structures and right-of-way. | The proposed sign and specifications (height, sign area, dimensions, supports, illumination) and the location on the site and relation to other structures and right-of-way. | The application for sign permit must include depiction of the proposed sign and specifications (height, sign area, dimensions, supports, illumination) and the location on the site and relation to other structures and right-of-way. | Denial of a sign permit may be appealed to the Board of Adjustment within 30 days of denial, Section 9.04.01(E). | |
| Nonconforming Signs Section 9.05.00 | Nonconforming signs shall not be structurally altered or enlarged unless they conform to the Code, except for substitution or interchange of copy. | Nonconforming signs shall not be structurally altered or enlarged unless they conform to the Code, except for substitution or interchange of copy. | Nonconforming signs shall not be structurally altered or enlarged unless they conform to the Code, except for substitution or interchange of copy. | Nonconforming signs that were properly permitted in compliance with code at the time the sign was erected, may continue. All other nonconforming signs shall be removed unless erected prior to 9/1/61. | Nonconforming signs which are more than 50% destroyed by wind, deterioration or other damage shall be made to conform with all requirements of the Code, or be completely removed. |

Notes:
BOCC: Board of County Commissioners
If there is a change in use of the structure or property two categories may apply.

Date:02/25/2011



Chapter 11 Administration and Enforcement
Changes to Pre-Existing Uses and Developments Compliance Requirements

The following list identifies requirements that apply to pre-existing uses and developments that propose an addition to an existing building or structure, expansion of the developable area or a change in the use of a property. All new development is subject to compliance with the County's Land Development Code (LDC) standards in effect the time of development.

| Improvement/LDC Section | Expansion of a Non Site Plan Project | Expansion of a Site Plan Project | New Uses in Existing Buildings | Relief or Alternative Provisions | Miscellaneous/Notes |
|---|---|---|---|---|--|
| Development Order Amendments Section 11.01.04 | Development Order Amendments: it is unlawful to change, modify, alter, or otherwise deviate from the terms or conditions of the permit without first obtaining a modification of the Preliminary or Final Development Order. A modification may be applied for in the same manner as the original Preliminary or Final Development Order. | It is unlawful to change, modify, alter, or otherwise deviate from the terms or conditions of the permit without first obtaining a modification of the Preliminary or Final Development Order. A modification may be applied for in the same manner as the original Preliminary or Final Development Order. | It is unlawful to change, modify, alter, or otherwise deviate from the terms or conditions of the permit without first obtaining a modification of the Preliminary or Final Development Order. A modification may be applied for in the same manner as the original Preliminary or Final Development Order. | Existing Conditions of Approval are open to re-negotiation. The modification is approved in the same manner as the original approval. | Fees vary depending on the application type. Most DOA's are subject to the DRC Review process. This includes extension requests which are processed in the same manner as the original approval. |
| Rezoning Section 11.06.00 | Rezoning: Amendments to the text of this Code may be proposed by the Board of County Commissioners, the Planning and Zoning Commission, or any other interested party. B. Amendments to the Official Zoning Atlas may be proposed by the Board of County Commissioners, the Planning and Zoning Commission, or over fifty (50) percent of the owners of the real property to be directly affected by the proposed amendment. | Re-zoning approvals "run with the land" and have different site plan requirements for Planned Developments than for Standard Zoning Districts. | Each of the Standard Zoning Districts identify a list of Permitted Uses, Conditional Uses and accessory uses. Any change in use or modification to the uses permitted in the approved Zoning District may require a Re-zoning. Planned Developments are required to identify any Conditional Uses at the time of the re-zoning. A change may constitute a change in the original approval and requires an adjustment pursuant to Section 11.02.05 of LDC. | Conditions of Approval cannot be imposed on a Standard Re-zoning and can only be imposed on Planned Developments. The Variance process is only process for relief from dimensional requirements stipulated in Chapter 7 through the BOA. | Fees are charged and applications are subject to the public hearing process in Section 11.00.04 with noticing requirements in Section 11.00.03. Most Re-zonings are subject to the DRC Review process. |
| Conditional Uses Section 11.07.00 | Conditional Uses The purpose of this section is to provide for uses that are generally compatible with the use characteristics of a zoning district, but which require individual review of their location, design, intensity, configuration, and public facility impact in order to determine the appropriateness of the use on any particular site in the district and their compatibility with adjacent uses. Conditional uses may require the imposition of additional conditions to make the uses compatible in their specific contexts. | Most Conditional Uses do not trigger the Site Plan review process unless they are located within a Planned Development. | Each of the Standard Zoning Districts identify a list of Permitted Uses, Conditional Uses and accessory uses. Approval of a Conditional Use is specific to that owner at that location and it does not "run with the land". Any changes, including a change in name requires an adjustment. | Existing Conditions of Approval are open to re-negotiation. The modification is approved pursuant to Section 11.07.05 E of the LDC. Minor Adjustments are granted by the PDS Director. A Major Adjustment is subject to the Substantial Conformity test and goes back to the BOCC for approval. | Fees are charged pursuant to Section 11.00.03 and applications are subject to the public hearing process in Section 11.00.04. Most Conditional Uses are subject to the DRC Review process. |

