



USE REGULATIONS PROJECT

AGENDA RESIDENTIAL USES KICK-OFF MEETING

THURSDAY, OCTOBER 31, 2013
3:00 P.M. – 4:00 P.M.

2300 NORTH JOG ROAD
1ST FLOOR KENNETH S. ROGERS HEARING ROOM (VC-1W-47)

- A. INTRODUCTION STAFF AND INTERESTED PARTIES**
- B. DESCRIPTION OF THE USE REGULATIONS PROJECT**
- C. DISCUSSION**
- D. ADJOURN**

ARTICLE 4
USE REGULATIONS

	Page
CHAPTER B SUPPLEMENTARY USE STANDARDS	2
Section 1 Uses	2
A. Definitions and Supplementary Standards for Specific Uses	2
1. Accessory Dwelling	2
2. Congregate Living Facility	2
3. Estate Kitchen	5
4. Farm Residence	5
5. Farm Workers Quarters	5
6. Garage Sale	5
7. Guest Cottage.....	5
8. Home Occupation	6
9. Kennel, Type I (Private)	7
10. Mobile Home Dwelling.....	8
11. Multi-Family	9
12. Nursing or Convalescent Facility	9
13. Security or Caretaker Quarters.....	9
14. Single Family	10
15. Townhouse	10
16. Zero Lot Line Home	10

(This space intentionally left blank)

ARTICLE 4

USE REGULATIONS

CHAPTER B SUPPLEMENTARY USE STANDARDS

The Supplementary Uses establish minimum standards as well as the review process for each Use Type. In the case of a conflict with other regulations in this Code, the more restrictive requirement shall apply, unless otherwise stated. Variances shall not be granted from the Use Standards including use regulations that reference other Sections of the ULDC, unless explicitly specified in Chapter B.1 of this Article. [Ord. 2010-022]

Section 1 Uses

A. Definitions and Supplementary Standards for Specific Uses

1. Accessory Dwelling

An accessory dwelling unit located on the same lot as a principal single family dwelling. An accessory dwelling is a complete, independent living facility equipped with a kitchen and provisions for sanitation and sleeping.

a. Number of Units

A maximum of one accessory dwelling may be permitted as an accessory use to a principal single family dwelling unit which is owner occupied. The accessory dwelling may be attached to the principal dwelling or freestanding.

b. Maximum Floor Area

- 1) On less than one acre: 800 square feet.
- 2) On one acre or more: 1000 square feet.
- 3) The floor area calculation shall include only the living area of the accessory dwelling under a solid roof. [Ord. 2005-041]

c. Additional Floor Area

Floor area under a solid roof that is utilized as a porch, patio, porte cohere, carport, or garage shall not exceed 500 square feet.

d. Maximum Number of Bedrooms/Baths

One bedroom and one bathroom.

e. Compatibility

The accessory dwelling shall be architecturally compatible in character and materials with the principal dwelling.

f. Property Development Regulations (PDRs)

The accessory dwelling shall comply with the PDRs applicable to the principal dwelling.

g. No Separate Ownership

The accessory dwelling shall remain accessory to and under the same ownership as the principal dwelling and shall not be subdivided or sold as a condominium.

h. Kitchen Removal

An agreement to remove all kitchen equipment shall be executed for the dwelling unit prior to the issuance of a Building Permit. The agreement shall require the kitchen to be removed if the principal dwelling is no longer owner occupied.

i. No Separate Electrical Service

Both the principal single family dwelling and the accessory dwelling shall be connected to the same meter. Separate electric service shall be prohibited. [Ord. 2005-041]

2. Congregate Living Facility

This term includes assisted living facilities; extended congregate care facilities, transitional living facilities, community residential homes, community transitional residences; rehabilitative home care services, boarding home, or home for the aged or any other residential structure, whether or not operated for profit, which undertakes for a period exceeding 24 hours: care, housing, food service, and one or more personal services for persons not related to the owner or administrator by blood or marriage. In addition, this term shall include other residential uses such as dormitories, group homes with a central dining facility, and similar bed-based uses.

a. Maximum Occupancy

- 1) **Type 1**
Six persons, excluding staff.
- 2) **Type 2**
14 persons, excluding staff.
- 3) **Type 3**
Determined by Table 4.B.1.A, Maximum Permissible Occupancy in Type 3 Congregate Living Facilities, below; or, in the case of TDR's or a non residential district by the alternate density specified in the Plan by 2.39 residents. **[Ord. 2005-002] [Ord. 2012-003]**

