

RESIDENTIAL USES SUREVEY COMMENTS

(11/25/2013)

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|---------------------|-----------------|----------------|----------------------|---|------------|
| Anne & Gert Kuhl | Garage Sale | | | <p>Since these rules are for the unincorporated areas of the County, any rules on garage sales should be left up to the individual homeowners associations of planned unit developments. Homeowners associations may police and enforce their own rules within their neighborhoods. If the property is not in a homeowners association, code enforcement efforts should revolve around the traffic congestion or noise of the event if it becomes a public nuisance or a safety issue.</p> | |
| Anne & Gert Kuhl | Home Occupation | | | <p>Section - a. Incidental Nature Change this to read as follows: Shall remain subordinate to the residential use of the dwelling property. Additional Comment: There is no way to police what percentage of the interior of the property is being used for a home business. Furthermore, we assume that bona fide Agricultural businesses or any other enterprises that are protected by State Law will be exempt from this regulation.</p> <p>Sections: b. Location, c. No Change to Character of Dwelling, d. Employees, f. Advertising, g. On-Premise Sales, h. Instructional Services, i. Outside Storage, l. Vehicles</p> <p>These sections contain over controlling language for the larger properties in the unincorporated county that are not located within a planned unit development. There is no way to police this. Leave this type of regulation to the discretion of each individual homeowners association or defer to public nuisance or safety laws as necessary.</p> | |

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| | | | | <p>Section j. Nuisances Rewrite this section to read as follows: No home occupation using 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 shall create a nuisance or a safety hazard.</p> <p>Delete the following sentences because they are over controlling and are covered in the above. 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.</p> <p>Section k. Hazard or Nuisance Violations Comment: This section should be discussed. This seems to give the Zoning Director too much authority over individual property owners, especially considering that selective enforcement based on a neighbor's complaint normally initiates the code enforcement action. There should be an appeal process to a higher elected or legal authority prior to revoking the business tax receipt.</p> | |
| Chris Barry | Groom's Quarters | Why is the "Farm Workers Quarters" use considered a residential use but the "Groom's Quarters" use is not | | | |
| Chris Barry | Single Family | | ULDC Art. 3.B.15.F.7, Table 3.B.15.F – IRO Permitted Use Schedule How are the "Accessory Dwelling" | | |

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| | | | <p>and "Guest Cottage" uses allowable in the IRO if the "Single Family" use is not allowed? Per the definitions for both the "Accessory Dwelling" and "Guest Cottage" uses these are accessory uses to a single family dwelling. Furthermore, "Single Family" is allowed in the URA so why wouldn't it be allowed in the IRO?</p> <p>Could we explore the possibility of allowing the "Single Family", "Zero Lot Line" and "Accessory Dwelling" uses in a TMD in the U/S and AGR (Developable) Tiers?</p> | | |
| Chris Barry | Nursing Facility | <p>ULDC Art. 3.B.15.F.7, Table 3.B.15.F – IRO Permitted Use Schedule The title of the "Nursing Facility" use should be revised to "Nursing or Convalescent Facility" for consistency with purposes with other tables, etc.</p> <p>ULDC Art. 3.B.16.E, Table 3.B.16.E – PRA Use Matrix The title of the "Nursing Convalescent Facility" use should be revised</p> | | | <p>ULDC Art. 6.A.1.B., Table 6.A.1.B, Minimum Off-Street Parking and Loading Requirements</p> <p>1. Question: Can the parking requirements for the "Congregate Living Facility, Type 1, Type 2, Type 3" use and the "Nursing or Convalescent Facility" use be updated to be more flexible and more appropriately address the type of facility. For instance, the City of Palm Beach Gardens, Florida requires the following parking for these types of facilities:</p> <ul style="list-style-type: none"> a. 1.25 spaces per dwelling unit for independent living b. 1 space per 4 residents for assisted living c. 1 space per 4 beds plus 1 space per 250 square feet of office space for skilled nursing facility |

