



**Department of Planning,
Zoning & Building**

2300 North Jog Road
West Palm Beach, FL 33411-2741
(561) 233-5000

Planning Division 233-5300
Zoning Division 233-5200
Building Division 233-5100
Code Enforcement 233-5500
Contractor Certification 233-5525
Administration Office 233-5005
Executive Office 233-5228

www.pbcgov.com/pzb



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August 15, 2007

Mr. Wesley Blackman, AICP, Chairman
and Members of Land Development Regulation Advisory Board (LDRAB)
241 Columbia Drive
Lake Worth, FL 33460

RE: August 22, 2007 LDRAB Meeting

Dear Mr. Blackman:

Attached please find the agenda and supporting materials to assist you in preparing for the LDRAB meeting on Wednesday, August 22, 2007.

The meeting will be held at 2:00 p.m. in the Vista Center 1st Floor Conference Room, located at 2300 North Jog Road, West Palm Beach, Florida.

If you should have any questions and/or require additional information, please contact me via email at wcross@co.palm-beach.fl.us or Paula Pritchard, Secretary, at (561) 233-5088.

Sincerely,

William Cross
Senior Site Planner, Zoning Division

Attachments:

August 22, 2007 LDRAB Agenda and Supporting Materials

BC/pp

- c: Barbara Alterman, Esq., Executive Director, PZB
- Jon MacGillis, ASLA, Zoning Director
- Lenny Berger, Assistant County Attorney
- Barbara Pinkston-Nau, Principal Site Planner, Zoning
- Isaac Hoyos, Principal Planner, Planning
- John Rupertus, Senior Planner, Planning

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PALM BEACH COUNTY
LAND DEVELOPMENT REGULATION ADVISORY BOARD
AUGUST 22, 2007

BOARD MEMBERS

Wes Blackman, AICP, Chair (PBC Planning Congress)

David Carpenter, RLA, Vice Chair (District 2)

Raymond Puzzitiello (Gold Coast Build. Assoc.)

Joni Brinkman (League of Cities)

Ron Last, P.E (FL Eng. Society)

Edward Wronsky (A. I. A.)

Rosa Durando (Environmental Org.)

Duane Bennet (PBC Board of Realtors)

Wayne Larry Fish, P.S.M. (FL Soc. of Pro. Land Surveyors)

Maurice Jacobson (Condominium Assoc.)

Steven Dewhurst (Assoc. Gen. Cont. of Amer.)

Joanne Davis (District 1)

Barbara Katz (District 3)

Jim Knight (District 4)

Vacant (District 5)

Bill Gotthelf (District 6)

Martin Klein, Esq. (District 7)

Brian Waxman, Esq. (Mem. At-Large, Alternate)

Frank Palen, Esq. (Mem. At-Large, Alternate)

Addie L. Greene
Chair, District 7

John F. Koons
Vice Chair, District 2

Karen T. Marcus
Commissioner, District 1

Vacant
Commissioner, District 3

Mary McCarty
Commissioner, District 4

Burt Aaronson
Commissioner, District 5

Jess R. Santamaria
Commissioner, District 6

Robert Weisman
County Administrator





LAND DEVELOPMENT REGULATION ADVISORY BOARD (LDRAB)
Wednesday, August 22, 2007 AGENDA
2300 North Jog Road
1st Floor Conference Room (VC-1E-60), 2:00 p.m.

A. Call to Order/Convene as LDRAB

1. Roll Call
2. Additions, Substitutions and Deletions
3. Motion to Adopt Agenda
4. Adoption of June 27, 2007 Minutes (Exhibit A)

B. ULDC Amendments

1. Exhibit B Article 2 - Development Review Process
2. Exhibit C Article 3 - Overlays & Zoning Districts
3. Exhibit D Article 7- Landscaping

C. Public Comments

D. Staff Comments

The General Subcommittee with the topic "Nonconforming Provisions" meeting dates are:
September 10th @ 2 p.m., September 18th @ 2 p.m. and October 1st @ 2 p.m.