Table 4.B.1.A - Maximum Permissible Occupancy in Type 3 Congregate Living Facilities

FLU Category	Zoning District	Maximum Occupancy (Residents per Acre)(2)	
		Standard District	PDD or TDD (1)
RR 20	AR	PROHIBITED	0.11
RR 10	AR	PROHIBITED	0.23
RR 5	AR	PROHIBITED	0.47
RR 2.5	AR	PROHIBITED	0.95
AGR	AGR	PROHIBITED	2.39
AGE	N/A	N/A	(3)
LR1	RE, RT	PROHIBITED	2.39
LR2	RT	PROHIBITED	4.78
LR3	RT	PROHIBITED	7.17
MR5	RS	PROHIBITED	11.95
HR8	RS, RM	14.34	19.12
HR12	RM	19.12	28.68
HR18	RM	19.12	43.02

[Ord. 2005-002] [Ord. 2010-022] [Ord. 2012-003]

Notes:

1. For the purpose of this Section, the required minimum acreage for a PDD consisting exclusive of a CLF may be reduced by 50 percent.
2. For CLF, one TDR unit is equivalent to 2.39 beds. **[Ord. 2005-002] [Ord. 2012-003]**
3. The maximum density permitted shall be in accordance with the acreage of the subject site and the density assigned on the AGE Site Specific FLUA Conceptual Plan multiplied by 2.39 residents. **[Ord. 2010-022] [Ord. 2012-003]**

4) PDD Occupancy Bonus

a) No Double Counting Density

The gross area of a pod supporting a CLF in a planned development shall be deducted from the gross area of the planned development for the purpose of calculating the maximum density allowed in the PDD.

b. Separation

For the purpose of required separations, measurements shall be made from structure to structure, except where the separation required is between a structure and a district boundary, in which case the separation shall be measured from structure to district boundary.

1) Type 1 CLF

A Type 1 CLF regulated by [F.S. §419.001\(1\)\(a\)](#), as amended, shall not be located within 1,000 feet of another Type 1 CLF regulated by [F.S. §419.001\(1\)\(a\)](#). **[Ord. 2013-001]**

2) Type 2 CLF in RM District

A Type 2 CLF located in the RM District shall be allowed as a permitted use, provided that it is not located within a radius of 1,200 feet of another CLF. **[Ord. 2008-003] [Ord. 2013-001]**

c. Type 3 CLF Frontage

A Type 3 CLF shall front on and access from a collector or an arterial street. A Type 3 facility having 25 residents or less may front on a local street. **[Ord. 2005-002] [Ord. 2013-001]**

d. Type 2 or 3 CLF - Distance From Fire Rescue Station

A Type 2 or 3 CLF shall be located within five miles of a full service fire-rescue station. **[Ord. 2013-001]**

e. Design and Compatibility

Type 2 and 3 CLFs shall comply with [Article 5.C, Design Standards](#). **[Ord. 2005 – 002]**

1) Planned Development Districts (PDDs)

A Type 3 facility having 250 residents or fewer may be located in a pod with access to a local street or a parking tract in a PDD. These facilities shall only be permitted in a multi-family, commercial, or civic pod, subject to the following criteria: [Ord. 2005 – 002]

a) Compatibility

The CLF shall be compatible with the surrounding area, including the height and mass of surrounding building(s). [Ord. 2005 – 002]

b) Height

The CLF shall not be more than one story higher than existing, or proposed development within a 150-foot radius of the facility. The measurement shall be made from structure to structure. [Ord. 2005 – 002]

f. Minimum Lot Dimensions

The minimum lot dimension requirements of the district in which a Type II or Type III CLF is located shall apply. The minimum lot size for a Type II CLF shall be 8,000 square feet. [Ord. 2009-040]

g. Height

The maximum height of a CLF shall comply with the regulations of the district in which it is located.

h. Reserve Parking, for Type 2 and Type 3 CLFs

Adequate provisions shall be made to reserve sufficient lot area to meet future parking standards if the facility is converted to other uses. The boundaries of the reserve parking area shall be identified on the site plan and shall not be within any lake, drainage or open space tract used to meet exemplary design criteria.

i. Drop-off Area, for Type 2 and Type 3, CLFs

A drop-off area shall be provided for group transportation, such as vans or similar vehicles.

j. Cooking Facilities

A CLF shall provide and continuously maintain a central dining facility. Food preparation shall be prohibited in sleeping areas or in individual quarters in Types 1 and 2 CLFs. Individual kitchen facilities may be provided in the living quarters of a Type 3 CLF.

k. Signage

1) Type 1 and 2 CLFs

Shall be limited to one freestanding identification sign no more than four square feet in sign face area and six feet in height.