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| | | to “Nursing <u>or</u> Convalescent Facility” for consistency purposes with other tables, etc. There are also inconsistencies with the formatting of this table compared to Table 3.B.15.F (i.e., centering of titles, NOTE vs. Note, etc.). | | | |
| Chris Barry | Townhouse | | | ULDC Art. 4.B.1.A.132, Townhouse regulations 1. Comment: A hyphen should be added to MR-5 in the header and description in ULDC Art. 4.B.1.A.132.a. | ULDC Art. 3.D.2.A.4, Access and Parking 1. Request: To clarify the language to allow townhouses under multiple ownership option to be accessed from residential access streets as follows: “ <u>Fee simple or condominium</u> T townhouses lots may be arranged in groups fronting on residential access streets (if located within a PDD) or fronting on parking tracts as allowed in Article 11.E.2, Access and Circulation Systems. Minimum parking requirements shall be in accordance with Article 6, PARKING.” |
| Chris Barry | Zero Lot Line | | Could we explore the possibility of allowing the “Single Family”, “Zero Lot Line” and “Accessory Dwelling” uses in a TMD in the U/S and AGR (Developable) Tiers? | ULDC Art. 4.B.1.A.142, Zero Lot Line Home regulations 1. Comment: A hyphen should be added to MR-5 in the header and description in ULDC Art. 4.B.1.A.142.a. | ULDC Art. 3.D.2.B, Table 3.D.2.B – ZLL Property Development Regulations 2. Question: Increase the maximum building coverage as follows: 50% <u>55%</u> |
| Chris Barry | Congregate Living Facility – Type 1 | | Question: Why would the “Congregate Living Facility, Type 1” use not be allowed in an MUPD with a CL/CLO FLU designation when it is allowed in the straight CN/CC Zoning | ULDC Art. 4.B.1.A.34, Congregate Living Facility regulations 1. Comment: There are two semi-colons in the definition that should be corrected to commas or vice versa for consistency purposes. | ULDC Art. 6.A.1.B., Table 6.A.1.B, Minimum Off-Street Parking and Loading Requirements 1. Question: Can the parking requirements for the “Congregate Living |

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| | | | <p>Districts?</p> <p>The “Congregate Living Facility, Type I” use should be allowed in all the same zoning districts (i.e., the AGR Zoning District) as the “Single Family” use since, per F.S. 419.001.(2), the “Congregate Living Facility, Type I” shall be deemed a single family unit.</p> | <p>2. Question: Is the “alternate density” described in ULDC Art. 4.B.1.A.34.a.3) a reference to FLUE Policy 2.1-e? It would be easier if a specific policy was listed. Also, the final sentence in that sub-section would read better with the following additional words: “...by the alternate density specified in the Plan multiplied by 2.39 residents per acre.”</p> <p>3. Comment: The FLU categories in Table 4.B.1.A, Maximum Permissible Occupancy in Type 3 Congregate Living Facilities, should have hyphens to be consistent with the FLUE.</p> | <p>Facility, Type 1, Type 2, Type 3” use and the “Nursing or Convalescent Facility” use be updated to be more flexible and more appropriately address the type of facility. For instance, the City of Palm Beach Gardens, Florida requires the following parking for these types of facilities:</p> <p>a. 1.25 spaces per dwelling unit for independent living</p> <p>b. 1 space per 4 residents for assisted living</p> <p>c. 1 space per 4 beds plus 1 space per 250 square feet of office space for skilled nursing facility</p> |
| Chris Barry | Congregate Living Facility Type 3 | | <p>Why are the “Congregate Living Facility, Type 3” use and the “Nursing or Convalescent Facility” use not allowed consistently? These appear to be similar uses from an intensity standpoint.</p> | <p>4. Question: In Table 4.B.1.A, Maximum Permissible Occupancy in Type 3 Congregate Living Facilities, why are the maximum number of residents per acre the same for the HR-12 FLU and the HR-18 FLU?</p> <p>5. Question: For note 2 in Table 4.B.1.A, Maximum Permissible Occupancy in Type 3 Congregate Living Facilities, would a TDD also be allowed to utilize the acreage reduction?</p> <p>6. Question: Would FLUE Policy 2.2.1-e (Infill Density Exemption) apply to CLF’s?</p> <p>7. Comment: The wording under Art. 4.B.1.A.34.c. Type 3 CLF Frontage, would read better as follows: “A Type 3 CLF shall front on and have access from a collector or an arterial street. A Type 3 facility having 25 residents or less may front on and have access from a local street.”</p> <p>8. Question: Could an institutional pod be added to ULDC Art. 4.B.1.A.34.e.1)?</p> <p>9. Comment: To be consistent the language in ULDC Art. 4.B.1.A.34.f should be corrected as follows: “...in which a Type II 2 and Type III 3 CLF ...”</p> <p>10. Comment: As you will see below we would like to discuss amending the parking requirements for CLF’s. It may be worthwhile to</p> | |