E. Adjourn

EXHIBIT A

PALM BEACH COUNTY

LAND DEVELOPMENT REGULATION ADVISORY BOARD (LDRAB)

Minutes of June 27, 2007 Meeting

On Wednesday, June 27, 2007 at 2:00 p.m. the Palm Beach County Land Development Regulation Advisory Board (LDRAB), also serving as the Land Development Regulation Commission (LDRC), met in the First Floor Conference Room, at 2300 North Jog Road, West Palm Beach, Florida:

A) Call to Order/Convene as LDRAB.

1) Roll Call

Chair Wes Blackman called the meeting to order at 2:05 p.m. Paula Pritchard, Code Revision Secretary, called the roll.

Members Present

Wesley Blackman (PBC Planning Congress)
David Carpenter (District 2)
Raymond Puzzitiello (Gold Coast Build. Assoc.)
Joni Brinkman (League of Cities)
Ron Last (FL Eng. Society)
Edward Wronsky (A. I. A.)
Rosa Durando (Environmental Org.)
Duane Bennett (PBC Board of Realtors)
Maurice Jacobson (Condominium Assoc.)
Joanne Davis (District 1)
Barbara Katz (District 3)
Bill Gotthelf (District 6)
Martin Klein (District 7)

Members Present - 13

Members Absent

Larry Fish (FL Soc. of Pro. Land Surveyors)
Steven Dewhurst (Assoc. Gen. Cont. of Amer.)
Vacant (District 4)
Vacant (District 5)

Members Absent - 2
Vacant - 2

County Staff Present:

Barbara Pinkston-Nau, Principle Site Planner, Zoning
William Cross, Senior Site Planner, Zoning
Lenny Berger, Assistant County Attorney
John Rupertus, Senior Planner, Planning
Bryan Davis, Principal Planner, Planning
Melanie Borkowski, Manager, Facilities
Eric McClellan, Senior Site Planner, Facilities
Ann DeVeaux, Site Planner I, Zoning
Zona Case, Zoning Technician, Zoning
Paula Pritchard, Secretary, Zoning

2) Additions, Substitutions, and Deletions

Staff presented an add/delete sheet with changes to Exhibit D, Article 4, Use Regulations; Exhibit E, Article 5, Supplementary Standards; and Exhibit H, Westgate Community Redevelopment Area Overlay.

3) Motion to Adopt Agenda

A motion was made by Maurice Jacobson, seconded by Martin Klein, to adopt the agenda, as amended. The motion passed unanimously (13 - 0).

4) Adoption of May 23, 2007 Minutes (Exhibit A)

A motion was made by Martin Klein, seconded by Maurice Jacobson, to adopt the May 23, 2007 minutes. The motion passed unanimously (13 - 0).

B) ULDC Amendments

1) Article 1 - General Provisions (Exhibit B)

William Cross pointed out that this amendment, which is also detailed under Article 5, Supplementary Standards, is to clarify that clubhouses in PUD's renovated by more than 75 percent of the assessed value would have to comply with the generator requirements. He also explained that under Article 1.E, Nonconformities, there are provisions that would tell how to apply the Code to previous approvals or previously built structures.

A motion was made by Joanne Davis, seconded by Martin Klein. The motion passed unanimously (13 - 0)

2) Article 3 - Overlays & District Zoning (Exhibit C)

Mr. Cross stated that the language related to restaurants was pulled from last month's meeting at David Carpenter's request. Staff had made the revisions and included the language from

EXHIBIT A

Article 4, Use Regulations to show the uses for both Type I and Type II Restaurants. This is not going to be included in the Ordinance as this was shown specifically for Mr. Carpenter to be able to compare the two Use Regulation tables. Mr. Cross also mentioned that Kilday & Associates requested a change to the text only and it would not result in the change to the Type I Restaurant. Mr. Cross further explained that the second request by Kilday & Associates to allow Type II Restaurant in excess of 5,000 square feet in the commercial pod of a PUD had been changed to allow such as a requested use.

Motion to approve, as amended, by Martin Klein, seconded by Maurice Jacobson. The motion passed unanimously (13 - 0).