2) Type 3 CLF

Shall be limited to one freestanding identification sign no more than 32 square feet in face area and eight feet in height.

l. Accessory Uses

1) Type 1 and 2 CLFs

May have accessory uses customarily incidental to a single-family dwelling.

2) Type 3 CLF

a) Accessory Use

Those accessory uses customarily incidental to a multi-family dwelling unit; and

b) Non-Commercial Uses

Noncommercial uses customarily incidental to a CLF, such as a common dining room, a central kitchen, nursing station, medical examination room, chapel, library, and on-site management offices.

m. Accessory Commercial Uses

A limited amount of commercial uses may be developed as permitted accessory uses in a Type 3 CLF. Such uses shall be limited to retail and personal service uses designed exclusively to serve the residents of the facility, such as a barber or beauty shop, convenience retail sales, and banking services. No more than ten percent of the GFA of the facility shall be used for accessory commercial uses. There shall be no exterior signage or other indication of the existence of these uses in the facility that may attract nonresidents.

n. Conversion to Conventional Units

1) Structure

Prior to conversion to conventional dwelling units, a structure designed to accommodate a CLF shall, if necessary, be structurally modified to comply with the standards of this Code.

2) Restrictions

The DRO shall not approve the site plan for a Type 3 CLF, until a declaration of restrictions in a form approved by the County Attorney has been recorded with the Clerk of the Circuit Court for PBC. This declaration shall expressly provide that:

- a) the conversion of the facility to conventional dwelling units is prohibited, except in compliance with this Section; and
- b) if permitted, conversion will not result in an increase in the number of units permitted on the site, unless the converted development has obtained the appropriate development order. If that development order has not been granted, the converted development must comply with the density permitted by the Plan;
- c) the CLF will be maintained and operated in compliance with the Section at all times. Noncompliance shall result in a violation of this Code in accordance with [Article 10.E, REMEDIES](#).

o. Conversion to Other Uses

CLFs that are converted to other uses, including other residential uses, shall comply with all standards in effect at the time of application for permits for the new use.

p. Congregate Living, Personal Services

Assistance with or supervision of essential activities of daily living such as eating, bathing, grooming, dressing, and ambulating; supervision of self-administered medication and such other similar services as may be defined by the Florida Department of Health and Rehabilitative Services.

q. Emergency Generators

A permanent emergency generator shall be required for all Type II and Type III CLFs, and shall meet the standards of [Article 5.B.1.A.18, Permanent Generators](#) . **[Ord. 2006-004]**

3. Estate Kitchen

An accessory use which is physically integrated with the main residence.

- a. There shall not be the presence of a complete living environment associated with the estate kitchen.
- b. The required minimum lot size shall be twice the minimum lot size requirement for the underlying zoning district for a house supporting an estate kitchen.

4. Farm Residence

A dwelling unit, other than a mobile home, located on a parcel of land used for a bona fide agricultural use and occupied by the owner or operator of the farm operation. **[Ord. 2005-002]**

a. Principal Dwelling

One principal dwelling shall be permitted for each bona fide farm operation.

5. Farm Workers Quarters

One or more residential structures occupied by farm workers who provide labor in conjunction with agricultural operations.

a. Density

One dwelling unit limited to a maximum of four beds shall be permitted for each 25 acres. **[Ord. 2006-004]**

b. Clustering

Ten or more units on any lot shall be clustered and subject to DRO approval.

c. AGR/PUD or TMD

AGR/PUD or TMD Preserve shall be allowed one dwelling unit per acre provided such units are clustered onto a single compact area of the preserve and are restricted to occupancy by farm workers. Farm worker quarters shall not be located on property in the AGR Tier in which no residential density is assigned by the FLU designation. **[Ord. 2006-004]**

d. AR/RSA

May be permitted in the AR/RSA District with a SA FLU, subject to DRO Approval. **[Ord. 2005 – 002] [Ord. 2007-001]**

6. Garage Sale

The sale of household articles by the occupants of a dwelling unit.

a. Duration

A maximum of 72 hours.

b. Number of Sales

A maximum of two per year per dwelling unit.

7. Guest Cottage

Accessory sleeping quarters provided for non-paying guests by the occupant of a single-family or ZLL dwelling unit.