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| | | | | <p>add a provision to ULDC Art. 4.B.1.A.34.h which describes the threshold to require a review of the parking if a CLF would change from, for instance, an assisted living facility to a skilled nursing facility.</p> <p>11.Comment: The wording under Art. 4.B.1.A.34.j., Cooking Facilities, would read better as follows: "...Individual kitchen facilities may be provided in the individual living quarters of a Type 3 CLF."</p> <p>12.Question: In regards to Art. 4.B.1.A.34.j., Cooking Facilities, if a Type 3 CLF provided kitchen facilities in the individual living quarters would they also be required to maintain a central dining facility?</p> <p>13.Question: In regards to Art. 4.B.1.A.34.l.2).b), Non-Commercial Uses, are Type 1 and Type 2 CLF's not permitted to have the same non-commercial uses?</p> <p>14.Question: Shouldn't Art. 4.B.1.A.34.m really be sub-section Art. 4.B.1.A.34.l.2).c)?</p> <p>15.Comment: There should be an "and" after the semi-colon on Art. 4.B.1.A.34.n.2).b).</p> <p>16.Question: Shouldn't Art. 4.B.1.A.34.p, Congregate Living, Personal Services, end with the words, "are permitted"?</p> <p>17.Comment: To be consistent the language in ULDC Art. 4.B.1.A.34.q, Emergency Generators, should be corrected as follows: "...for all Type II 2 and Type III 3 CLFs ..."</p> | |
| Chris Barry | Farm Workers Quarters | | <p>How is the "Farm Worker Quarters" use allowed in the AGR/P pod of a PUD but the "Farm Residence" use is not allowed?</p> <p>How is the "Farm Worker Quarters" use allowed in the Preserve area of a TMD in the AGR Tier but the "Farm Residence" use and/or the "Security</p> | | |

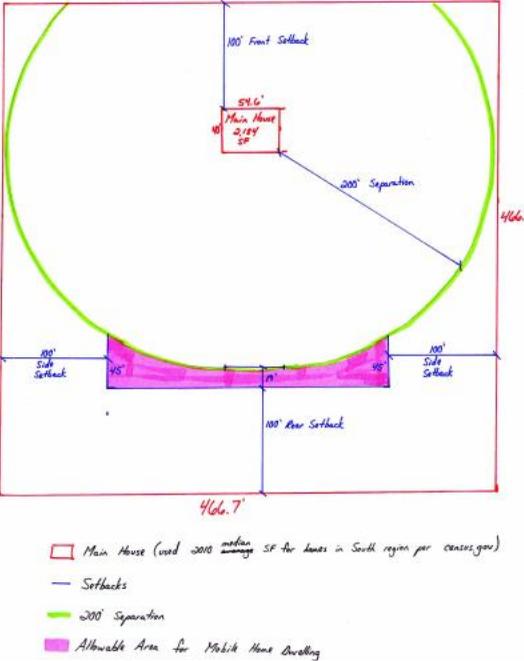
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| Chris Barry | Security or Caretakers Quarters | | <p>or Caretaker Quarters” use is not allowed?</p> <p>Could a permanent structure in an MHPD and RVPD be used for the “Security or Caretakers Quarters” use?</p> <p>Has an agency like Florida Fish & Wildlife ever petitioned to have a “Security or Caretakers Quarters” use on any of their properties in the PC Zoning District? Or is this covered by ULDC Art. 4.B.1.A.119.d?</p> | <p>ULDC Art. 4.B.1.A.119, Security or Caretaker Quarters regulations</p> <p>1. Comment: The AP Zoning District is referenced in ULDC Art. 4.B.1.A.119.f; however, it is not also listed in ULDC Art. 4.B.1.A.85.c.1).</p> | |
| Chris Barry | Accessory Dwelling | | <p>Could we explore the possibility of allowing the “Single Family”, “Zero Lot Line” and “Accessory Dwelling” uses in a TMD in the U/S and AGR (Developable) Tiers?</p> <p>How are the “Accessory Dwelling” and “Estate Kitchen” uses allowable in the AP Zoning District if Single Family is not allowed? Per the definitions for both the “Accessory Dwelling” and “Estate Kitchen” uses these are accessory uses to a single family dwelling.</p> | <p>ULDC Art. 4.B.1.A.1.d, Accessory Dwelling regulations</p> <p>1. Comment: The title of the sub-section should be corrected to “Maximum Number of Bedrooms/Baths Bathrooms” to be consistent with the description.</p> | |
| Chris Barry | Estate Kitchen | | <p>How are the “Accessory Dwelling” and “Estate Kitchen” uses allowable in the AP Zoning District if Single Family is not allowed? Per the definitions for both the “Accessory Dwelling” and “Estate Kitchen” uses these are accessory uses to a single family dwelling.</p> | | |
| Chris Barry | Mobile Home | | <p>Shouldn't the “Mobile Home” use be listed as an “S” in the AR/USA Zoning District as it appears they are</p> | <p>ULDC Art. 4.B.1.A.85, Mobile Home Dwelling regulations</p> <p>1. Question: In regards to the</p> | Mobile Home Separation Graphic |