3) **Article 4 - Use Regulations (Exhibit D)**

William Cross reiterated that Mr. Gotthelf had some concerns at the May 23 meeting regarding the minimum acreage requirement for a landscape service and wanted to meet with staff. Staff met with him and incorporated most of the changes that he felt comfortable with. Since that time, the Code Enforcement Director added small provisions to home occupational landscape services and will be responsible for the follow up. William Cross further related that staff met with the Board of County Commissioners (BCC) and was directed to insert additional language. The Board recommended that Part 1, Lines 21-27, a & b language be excluded from the Exhibit.

Joanne Davis made a motion to approve including the add/delete sheet, as amended, seconded by Martin Klein. The motion passed (12 - 1)

a) Joni Brinkman representing Kilday Associates recused herself from voting on Part 2, Line 61, Restaurant, Type I.

4) **Article 5 - Supplementary Standards (Exhibit E)**

Mr. Cross explained that after the hurricanes two years ago, the BCC directed staff to ensure that the Code stipulates certain sized clubhouses must provide generators. The proposed amendment, were BCC directed and will lesson the threshold for applicability. He further elaborated that any changes to a clubhouse in a PUD would be subject to Article 1, General Provisions would have to apply the generator standards.

Martin Klein made a motion to approve including the add/delete sheet, as amended, seconded by Joanne Davis. The motion passed unanimously (13 - 0)

5) **Article 14 - Environmental Standards (Exhibit F)**

William Cross explained that this was pulled from the previous two meetings due to Board recommending that the language be revised by Environmental Resources Management staff. Lenny Berger and ERM staff made some minor revisions to the language for clarity including the changes recommended by the Board.

Bill Gotthelf made a motion to approve including the changes recommended by the Board, as amended, seconded by Maurice Jacobson. The motion passed unanimously (13 - 0)

6) **Facilities, Development & Operations (Exhibit G)**

Barbara Pinkston-Nau explained that a presentation from Facilities on these amendments was presented at last month's meeting. Eric McClellan, Senior Site Planner stated that the County would be required to apply for concurrency, and the only thing that will be affected is the time frame for which concurrency is valid for government facilities. He also specified that their goal is to ensure equal playing field with other local or state providers.

Joni Brinkman made a motion to approve including the add/delete sheet, as amended, seconded by Bill Gotthelf. The motion passed unanimously (13 - 0)

7) **WCRAO (Exhibit H)**

Mr. Cross noted that some recent findings and complaints indicated that residents were not happy with the potential appearance of residential units on 25-foot wide lots. The CRA staff's goal is to have an applicant obtain a letter of recommendation from the CRA prior to filing for a building permit. Thuy Shutt, Assistant Director representing Westgate explained that the original intent was to allow flexibility. She also thanked Code Revision staff for working closely with them on the amendments.

Martin Klein made a motion to approve including the add/delete sheet, as amended, seconded by Edward Wronsky. The motion passed unanimously (13 - 0)

C) **Convene as the Land Development Regulation Commission (LDRC)**

1) **Proof of Publication**

Motion to approve by Maurice Jacobson, seconded by Martin Klein. The motion passed (unanimously 13 - 0)

2) **Consistency Determination**

EXHIBIT A

John Rupertus, Senior Planner stated that the proposed amendments were consistent with the Comprehensive Plan.

Motion to approve by Maurice Jacobson, seconded by Bill Gotthelf. The motion passed (unanimously 13 - 0).

D) Reconvene as the Land Development Regulation Advisory Board (LDRAB)

The Board reconvened.

E) Public Comments

N/A

F) Staff Comments

William Cross informed the Board that Jack Miles resigned today, and there are currently two vacancies. He also introduced Bryan Davis, Principal Planner of the Planning Division who did a brief presentation of the Urban Redevelopment Area (URA).

G) Adjourn

The Land Development Regulation Advisory Board meeting adjourned at 4:05 p.m.

Recorded tapes of all LDRAB meeting are kept on file in the Palm Beach County Zoning/Code Revision office and can be requested by contacting the Code Revision Secretary at (561) 233-5088.