- a. **Units**
A maximum of one guest cottage may be permitted as an accessory use to a principal single-family or ZLL dwelling unit. The guest cottage may be attached to the principal dwelling or freestanding.
 - b. **Floor Area**
A guest cottage shall not exceed 800 square feet GFA, except when located on a lot that is at least one acre in size, in which case the cottage shall not exceed 1,000 square feet GFA or 30 percent of the principal dwelling, whichever is greater.
 - c. **Additional Floor Area**
Floor area under a solid roof that is utilized as a porch, patio, porte cochere, or carport shall not exceed 500 square feet.
 - d. **Kitchen or Cooking Facilities**
There shall be no kitchen or cooking facilities in a guest cottage.
 - e. **Compatibility**
A guest cottage shall be compatible in character and subordinate in size to the principal dwelling unit.
 - f. **Setbacks**
A guest cottage shall comply with the minimum setbacks applicable to the principal single-family dwelling unit.
 - g. **No Separate Ownership**
A guest cottage shall remain accessory to and under the same ownership as the principal dwelling unit and shall not be subdivided or sold as a condominium.
8. **Home Occupation**
A business, profession, occupation, trade, artisan, or handcraft conducted in a dwelling unit for commercial gain by a resident of the unit. A home occupation shall not include those businesses which are required by State of Florida agencies to be open to the public. **[Ord. 2009-040]**
- a. **Incidental Nature**
Shall be clearly incidental and subordinate to the residential use of the dwelling property and shall be confined to no more than ten percent of the total floor area of the dwelling.
 - b. **Location**
With the exception of outdoor instructional services, a home occupation shall be conducted within the principal dwelling or off-site, and shall not be conducted within any accessory building or structure or within any open porch or carport that is attached to and part of the principal structure. Instructional services, which by their nature must be conducted outside of the principal structure, such as swimming lessons, shall be located in a rear or side yard.
 - c. **No Change to Character of Dwelling**
The residential character of the dwelling in terms of exterior appearance and interior space shall not be altered or changed to accommodate a home occupation.
 - d. **Employees**
Shall be conducted by members of the immediate family residing in the dwelling unit only. A maximum of one person who is not a member of the immediate family may assist in the operation of the home occupations at the residence.
 - e. **Business Tax Receipt**
Shall be operated pursuant to a valid business tax receipt for the use conducted by the resident of the dwelling. More than one home occupation may be permitted on a residential lot. **[Ord. 2007-013]**
 - f. **Advertising**
No external evidence or sign shall advertise, display, or otherwise indicate the presence of the home occupation, nor shall the street address of the home occupation be advertised through signs, billboards, television, radio, or newspapers. Advertising on vehicles shall be limited to the minimum necessary to meet requirements mandated by [F.S. Chapter 489](#) or [Chapter 67-1876](#) of the PBC Contractor's Certification Division Manual.
 - g. **On-Premise Sales**
A home occupation shall not involve the sale of any stock, trade, supplies, products, or services on the premises, except for instructional services.
 - h. **Instructional Services**
Instructional services shall meet the following additional regulations:
 - 1) **Home Instruction, Inside**

Teaching which takes place inside the dwelling unit of the instructor. Typical instruction includes music lessons and academic tutoring.

2) Home Instruction, Outside

Teaching which takes place outside the dwelling unit, on the property of the instructor. This type of instruction is limited to subject matter which necessitates outside instruction. Typical instruction includes tennis, swimming lessons, dog training and equestrian lessons.

3) Hours of Operation

Instruction shall occur only between the hours of 9:00 a.m. and 8:00 p.m. daily.

4) Insurance

Proof of liability insurance in the amount of at least \$300,000 covering the instructional service shall be submitted prior to the issuance of a Business Tax Receipt. **[Ord. 2008-003]**

5) Number of Students

A maximum of three students at a time shall be permitted to receive instruction during a lesson.

6) Parking

No more than two vehicles associated with the lessons shall be permitted to be parked at the instructor's home at any time.