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| | | | <p>allowed per ULDC Art. 4.B.1.A.85.c.1)?</p> | <p>separation/setbacks requirements found in ULDC Art. 4.B.1.A.85.c.2), Separations/Setbacks, these seem a bit onerous when you layout the allowable area for a mobile home on a five acre property (dimensions 466.7' X 466.7) with an average house size of 2,184 square feet. Since protecting surrounding properties would be the priority what about reducing the separate requirement of 200 feet between the mobile home and the single family dwelling unit to 100 feet? Attached is a graphic for reference.</p> <p>2. Comment: The "MH" abbreviation used in the header and description of ULDC Art. 4.B.1.A.85.d.2), Limitations on MH Approval, is not listed in ULDC Art. 1.1.3.</p> |  <p> ■ Main House (used 2010 median average SF for homes in South region per census.gov) — Setbacks ○ 200' Separation ■ Allowable Area for Mobile Home Dwelling </p> |
| Chris Barry | Farm Residence | | <p>If the "Bona Fide Agriculture" use is allowed in the AR/RSA and AR/USA Zoning Districts shouldn't the "Farm residence" use and the "Farm Workers Quarters" use also be permitted?</p> | <p>ULDC Art. 4.B.1.A.50, Farm Residence regulations</p> <p>1. Question: Per ULDC Art. 4.B.1.A.50.a, Principal Dwelling, if a farm had separate operations on the same property would they be permitted to have multiple residences?</p> | |
| Chris Barry | Garage Sale | | <p>The "Garage Sale" use is permitted in an MUPD with an INST FLU. Wouldn't it be consistent to also allow that use in the PO and IPF Zoning Districts?</p> | | |
| Chris Barry | Guest Cottage | | | <p>ULDC Art. 4.B.1.A.66, Guest Cottage regulations</p> <p>1. Question: To be consistent it would be good if the format of ULDC Art. 4.B.1.A.66.b, Floor Area, matched the format of ULDC Art. 4.B.1.A.1.b, Maximum Floor Area.</p> <p>2. Comment: The wording under Art. 4.B.1.A.66.c, Additional Floor Area, would read</p> | |

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| | | | | better as follows: ".....a porch, patio, porte cochere, or carport, or garage shall not exceed 500 square feet." | |
| Chris Barry | Home Occupation | | | ULDC Art. 4.B.1.A.70, Home Occupation regulations 1. Question: Would the reference to "accessory building" in ULDC Art. 4.B.1.A.70.b, Location, include an accessory dwelling? 2. Question: In regards to ULDC Art. 4.B.1.A.70.g, On-Premise Sales, would a day trader that works from home be prohibited from selling stock online from home? 3. Question: In regards to ULDC Art. 4.B.1.A.70.i, Vehicles, would a total of three vehicles (two associated with the lessons per ULDC Art. 4.B.1.A.h.6) and one for the resident) be parking on-site at the same time? | |
| Chris Barry | Multi-family | | | ULDC Art. 4.B.1.A.87, Multi-family regulations 1. Comment: The following wording found in ULDC Art. 4.B.1.A.87, Multi-Family, is not also listed in the definition of "Multi-Family" in ULDC Art. 1.1.2.A.55: "...and the prohibition in the NR Sub-area of the WCRAO, as outlined in Article 3.B.14.E, WCRAO Sub-area Use Regulations." | |
| Gladys DiGirolamo | Single Family | | | | Table 3.E.2.D. PUD Property Development Regulations for SF refers to RS Zoning District in Table 3.D..1.A.-17 which permits up to 40% max building coverage. Table 3.E.2.D. - PUD Property Development Regulations for ZLL refers to Article 3.D.2.B. Zero Lot Line which permits a 50% max building coverage. The request to increase the max building coverage from 40% to 44% for SF units (for single story buildings) and from 50% to 55% for ZLL units for (single story |

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| | | | | | <p>buildings)is based on 3 factors: (1) the precedent of similar Plot coverage deviations having been permitted by variance approval within existing AGR-PUDs (2) the ability to produce and sell single story units with sufficient SF (3) A residential pod within an AGR-PUD should be treated the same as a residential pod within a U/S Tier PUD.</p> |
| Gladys DiGirolamo | Single Family | | | | <p>Art. 3.E.2.F.4.d.1) refers to landscape buffer width reductions. In addition to (1), (2), and (3) a number (4) should be added stating: the buffer is adjacent to another residential platted buffer a minimum of 20 feet in width.</p> <p>The code is specific to a residential platted PUD. Not all residential platted buffers are within a PUD.</p> |
| Bradley Miller | Congregate Living Facility – Type 3 | <p>you should include "memory care" since that is an upcoming and related use, sometimes as a stand alone facility.</p> | | | |