EXHIBIT B

ARTICLE 2 – DEVELOPMENT REVIEW PROCESS
SUMMARY OF AMENDMENTS

(Updated 8/16/07)

1
2 Part 1. ULDC, Art. 2.A.1, Applicability, [Related to Development Review Procedures], (page 7
3 of 51), is hereby amended as follows:
4

5 Reason for amendment: [Zoning] Amend language to include BCC approval authority for waivers and
6 unique structures, and ZC approval authority for unique structures, and to clarify that variance relief may
7 be sought, pursuant to Art. 1.F.3.B.1, to allow 30% renovation of a non-conforming structure.
8

9 CHAPTER A GENERAL

10 Section 1 Applicability

11 D. Authority

12 1. Processes

13 For the purposes of this Article, the authority of the BCC, ZC, DRO and Zoning Director shall
14 be limited to the development order applications specified below. [Ord. 2006-036]

15 a. Board of County Commissioners (BCC)

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

- 18 1) Official Zoning Map Amendment (Rezoning);
- 19 2) Class A conditional use;
- 20 3) Requested use;
- 21 4) Development Order Amendment (DOA);
- 22 5) Abandonment; ~~and~~
- 23 6) Status Report;
- 24 7) Waivers; and
- 25 8) Unique Structures.

26 b. Zoning Commission (ZC)

27 The ZC shall consider the following types of development order applications:

- 28 1) Class B conditional use;
- 29 2) DOA;
- 30 3) Abandonment, [Ord. 2006-036]
- 31 4) Status Reports; ~~and~~ [Ord. 2006-036]
- 32 5) The ZC is also granted the authority to consider, take action, and make decisions on
33 applications for Type II variances. The ZC is not authorized to grant variances from
34 the following Articles of the ULDC: [Ord. 2006-036]
 - 35 a) Art. 1, General Provisions (~~excluding Article 1.F.3.B.1~~);
 - 36 b) Art. 2, Development Review Procedures;
 - 37 c) Art. 3.B.3, COZ, Conditional Overlay Zone;
 - 38 d) Art. 4, Use Regulations (~~excluding provisions in Art. 4.D.5.C, Type IA~~
39 ~~Excavation, and Art. 4.D.5.D, Type IB Excavation~~);
 - 40 e) Art. 5.D, Park and Recreation – Rules and Recreation Standards;
 - 41 f) Art. 5.F, Legal Documents (excluding provisions in Art. 5.F.2, Easements);
 - 42 g) Art. 5.G, Density Bonus Programs;
 - 43 h) Art. 13, Impact Fees;
 - 44 i) Art. 14, Environmental Standards;
 - 45 j) Art. 15, Health Regulations;
 - 46 k) Art. 17, Decision Making Bodies; and
 - 47 l) Art. 1.I, Definitions and Acronyms; ~~and~~ [Ord. 2005-002] [2006-036]
- 48 6) Unique Structures.

50
51 Part 2. ULDC, Art. 2.A.1, Applicability, [Related to Development Review Procedures], (page 9
52 of 51), is hereby amended as follows:
53

54 Reason for amendment: [Zoning-DRO] Amend language to reflect the Zoning Division reorganization
55 and to codify streamlining of Zoning review processes that are currently in effect via policy memo, and for
56 clarification.
57

58 CHAPTER A GENERAL

59 Section 1 Applicability

60 I. Review and Certification

61 3. Non-certification

Notes:

Underlined language indicates proposed new language.
Language ~~crossed-out~~ indicates language proposed to be deleted.
.... (ellipses) indicates language not amended which has been omitted to save space.
Relocated language is shown as *italicized* with reference in parenthesis.

EXHIBIT B

ARTICLE 2 – DEVELOPMENT REVIEW PROCESS
SUMMARY OF AMENDMENTS

(Updated 8/16/07)

b. A statement of approval, approval with conditions, or denial with or without prejudice. If there is a decision for denial, it shall be with prejudice unless determined otherwise by the decision making body or person.

....
6. Notification of Decision

Notification to the applicant of the final action by a decision making body or person shall be provided by the PBC official responsible for reviewing the application within ~~five~~ 10 days of the final decision. A copy of the decision shall be made available to the public.

