



INTER-OFFICE COMMUNICATION
PALM BEACH COUNTY
Planning, Zoning & Building

TO: The Honorable Shelley Vana, Mayor
And Members of the Board of County Commissioners
FROM: Jon MacGillis, ASLA, Zoning Director
DATE: September 14, 2015
RE: Unified Land Development Code (ULDC)
Use Regulations Project Update

Department of Planning,
Zoning & Building

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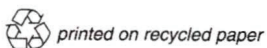
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Overview

On September 24, 2015 at the Zoning BCC Hearing, under the Zoning Director Comments, staff will provide the Board with an update on the status of the ULDC Use Regulations Project. As staff has previously informed the Board, the task of reviewing and updating the 143 Uses in the ULDC is conducted every 10-15 years. This is an arduous undertaking that involves County staff, industry, interested parties and the BCC.

Zoning Division staff is currently undertaking a review of all uses contained in the ULDC in order to identify and eliminate redundancies or glitches; recognize new industry trends; streamline the approval processes where feasible; and, ensure consistency with the Comprehensive Plan. Staff continues to provide mechanisms and opportunities for community engagement through: surveys of existing use regulations for every use classification, monthly Public Forum meetings to provide project status, monthly newsletters, news releases in the County and Zoning web pages, Subcommittee meetings, and Land Development Regulation Advisory Board (LDRAB) public meetings.

At the February 27, 2014 BCC Zoning Hearing, staff presented the status of the project and a general overview of the proposed amendments to Industrial and Recreational uses.

The last update was originally scheduled for the December 4, 2014 BCC Zoning Hearing, but was postponed pending completion of the Agricultural Reserve (AGR) Tier Workshop. Use Regulations that pertain to AGR related Zoning Districts are not being modified as part of the Use Regulations Project, but may be addressed as a separate ordinance, pending additional feedback from the Board.

Current Status of Project

The ULDC has 7 use classifications. The BCC has seen drafts for 2 use classifications, Industrial and Recreational, and will review Residential uses at the September 24, 2015 Zoning Hearing. The tentative timeline for adoption Hearings for the project is spring 2016.



BCC Update on Proposed Amendments:

Overview of Residential Uses (Attachment 1):

- Survey - October 31 to November 22, 2013.
- Land Development Regulation Advisory Board (LDRAB) Subcommittee on June 18, 2014;
- Presentation of Proposed Amendments to LDRAB on July 25, 2014.

Status of Pending Use Classifications:

Staff is still reviewing the remaining 4 Use Classifications as outlined below.

1. Utilities and Excavation Uses:

Utility Uses

- Survey - February 3 to February 21, 2014.
- Land Development Regulation Advisory Board (LDRAB) Subcommittee on June 11, 2015.
- Presentation of Proposed Amendments to LDRAB on June 22, 2015.
- Staff will present update to the Utilities Use classification to the BCC on October 22, 2015.

Excavation Uses

- Survey - February 3 to February 21, 2014.
- Land Development Regulation Advisory Board (LDRAB) Subcommittee on June 11, 2015.
- Presentation of Proposed Amendments to LDRAB on June 22, 2015. The review includes reformatting of the regulations for consistency with construction of Article 4, Use Regulations; clarification of authority for interpretation; introduction of definitions on most excavation types; and, update of hauling regulations.
- The Board will be reviewing amendments to the Use Matrices for Agricultural Excavation and Type 2 Excavation in the ULDC Amendment Round 2015-02 to reflect the most restrictive approval process. This change is made for consistency with existing Supplementary Use Standards already applicable to the uses noted above.
- A public meeting is scheduled on October 19, 2015 to address any questions related to Use Matrices amendment in Round 2015-02.
- Staff will present update to the Excavation Uses as well as the Excavation Use Matrices in Round 2015-02 to the BCC on December 3, 2015.

Commercial Communication Towers

- Minor revisions and reformatting of Commercial Communication Towers provisions will be presented to the public and interested parties at an upcoming Public Meeting.