7) Resident

The instruction must be conducted by a resident of the dwelling where lessons are provided. Only one instructor shall be permitted to provide instruction. The business tax receipt shall be issued to the instructor. **[Ord. 2007-013]**

i. Outside Storage

No equipment or materials used in the home occupation shall be stored or displayed outside of the dwelling, including driveways.

j. Nuisances

No home occupation shall involve the use of any mechanical, electrical or other equipment, materials or items which produce noise, electrical or magnetic interference, vibration, heat, glare, smoke, dust, odor or other nuisance outside the residential building. There shall be no storage of hazardous or noxious materials on the site of the home occupation. There shall be no noise of an objectionable nature from the home occupation audible at adjoining property lines.

k. Violations or Hazard

If any of the above requirements are violated, or if the use, or any part thereof, is determined by the Zoning Director to create a health or safety hazard, then the business tax receipt may be revoked. **[Ord. 2007-013]**

l. Vehicles

One business related vehicle per dwelling unit not over one ton rated capacity may be parked at the home, provided the vehicle is registered to a resident of the dwelling, commercial vehicles are prohibited.

9. Kennel, Type I (Private)

Any building or land used, designed or arranged to facilitate the non-commercial care of domestic animals, such as dogs and cats, (excluding horses or livestock), owned by the occupants of the premises. **[Ord. 2006-036] [Ord. 2008-036] [Ord. 2013-001]**

a. Limitations of Use

A private kennel shall be limited to domestic animals owned by the occupants of the premises only, or a private non-profit animal organization that is not open to the public and located on less than 2.5 acres. The care, breeding, boarding, raising, sale or grooming of dogs, cats, or any other domestic animal, bird, reptile or mammal is prohibited, except as permitted under provisions for Hobby Breeder contained herein. The raising of domestic animals for sale is prohibited. The sale of domestic animals on site is prohibited. Property size and restrictions on the number of animals permitted shall be regulated by the PBCACC. **[Ord. 2006-036] [Ord. 2008-037] [Ord. 2013-001]**

1) Setbacks

Enclosed structures or runs shall comply with the minimum setbacks applicable to the principal dwelling unit provided that openings do not face adjacent residential uses. **[Ord. 2006-036]**

2) Hobby Breeder

A person who breeds and/or raises, on his/her property, purebred dogs or cats capable of registration with the national or international dog or cat registry and does not engage in the sale to the public, during a consecutive 12 month period, of more than two litters or 20 dogs

or cats, whichever is greater. The hobby breeder is further defined by the PBCACC pursuant to Ord. 89-2, as amended. [Ord. 2006-036]

3) Outdoor Runs

Safety fences not to exceed six feet in height shall be required around outdoor runs. If the safety fence is not opaque, a continuous solid opaque hedge, a minimum of four feet at installation, shall be provided around the outdoor run. Outdoor runs or non-enclosed structures used by a hobby breeders shall not be located within 50 feet of any property line adjacent to a residential district or 25 feet of any property line adjacent to a non-residential district. [Ord. 2006-036]

4) Private Kennel

Outdoor runs or non-enclosed structures shall not be located within 25 feet of any property line. [Ord. 2006-036]

b. Guard Dog Exemption

Adequate shelter required by ACC for any guard dog registered in accordance with ACC Ord. 98-022 shall be permitted in any Zoning district, and shall be exempt from the setback requirements of this section. [Ord. 2008-036]

c. Pot Bellied Pigs

The keeping of pot bellied pigs in a Type I Kennel shall be prohibited. [Ord. 2013-001]

10. Mobile Home Dwelling

The use of a lot or a unit for one mobile home.

a. Mobile Home

A detached, transportable single family dwelling unit, manufactured upon a chassis or undercarriage as an integral part thereof, without independent motive power, designed for long term occupancy as a complete dwelling unit and containing all conveniences and facilities, with plumbing and electrical connections provided for attachment to approved utility systems.

b. Mobile Home Subdivision

A subdivision of land for the sale of lots intended for the placement of mobile homes and which meets the requirements of [Article 11, SUBDIVISION, PLATTING, AND REQUIRED IMPROVEMENTS](#).

c. Accessory to Agriculture

One mobile home dwelling shall be permitted as an accessory use to a principal bona fide agricultural use.

1) Lot Size

a) AR (USA) and AGR Districts

A minimum of five acres. [Ord. 2008-037]

b) RR-2.5, RR-5, RR-10, and AP FLU Designation

A minimum of ten acres. [Ord. 2008-037]

c) RR-20 FLU Designation

A minimum of 20 acres.

2) Separation/Setbacks

a) Multiple Mobile Homes on the Same Property

A minimum of 20 feet.

b) Single Family Dwelling Unit

A minimum of 200 feet.

c) Setbacks

A minimum of 200 feet from a public street; 100 feet from all other property lines.