Chapter 11 Administration and Enforcement
Changes to Pre-Existing Uses and Developments Compliance Requirements

The following list identifies requirements that apply to pre-existing uses and developments that propose an addition to an existing building or structure, expansion of the developable area or a change in the use of a property. All new development is subject to compliance with the County's Land Development Code (LDC) standards in effect the time of development.

| Improvement/LDC Section | Expansion of a Non Site Plan Project | Expansion of a Site Plan Project | New Uses in Existing Buildings | Relief or Alternative Provisions | Miscellaneous/Notes |
|---|---|--|--|---|---|
| Developer Agreements Section 11.08.00 | Developer Agreements can apply to any Zoning District, and any size project whether it is a minor site plan, major site plan, planned development or not. They typically apply to a certain issue such as a Proportionate Fair Share Agreement. | not applicable | Depending on the determination of concurrency of infra-structure, DVA's are one way to allow for expansions, however allow SLC to update COA's with new impact fees. | Existing Conditions of Approval are open to re-negotiation. The modification is approved pursuant to Section 11.08.00 of the LDC. | Fees vary depending on the application type. Most Developer Agreements are subject to the DRC Review process, and Public Hearing process. |
| Minor Site Plans Section 11.02.03 | not applicable. | Minor Site Plan, Minor Adjustment and Major Adjustment | For Minor Adjustments, it has been the past policy and practice to limit reviews to the "Affected Area" and not require the entire site to be subject to review and conditions of approval. | The Variance process is only process for relief from dimensional requirements stipulated in Chapter 7 through the BOA. | Fees vary depending on the application type. Applications are approved administratively by the PDS Director or designee. Most are subject to the DRC Review process. |
| Major Site Plans Section 11.02.04 | not applicable. | Major Site Plan, Minor Adjustment and Major Adjustment | For Minor Adjustments, it has been the past policy and practice to limit reviews to the "Affected Area" and not require the entire site to be subject to review and conditions of approval. | The Variance process is only process for relief from dimensional requirements stipulated in Chapter 7 through the BOA. | Fees vary depending on the application type. These applications may go before the BOCC at a regular public meeting. Most are subject to the DRC Review process. |
| Planned Unit Development Planned Non Residential Planned Mixed Use Section 11.02.05 | not applicable. | Planned Unit Development Planned Non Residential Planned mixed use | Planned Developments are required to identify any Conditional Uses at the time of the re-zoning. Any modification may constitute a change in the original approval and requires an adjustment pursuant to Section 11.02.05 of LDC. | Through the proposed site plan, the applicant can vary dimensional requirements in exchange for more open space, some public benefit to be provided or other negotiated conditions of approval. Existing Conditions of Approval are open to re-negotiation. The modification is approved pursuant to Section 11.02.05 E and F of the LDC. Minor Adjustments are granted by the PDS Director. A Major Adjustment is subject to the Substantial Conformity test and goes back to the BOCC for approval. | Fees are charged and applications are subject to the public hearing process in Section 11.00.04 with noticing requirements in Section 11.00.03. Re-zonings are subject to the DRC Review process. |