2. Public and Civic Uses:

- Includes Transportation Uses (New Use Classification)
- Survey - July 14 to August 1, 2014.
- An initial draft for Public and Civic uses is being reviewed by Planning and Zoning staff for tentative LDRAB Subcommittee meeting in September 2015.

3. Commercial Uses:

- Survey - April 31 to May 30, 2014.
- Kick-Off Meeting with Industry and Interested Parties on May 15, 2014.
- Limited Boarding Kennel (to allow limited commercial boarding): Public Meetings with Interested Parties May 13 and September 15, 2014. A meeting will be scheduled with the public in October 2015.
- Adult Entertainment use is not to be considered in the analysis of uses.
- Staff is currently researching Commercial uses.



Temporary Uses

- This new classification includes mainly relocated Commercial uses.
- Survey - April 31 to May 30, 2014.
- An initial draft for Temporary Uses is being reviewed by Zoning staff to be presented along with Commercial uses to the LDRAB Subcommittee at a tentative meeting in January 2016.

4. Agriculture Uses:

- Survey - October 1 to October 31, 2014 and April 6 to 24, 2015 (to accommodate agricultural community participation).

Staff has scheduled meetings with each Commissioner in advance of the September 24, 2015 BCC Zoning Hearing to discuss this update. If you have any questions before the September Hearing, contact me at 561-233-5234 or William Cross, Principal Site Planner at 561-233-5206.

JM/WJC/MC

Attachments: Attachment 1, Residential Uses

C: Verdenia Baker, County Administrator
Rebecca D. Caldwell, Executive Director, PZ&B
Wesley Blackman, AICP, Chairman of the Land Development Regulations Advisory Board (LDRAB)
Robert Banks, Chief Land Use County Attorney
Leonard Berger, Chief Assistant County Attorney
Maryann Kwok, AICP, Deputy Zoning Director, Zoning
William Cross, AICP, Principal Site Planner, Zoning
Monica Cantor, Senior Site Planner, Zoning
Code Revision Staff

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ATTACHMENT 1

ARTICLE 4.B, USE REGULATIONS
SUMMARY OF AMENDMENTS
(Updated 09/08/14)

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Part 1. New ULDC Art. 4.B.1, Residential Uses, is hereby established as follows:

Reason for amendments: [Zoning]	
1.	Consolidate all zoning districts into one Use Matrix to improve ease of use and better delineate differences in approval processes for standard, Planned Development Districts (PDDs) or Traditional Development Districts (TDDs). Tables consolidated are as follows: Table 3.B.15.F, Infill Redevelopment Overlay (IRO) Permitted Use Schedule; Table 3.B.16.E, Priority Redevelopment Area (PRA) Use Matrix; Table 3.E.1.B, PDD Use Matrix; Table 3.F.1.F, TDD Use Schedule; and, Table 4.A.3.A, Use Matrix.
2.	Remove uses that are accessory to principal residential uses, or that are residential but cannot function as standalone uses from the Use Matrix. The change responds to the fact that these uses are accessory in nature and the principal use or uses to which they are accessory, already address the approval process. Accessory residential uses are not subject to Conditional use approval in cases where the principal use is unless stated otherwise. Accessory Dwelling, Caretaker Quarters, Estate Kitchen, Farm Residence, Farm Workers Quarters, Groom’s Quarters, Guest Cottage, Garage Sale, Home Occupation, and Kennel Type 1A, are being consolidated in a new section 4.B.1.D, under the Residential Use classification. In addition, a table that indicates the Corresponding Accessory Use to a Principal Use has been developed for easier identification of the principal use, in locations where these accessory uses are permitted. This new section also includes accessory use definitions and standards.
3.	The Future Land Use Element of the Comprehensive Plan indicates that residential uses are not permitted in the Institutional and Public Facilities (INST) Land Use designation except for accessory affordable housing. The Plan allows the use of affordable housing only when sponsored by a non-profit organization or a community-based group and the units are not for sale. The ULDC will be amended to include a general standard to clarify that Multi-family, Single Family, Townhouse or Zero Lot Line Homes are permitted in the Institutional and Public Facility (IPF) Zoning District only when sponsored by a non-profit organization or community-based group. Accessory affordable housing for the Residential uses noted above is proposed to be subject to Development Review Officer (DRO) approval. This approval allows demonstration that the residential development is sponsored by a non-profit organization or community-based group with the opportunity for multiple agencies to review accordingly.