3) Documents

A unity of title and notarized removal agreement shall be executed and recorded.

d. Temporary During Construction

In the AR district in the RSA, a mobile home dwelling shall be allowed subject to the following standards: [Ord. 2007-001]

1) Building Permit

A building permit for the single-family dwelling shall have been issued by the Building Director.

2) Limitations on MH Approval

a) The approval for the mobile home shall be valid for two years from the date of issuance of the building permit, or issuance of the certificate of Occupancy for the single family dwelling. No time extensions shall be granted. One MH approval per PCN number. [Ord. 2007-001]

3) Removal Agreement

Execution of a notarized removal agreement which requires the mobile home to be removed within 30 days after receipt of a CO, or within two years, whichever occurs first.

4) Proof of Ownership

A current recorded warranty deed for the subject property shall be submitted.

e. Storage

A mobile home shall not be used for storage in any district.

11. Multi-family

The use of a structure designed for two or more dwelling units which are attached, or the use of a lot for two or more dwelling units excluding mobile homes. Typical uses include apartments and residential condominiums. Multi-family uses are also subject standards in [Article 3, OVERLAYS & ZONING DISTRICTS](#), and the prohibition in the NR Sub-area of the WCRAO, as outlined in [Article 3.B.14.E, WCRAO Sub-area Use Regulations](#). **[Ord. 2006-004]**

a. TMD Districts

On Main Streets multi-family units may occupy a maximum of 25 percent of the ground floor area designated as commercial square footage. The remaining units shall only be permitted on upper floors of mixed-use buildings. **[Ord. 2010-005] [Ord. 2010-022]**

1) AGR-TMDs shall be exempt from the integration requirement and shall comply with the Development Order approved by the BCC. **[Ord. 2010-022]**

12. Nursing or Convalescent Facility

An establishment where care is offered or provided for three or more persons suffering from illness, other than a contagious disease, sociopathic or psychopathic behavior which is not of sufficient severity to require hospital attention, or for three or more persons requiring further institutional care after being discharged from a hospital, other than a mental hospital. Patients usually require domiciliary care in addition to nursing care.

a. Lot Size

A minimum of 10,000 square feet or the minimum requirement of the district, whichever is greater.

b. Frontage

A minimum of 100 feet of frontage or the minimum requirement of the district. **[Ord. 2005 – 002]**

c. Access

If located in a residential FLU category, access shall be provided from a collector or arterial street.

d. Maximum Number of Patient Beds

1) All FLU designations except RR: One bed per 1,000 square feet of lot area.

2) RR FLU designation: 0.25 bed per 1,000 square feet of lot area.

e. Emergency Generators

A permanent emergency generator shall be required for all nursing or convalescent facilities, and shall meet the standards of [Art. 5.B.1.A.18, Permanent Generators](#). **[Ord. 2006-004]**

13. Security or Caretaker Quarters

An accessory residence used by a caretaker or security guard actively engaged in providing security, custodial or managerial services upon the premises.

a. Number

1) A maximum of one security quarters shall be permitted on the same lot as a bona fide agricultural, commercial, industrial, or institutional use.

2) A maximum of one security quarters shall be permitted within the area governed by the site plan of an approved conditional use, requested use, or planned development.

b. Maximum Floor Area

1) On less than one acre: 800 square feet. **[Ord. 2007-001]**

2) On one acre or more: 1000 square feet. **[Ord. 2007-001]**

c. Occupancy

A security or caretaker quarters shall be for the exclusive use of the site on which it is located and shall be occupied only by the custodian, caretaker, or owner of the principal use and their family.

d. Accessory Use

A security or caretaker quarters shall be allowed as an accessory use to a public or civic use in all districts.

e. Temporary Use

Unless stated otherwise, a security or caretaker quarters use shall not be permitted in association with a temporary use.

f. Mobile Home

A mobile home may be used for a security or caretaker quarters only in the AGR, AP, AR, IL, IG, PO, IPF, and MHPD districts. A mobile home used in the AGR, AP, or AR districts, shall be subject to the minimum acreage requirement pursuant to [Article 4.B.1.A.85.c.1](#)), [Lot Size](#). If a mobile home is used, the Special Permit shall be renewed annually. **[Ord. 2008-037]**

g. Discontinuation of Use

A security or caretaker quarter's use shall continue only as long as the principal use that it serves remains active. Upon termination of the principal use, the right to have the quarters shall end and the use shall be immediately discontinued. Once discontinued, such quarters shall not be reestablished except in conformity with this Section.