Part 3. ULDC, Art. 2.B.3, Type II Variance, [Related to Zoning and Subdivision Variance], (page 19 of 51), is hereby amended as follows:

Reason for amendment: [Zoning] Amend and codify language to reflect the existing policy requiring applicants to meet with staff prior to submittal of a Type II Variance application, and to clarify that other reviewing agencies need only submit comments or recommendations, in lieu of a full report, for inclusion in the final staff report.

CHAPTER B PUBLIC HEARING PROCEDURES

Section 3 Type II Variance

B. Application Procedure

3. Sequence of Submittal

An application for a variance shall comply with the following:

- a. Approval of a variance shall be obtained prior to master plan, site plan or subdivision plan approval by the DRO, plat recordation, or issuance of a building permit, whichever occurs first.
- b. If an application for a development order is contingent upon approval of a variance, then the variance shall be obtained prior to certification by the DRO.
- c. Application for a variance from the Airport Zoning regulations shall comply with the review procedures in Article 16, AIRPORT REGULATIONS.
- d. A pre-application meeting with staff shall be required prior to application submittal.

....
D. Review and Recommendation

1. Zoning and Subdivision Variances

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

Part 4. ULDC, Art. 2.D.1.C, Review Procedures, (page 25 of 51), is hereby amended as follows:

Reason for amendment: [Zoning-DRO] Amend language to reflect the Zoning Division reorganization and to codify streamlining of Zoning review processes that are currently in effect via policy memo, and for clarification.

CHAPTER D ADMINISTRATIVE PROCESS

Section 1 Development Review Officer

C. Review Procedures

1. Staff Review

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

....
2. Action by the DRO

On the review date established by the DRO, the DRO shall inform each applicant of the revisions necessary for the application to receive approval. Each applicant shall be provided a maximum of three working days to revise minor outstanding issues ~~the application or a plan~~

Notes:

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EXHIBIT B

ARTICLE 2 – DEVELOPMENT REVIEW PROCESS
SUMMARY OF AMENDMENTS
(Updated 8/16/07)

~~of development.~~ Within ~~seven five-working~~ days after the review date the DRO shall approve, approve with conditions, not approve, deny, withdraw or postpone each application on the agenda after reviewing the recommendations and comments provided by the agency officers. The DRO shall not approve a plan of development until the plan meets all applicable Code requirements, standards, policies, and conditions of approval.

3. **Resubmittal Requirements**

The applicant shall provide a written response addressing all outstanding certification issues for applications which were not approved in a manner and form acceptable to the Zoning Division. The revised documents shall be submitted ~~a minimum of seven working days prior to the next scheduled review date~~ on the submittal date as established on the Annual Zoning Calendar. The applicant shall request to be placed on an agenda a minimum of two days prior to the meeting date.

Part 5. **ULDC, Art. 2.D.3.C, Type IA and Type IB Administrative Variances, (page 29 of 51), is hereby amended as follows:**

Reason for amendment: [Zoning] Last year, in an effort to streamline the variance process, the Board of Adjustment was dissolved, variance thresholds were changed allowing certain "individual" variances; and projects needing both use and variance approval to be heard by the Zoning Commission. Over this past year some of the "individual" variances were found to be minimal and are now being redirected as Type IB variances that can be addressed more efficiently by Zoning staff as Administrative Variances. Any appeals are reviewed by the Hearing officer.

CHAPTER D ADMINISTRATIVE PROCESS

Section 3 Type IA and Type IB Administrative Variances

C. **Type IB Administrative Variances**

A pre-application meeting with staff shall be required prior to application submittal. Type IB variances may be considered for the following: [Ord. 2006-036]

1. **Single or Multi Family Residential Projects Lots of Three Units or Less**

A variance may be requested for the following: [Ord. 2006-036]

a. Setback reduction greater than five percent but not exceeding 15 percent of the minimum requirement. [Ord. 2006-036] [Text relocated from Art. 2.D.3.C.1]

b. Relief from Article 5.B.1.A, Accessory Uses and Structures as follows: General; Fences, Walls and Hedges; Docks; Entry Features; Fuel, Gas, or Chemical Storage Tanks; Dumpsters; Recreation Facility; Swimming Pools and Spas; Screen Enclosures; and Permanent Generators.

c. Relief from Excavation Standards (Art. 4.D.5.C, Type 1A Excavation, and 4.D.5.C, Type 1B Excavations).