4 **CHAPTER B USE CLASSIFICATION**

5 **Section 1 Residential Uses**

6 **A. Residential Use Matrix**

- 7 1. The Residential Use Matrix identifies all principal residential uses in unincorporated Palm
- 8 Beach County zoning districts and the approval processes. The User Guide section of this
- 9 article outlines in detail how to utilize the Use Matrices.
- 10 2. Residential related accessory uses are identified in Table 4.B.1.D – Corresponding
- 11 Accessory Use to a Principal Use.

Use Matrix goes here. It has been provided as a separate handout for ease of use.

13 **B. General Residential Standards**

- 14 **1. Accessory Affordable Housing**
- 15 Multi-family, Single Family, Townhouse or Zero Lot Line Home may be permitted in the IPF
- 16 Zoning District as accessory affordable housing that are not for sale, and subject to DRO
- 17 approval. As part of the submittal requirement, the applicant shall demonstrate that
- 18 residential development will be under the direct supervision of a sponsoring non-profit
- 19 organization or community-based group.

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Notes:

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ARTICLE 4.B, USE REGULATIONS
SUMMARY OF AMENDMENTS
(Updated 09/08/14)

C. Definitions and Supplementary Use Standards for Specific Uses

134. Congregate Living Facility (CLF)

Reason for amendments: [Zoning]
1. Delete types of facilities referenced in definition such as assisted living facilities; extended congregate care facilities, transitional living facilities, etc. Types of facilities should not be included in a definition for consistency with standardized formatting protocol.
2. Replace the term personal services in definition with assistive care services. Research has indicated assistive care services more accurately defines the services offered at a CLF and will avoid confusion with the principal use of Personal Services. Assistive care services shall mean assistance with activities of daily living and limited nursing services.

a. Definition

~~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. A facility which undertakes provides for a period exceeding 24 hours: long-term care, housing, food service, and one or more personal assistive care 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.~~

3. Clarify that Type 1 and 2 CLFs in all zoning districts where the use is permitted shall be licensed in accordance with Florida Statute 419.001, Site Selection of Community Residential Homes by one of the following agencies: Agency for Persons with Disabilities (APD), Department of Children and Families (DCF), Department of Juvenile Justice (DJJ), Department of Elderly Affairs (DOEA), or, Agency for Healthcare Administration (AHCA).
4. Clarify a Type 3 CLF is only permitted in the RS Zoning District with a HR-8 FLU subject to Class A Conditional Use approval.

b. Licensing

~~Type 1 and 2 CLFs shall be licensed by one of the licensing entities referenced in State Statute 419.001.~~

c. Approval Process - RS Zoning District

~~A Type 3 CLF shall be permitted in the RS Zoning District with an HR-8 FLU designation subject to a Class A Conditional Use approval.~~

ad. Maximum Occupancy

1) Type 1 CLF

Six persons, excluding staff.

2) Type 2 CLF

14 persons, excluding staff.

3) Type 3 CLF

~~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]~~

~~The maximum occupancy shall be determined by FLUE Table III.C.1 of the Plan and multiplying the maximum allowable density by 2.39. A dwelling unit is equivalent to 2.39 beds.~~

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5. Delete Table 4.B.1.A - Maximum Permissible Occupancy and refer to appropriate tables of the Plan to eliminate redundancy. Clarify a dwelling unit is equivalent to 2.39 beds.