14. Single-family

The use of a lot or a structure for one detached dwelling unit, excluding a mobile home but including a manufactured building.

15. Townhouse

A dwelling unit located on an individual lot and attached by at least one but no more than two party wall(s) along 50 percent of the maximum depth of the unit, to one or more other dwelling units; has a continuous foundation; each on its own lot, with said party wall(s) being centered on the common property line(s) between adjacent lots.

a. RS Zoning District with MR5 FLU Designation

A townhouse development in the RS zoning district with a MR5 FLU designation shall require a Class A conditional use approval. **[Ord. 2005 – 002]**

16. Zero Lot Line Home

The use of a lot for one detached dwelling unit with at least one wall, but not more than two walls or a portion thereof, located directly adjacent to a side lot line, excluding a mobile home but including a manufactured building. Subject to additional standards in [Article 3, OVERLAYS & ZONING DISTRICTS](#).

a. RS Zoning District with MR5 FLU Designation

A ZLL development in the RS zoning district with a MR5 FLU designation shall require a Class A conditional use approval. **[Ord. 2005 – 002]**



**DEPARTMENT OF PLANNING, ZONING AND BUILDING
ZONING DIVISION – RESIDENTIAL USES KICK-OFF MEETING**

October 31, 2013

1st FLOOR CONFERENCE ROOM (VC-1W-47)

	NAME		NAME		NAME
1	JIM KNIGHT	11	ANNE KUHL	21	Melinda Helle
2	Jean Matthews	12	Monica Bozza	22	MARYANN KUBK
3	GLADYS DIGIPOLAN	13	RON TUTEA	23	Suzanne Caldera
4	KEVIN RATTERREE	14	Jennifer Martin	24	Monica Cantor
5	BRADLEY MILLER	15	JEFF BROPHY	25	Scott Worley
6	William Cross	16	Brian Seymour	26	Donna Ackerman White
7	Jon McGillis	17	Ken Toma	27	Josh Long
8	Mike Campbell	18	DOUG WICK	28	Patrick Rutter
9	Bradley Dard	19	Shelley Jennigan	29	LORI VINKOOR
10	GERT KUHL	20	Pat American	30	Diane Burress

**PALM BEACH COUNTY ZONING DIVISION
USE REGULATIONS PROJECT**

OCTOBER 31, 2013 RESIDENTIAL USES - KICK OFF MEETING

MEETING SUMMARY

Prepared by Scott Rodriguez, Site Planner II

On Thursday, October 31, 2013, the Zoning Division held a meeting to discuss Use Regulations Project- Residential Uses and specific residential issues at the Vista Center, Room VC-2E-47 Conference Room at 2300 North Jog Road, West Palm Beach, Florida. The meeting started at 3:05 p.m.

A. INTRODUCTION OF STAFF AND INTERESTED PARTIES

Interested Parties: Jim Knight, Lori Vinikoor, Jean Matthews, Gladys DiGirolamo, Kevin Ratterree, Bradley Miller, Mike Campbell, Gert Kuhl, Anne Kuhl, Monica Bozza, Ron Yuter, Jennifer Morton, Jeff Brophy, Brian Seymour, Ken Tuma, Skeet Jernigan, Pol Africano, Suzanne Cabrera, Scott Worley, Danna Ackerman-White, and Josh Long.

PZB Staff: Verdenia Baker, Jon MacGillis, Maryann Kwok, Ramsay Bulkeley, Doug Wise, Patrick Rutter, William Cross, Monica Cantor, Scott Rodriguez, Lauren Dennis, and Diane Burress.

B. DESCRIPTION OF THE USE REGULATIONS PROJECT

Mr. MacGillis welcomed everyone to the meeting and provided a brief overview and status of the Use Regulations Project. Mr. MacGillis explained that staff is completing Recreation Uses and will begin Residential in the near future. He explained a two pronged approach for this meeting: one, to focus on Residential Uses identified in the ULDC for the Use Regulations Project; and two, solicit feedback from participants on the state of residential issues.