2. **Non Residential Projects**

A variance may be requested for a the following:

a. Setback reduction greater than five percent but not exceeding ~~fifteen~~ 15 percent of the minimum requirement,

b. Reductions in the number of parking spaces not exceeding ~~fifteen~~ 15 percent of the minimum requirement; [Ord. 2006-036]

c. Relief from Article 5.B.1.A., Accessory Uses and Structures as follows: General; Fences, Walls and Hedges; Outdoor Storage; Outdoor Display; Entry Features; Fuel, Gas, or Chemical Storage Tanks; Dumpsters; Recreation Facility; Swimming Pools and Spas; Screen Enclosures; and Permanent Generators.

d. Easement encroachment into a required landscape that exceeds five feet.

....
F. **Time Limitation**

Unless otherwise specified in the development order or a condition of approval, failure to utilize an administrative variance within one year of issuance, or by date specified in a condition of approval, shall result in the variance becoming null and void. If more than one variance was granted in the application, the use of one variance shall vest all other variances. Permitted time frames do not change with successive owners. Applications for extensions shall be submitted a minimum of 30 days prior to expiration. No request for an extension shall be considered unless submitted 30 days prior to expiration.

Part 6. **ULDC, Table 2.E.3.B.1, Time Limitation of Development Order for each phase (page 40 of 51), is hereby amended as follows:**

Notes:

Underlined language indicates proposed new language.

Language ~~crossed-out~~ indicates language proposed to be deleted.

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EXHIBIT B

**ARTICLE 2 – DEVELOPMENT REVIEW PROCESS
SUMMARY OF AMENDMENTS**

(Updated 8/16/07)

1 **Reason for amendment:** [Monitoring] Amend PUD platting requirements to ensure a minimum number
2 of residential units are included in each plat.

3
4 **CHAPTER E MONITORING**

5 **Section 3 Supplementary Regulations for Classes of Development Orders**

Table 2.E.3.B-1 - Time Limitation of Development Order for Each Phase

TYPE OF DEVELOPMENT ORDER	MAXIMUM NUMBER OF PHASES	NEXT REQUIRED ACTION OR DEVELOPMENT ORDER	MAXIMUM TIME TO RECEIVE DEVELOPMENT PERMIT OR COMMENCE DEVELOPMENT	MAXIMUM LENGTH OF ADMINISTRATIVE TIME EXTENSION ⁴	ACTION UPON FAILURE TO COMPLY WITH TIME REQUIREMENT WITHOUT AN APPROVED TIME EXTENSION
....					
PDD: PUD; TDD: TRADITIONAL NEIGHBORHOOD DEV. (TND (Including any associated variance(s)))	no maximum	Record plat ⁶	Three years ^{2,7,8}	no extensions permitted	BCC review pursuant to subsections Article 2.E.2.A, Suspension of Development Orders and Article 2.E.2.D, Failure to Comply with Conditions herein
....					
[Ord. 2005 – 002] [Ord. 2006-004] [Ord. 2007-001]					
Notes:					
....					
<u>8.</u>	<u>Record one or more plats such that the total number of dwelling units in each plat consists of a minimum of (10) percent of the total number of residential dwelling units in the PDD.</u>				

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Notes:

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EXHIBIT C

**ARTICLE 3 – OVERLAYS & ZONING DISTRICTS
SUMMARY OF AMENDMENTS**

(Updated 8/08/07)

1
2 **Part 1.** ULDC, Table 3.E.1.B-22, PDD Use Matrix, (page 73 of 148), is hereby amended as
3 follows:
4

5 **Reason for amendment:** Amend to allow warehouse use in a Commercial MUPD. Presently warehouse
6 uses are allowed in Industrial MUPDS only. Based on the need for Office/Warehouse and flex space
7 facilities to serve a diverse group of tenants, it is desirable to allow warehouse use to be considered as a
8 "Requested Use" in a Commercial MUPD with a CH Land Use Designation.