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)
LR_1	RE, RT	PROHIBITED	2.39
LR_2	RT	PROHIBITED	4.78
LR_3	RT	PROHIBITED	7.17
MR_5	RS	PROHIBITED	11.95
HR_8	RS, RM	14.34	19.12
HR_12	RM	19.12	28.68
HR_18	RM	19.12	43.02

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

Notes:

- ~~For the purpose of this Section, the required minimum acreage for a PDD consisting exclusively of a CLF may be reduced by 50 percent. [Relocated to 4.B.1.C.1.g, Lot Size]~~
- ~~For CLF, one TDR unit is equivalent to 2.39 beds. [Ord. 2005-002] [Ord. 2012-003]~~
- ~~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.

- Revise standard on measurement for separation from to add proposed CLF structure to the existing CLF structure to be consistent with Florida Statute 419.001.
- Clarify a Type 2 CLF is permitted only when located at least 1,200 feet from any other CLF to comply with State Statutes 419.001(3)(c).
- Consolidate Type 3 CLF frontage requirements for standard zoning districts and PDDs for consistency with standardized formatting protocol.

~~be. 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. The separation requirements in this Section shall be measured from the nearest point of the existing CLF structure to the nearest point of the proposed CLF structure.~~

1) Type 1 CLF

A Type 1 CLF ~~regulated by F.S. §419.001(1)(a), as amended,~~ shall not be located within a radius of 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 Zoning District

A Type 2 CLF located in the RM Zoning District shall not 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]

~~cf. Type 3 CLF Frontage Location~~

A Type 3 CLF shall ~~front on and have frontage and~~ access from a collector or an arterial street, ~~except for the following:~~

- A Type 3 CLF having 25 residents or less may ~~front on and have frontage and access from~~ a local street. [Ord. 2005-002] [Ord. 2013-001]
- A Type 3 CLF having 250 or fewer residents may be located in a multi-family, commercial, or civic pod with access to a local street or a parking tract in a PDD. [Ord. 2005 - 002] [Partially relocated from 4.B.1.C.1.e.1), Planned Development Districts (PDDs)]

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- 9. Delete requirement for a Type 2 CLF to comply with Article 5.C, Design Standards. Type 2 CLFs are generally converted Single Family dwellings or multifamily structures which would not be subject to Article 5.C. Relocate requirement of design and compatibility for Type 3 CLF by adding Type 3 CLF to Article 5.C.1, Architectural Guidelines that require elevations to be provided for review.
- 10. Delete reference to compatibility and height standards as language is referenced under Article 3.D.1.E, Building Height.
- 11. Delete standards under Reserve Parking for Type 2 and 3 CLFs as the proposed use would be required to meet all Building and Zoning requirements and will require zoning action to abandon the approval.
- 12. Delete the height provision under Design and Compatibility. The maximum building height for buildings in all districts is 35 feet. In the RM, CLO, CHO, CG, IL, and PDD Zoning Districts additional height may be allowed when setback is increased pursuant to Article 3.D.1.E, Building Height.

- ~~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] [Relocated to h. below]
- ~~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] [Partially relocated to 4.B.1.C.1.f.2), related to Location]
- ~~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]
- ~~fg. Minimum Lot Size Dimensions~~
 - 1) The minimum lot dimension requirements of the district in which for a Type II 2 or Type III 3 CLF is located shall apply. The minimum lot size for a Type II CLF shall be 8,000 square feet or the zoning district minimum lot requirement, whichever is greater. [Ord. 2009-040]
 - 2) The required minimum acreage for a PDD may be reduced by 50 percent if it consists exclusively of a CLF. [Relocated from Note #1 in Table 4.B.1.A - Maximum Permissible Occupancy in Type 3 Congregate Living Facilities]
- ~~h. Type 2 or 3 CLF - 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] [Relocated from existing d. above]
- ~~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.