C. DISCUSSION – USE REGULATIONS PROJECT

Mr. Cross began with the Use Regulations Project and clarified that staff was seeking feedback from participants on existing definitions, approval processes and supplemental use standards for Residential Uses in the ULDC. The following uses and issues were discussed by participants:

1. Accessory Dwelling:

- Occupant of the accessory dwelling unit and relationship with the principal dwelling unit owner
- Industry perception of disconnect between Accessory Dwelling and impact fees

2. Congregate Living Facility (CLF):

- Clarification on the number of occupants (including staff) applicable to Type 1 and Type 2 CLFs;
- Clarification regarding Home Owners Associations (HOA) and Type 1 CLF;
- Possible need to clarify "full service fire-rescue" (related to Type 2 or Type 3 CLFs - Distance From Fire Rescue Station);
- Clarification if Building Code regulates occupancy related to parking in case of conversion from Multifamily to CLF. Further revision was suggested to tentatively delete Art. 4.B.2.h, Reserve Parking, for Type 2 and Type 3 CLFs as other type of CLFs may need additional parking.

**PALM BEACH COUNTY ZONING DIVISION
USE REGULATIONS PROJECT**

OCTOBER 31, 2013 RESIDENTIAL USES - KICK OFF MEETING

MEETING SUMMARY

3. Estate Kitchen:

- Staff to consider adding use as supplemental standard under Single Family Dwelling (SFD).
- Per interested party suggestion, staff to conduct additional research related to the building permit approval of new PUD Verona (multiple kitchens within SFD)

4. Farm Residence:

- Further consideration of Mobile Homes in the use definition. [Editor's note: See related comment below under Mobile Home Dwelling.]

5. Farm Workers Quarters:

- No discussion.

6. Garage Sale:

- Comment: reasons for the supplemental standards related to the total number of hours and number of times permitted per year. Further revision may be considered pending results of research on how other municipalities address garage sale use.

7. Guest Cottage:

- Clarification on why use does not allow kitchen.
- Comment: Why are Guest Cottages not allowed in districts that Single Family homes are allowed?
- Comment: noted that in AGR a SDF residence is permitted every five acres but not showing in chart as being allowed.

8. Home Occupation:

- Suggestion to have staff consider changes to supplemental standards including number of employees allowed
- Clarification on what agencies require businesses to be open
- Clarified that home day care falls under public/civic uses.

9. Kennel, Type I (Private):

- Possible relocation into commercial, if use is expanded to allow for care of dogs or cats not owned by occupants of the premises (similar to limited boarding permitted within Private Stables)
- Interested party question in regards to Right to Farm Act - Staff responded domestic cats and dogs not included but are registered with ACC.

10. Mobile Home Dwelling:

- Related to Farm Residence discussion particularly in the AGR Tier. (see above)

11. Multi-Family:

- Comments related to condominiums and possible conversion to apartments.

12. Nursing or Convalescent Facility:

- Comment related to allowing use in residential Pods of PUD rather than carving out a Pod for civic/ commercial in PUD
- Staff to consider possible move to commercial use classification

13. Security or Caretaker Quarters:

- Discussion of staff looking into possibly increasing square footage limitations
- It was noted that many Security or Caretakers Quarters are mobile homes.

**PALM BEACH COUNTY ZONING DIVISION
USE REGULATIONS PROJECT**

OCTOBER 31, 2013 RESIDENTIAL USES - KICK OFF MEETING

MEETING SUMMARY

14. Single-family:

- Staff to consider revision of the definition to change "manufactured building" to "manufactured home".

15. Townhouse:

- Comments regarding ownership and terminology in the definition, similar to multi-family use discussion.
- Request for staff to consider Condos and Townhouses together including other agencies in the discussion such as Land Development, Fire Department and County Attorney.

16. Zero Lot Line Home:

- Recommendation was made for staff to explore building coverage issues.
- Request from participants to consider possible exemption for model areas to have single family units next to Zero Lot Line

State of Residential Issues:

Mr. Cross began the second portion of the meeting by soliciting feedback on residential issues related to building types and any other comments. Participants responded with the following issues/topics:

- ZLL/SF Variances Lot Coverage 44/55 percent
- HOA/COA Planned Unit Developments (Strike condo from ULDC)
- Encourage infill development - improve development - Planning (Addressing infill density)
- Clarification for Home Occupation (State agencies - required to be open to the public)
- Migrant Farm Workers / Habitat for Humanity / housing
- Zero Lot Line homes on Single Family parcels (model home exemptions)
- Zero Lot Line openings
- Code complaints - Multiple garage sales

Staff reminded participants to provide additional comments to the current Residential Uses language by taking the Use Regulations Project survey which was posted on the Zoning Web page. Clarification was given that any additional residential issues can be delivered to Code Revision staff through an e-mail address that staff was going to provide after the meeting.

D. ADJOURN

Meeting adjourned at 4:35PM.