9
10 **CHAPTER E PLANNED DEVELOPMENT DISTRICTS (PDDS)**

11 **Section 1 General**

12 **B. Future Land Uses and Density**
13
14

Table 3.E.1.B-22 - PDD Use Matrix (cont'd)

Use Type	PUD					MUPD						MXPD				PIPD			M	R	N	
	Pods					Land Use Designations						Land Use Designations				Use Zone						
	R	C	R	C	A	C	C	C	C	C	I	I	C	C	C	C	I	C				I
	E	O	E	I	G	L	H	L	H	R	N	N	L	H	L	H	N	O	N	H	V	O
	S	M	C	V	R			O	O		D	S			O	O	D	M	D	P	P	E
					P						T					L		G	D	D		
Industrial Uses																						
....																						
Warehouse							<u>R</u>				P								P	P	138	
....																						
[Ord. 2005-002] [Ord. 2004-040] Notes: P Permitted by rights D Permitted subject to approval by the DRO S Permitted in the district only if approved by Special Permit R Permitted in the district only if approved by the Board of County Commissioners (BCC) as a requested use.																						

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Notes:
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 (ellipses) indicates language not amended which has been omitted to save space.
 Relocated language is shown as *italicized* with reference in parenthesis.

EXHIBIT D

ARTICLE 7 – LANDSCAPING
SUMMARY OF AMENDMENTS
(Updated 8/16/07)

Part 1. ULDC, Table 7.F.9.B.7, Incompatibility Buffer Standards (page 40 of 50), is hereby amended as follows:

Reason for amendment: 1) [Zoning/Landscaping/Request of Kilday and Associates, Inc.] As adopted under Ord. 2003-067 (MGTS Code Revision Project), the ULDC was amended to require a solid wall be included in all Type III Incompatibility Buffers. While this generally reinforces BCC direction in many instances, it tends to be excessive when applied in conjunction with AGR PUD requirements that mandate a Type III Incompatibility Buffer in some development areas (see concurrent amendment to Art. 3.E.2.F.4.d, Landscape Buffer, page 92 of 148 [Supplement 4]). This amendment recognizes that the AGR PUD provision of a 50 foot buffer (or 25 foot as may be reduced) is sufficient to meet incompatible buffer intent and does not need to mandate the provision of a wall; and 2) [Zoning] Minor table numbering changes to reflect correct reference to section, and upcoming administrative effort to delete table numbering due to excessive staff labor related to renumbering tables and correcting related text references.

CHAPTER F PERIMETER BUFFER LANDSCAPE REQUIREMENTS

Section 9 Incompatibility Buffer

An incompatibility buffer shall be required between all incompatible use types or incompatible pods in a Planned Development, in accordance with the requirements of Table 7.F.9.A-7, Incompatibility Buffer Standards, shall provide a minimum six foot high continuous solid opaque visual screen composed of hedges or shrubs, either alone or in combination with a wall, fence, or berm.

A. Type

Incompatibility buffers shall be one of the types listed in, Table 7.F.9.B-8 Required Incompatibility Buffer Types.

Table 7.F.9.A.B.—7, Incompatibility Buffer Standards

Buffer Type	Width (in feet)	Walls Required	Minimum Screen Height (in feet)	Maximum Tree Spacing (in feet, on center)
Type 1	10	No	6	20
Type 2	15	No	6	20
Type 3	20	Yes ¹	6	20

Note:
¹. The wall requirement shall be waived where a Type 3 Incompatibility Buffer is required in an AGR PUD in accordance with Art. 3.E..2.F.4.d, Landscape Buffer.

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Notes:

- Underlined language indicates proposed new language.
- Language ~~crossed-out~~ indicates language proposed to be deleted.
- (ellipses) indicates language not amended which has been omitted to save space.
- Relocated language is shown as *italicized* with reference in parenthesis.