- 13. Delete the reference to freestanding signs for Type 3 CLF as they are typically located on arterial/collector roadways, therefore, smaller signage may be out of character for the area or missed by visitors to the facility and defer to Article 8.G.2., Ground Mounted Signs.
- 14. Delete reference to Single Family Accessory Uses. Accessory uses to Single Family include: Accessory Quarters, Garage Sales, Guest Cottage, Home Occupation, Kennel Type 1A and Estate Kitchen are not customarily incidental to the operation of Type 1 or 2 CLF.
- 15. Delete standard that allows Accessory Uses to a Multifamily to be also accessory to Type 3 CLF as Garage Sale and Home Occupation are not customarily incidental to a CLF Type 3.
- 16. Delete Non-Commercial Uses standard as the regulation indicates items not considered uses such as dining room or nursing stations. They are customary and incidental to a Type 3 CLF.

- 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.

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SUMMARY OF AMENDMENTS
(Updated 09/08/14)

~~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. [Relocated to Art. 4.B.1.C.1.m, Cooking Facilities below]~~

~~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. [Relocated to Art. 4.B.1.C.1.i, Signage below]~~

~~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.j. **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.~~

18. Delete Conversion to Conventional Units standard for Type 3 CLFs as the proposed use would be required to meet all Building and Zoning requirements and will require Board of County Commissioner (BCC) action to abandon the existing Type 3 CLF approval.

~~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.~~

~~k. **Signage**~~

~~Signage for a Type 1 or Type 2 CLF shall be limited to one freestanding sign no more than four square feet in sign face area and six feet in height. [Relocated from Art. 4.B.1.B.34.k, Signage above]~~

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19. Change Personal Services to assistive care services. Research has indicated assistive care services more accurately defines the services offered at a CLF and will avoid confusion with the principal use of Personal Services.

pj. Congregate Living, ~~Personal Services-Assistive Care 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 and limited nursing services.~~

qm. Emergency Generators

A permanent emergency generator shall be required for all Type ~~##~~ 2 and Type ~~##~~ 3 CLFs, and shall meet the standards of Article 5.B.1.A.18, Permanent Generators. [Ord. 2006-004]

n. 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. [Relocated from Art. 4.B.1.C.1.j, Cooking Facilities above]

Reason for amendments to Congregate Living Facility in the Use Matrix: [Zoning]

- 20. Allow Type 1 CLF to be Permitted by Right in AGR Zoning District and streamline the approval process from DRO to Permitted by Right in the URAO, to be consistent with the approval process for Single Family in those districts. Additionally, this change is pursuant to Florida Statute 419.001(3)(c) that indicates Type 1 CLFs shall be treated the same as a Single Family use.
- 21. Change the approval process for Type 2 CLF from Class B Conditional Use to Permitted by Right in the RM Zoning District, when located at least 1,200 feet from any other CLF to comply with Florida Statute 419.001(3)(c).
- 22. Change the approval process of Type 2 CLF from Special Permit to DRO in the Civic pod of a PUD to ensure the use is site planned. In addition, Special Permits are generally temporary in nature as defined in Article 1.
- 23. Remove the Class A Conditional Use approval in the Use Matrix for the RS Zoning District as a Type 3 CLF is only permitted in the HR-8 FLU designation and is prohibited elsewhere. A new symbol in the Use Matrix references the reader to check the "Approval Process – RS Zoning District" supplementary use standard.

Part 2. ULDC Art. 3.B.16.E.3, Residential Uses [Related to Priority Redevelopment Areas (PRA) of the URAO] (page 85 of 229), is hereby amended as follows:

Reason for amendments: [Zoning] Per Florida Statutes 419.001(3)(c), Type 1 CLF shall be treated the same as a Single Family use.

CHAPTER B OVERLAYS

Section 16 Urban Redevelopment Area Overlay (URAO)

E. PRA Use Matrix

3. Residential Uses

Residential uses may be permitted on any floor, with exception to the following: [Ord. 2011-016]

- a. Where located in the same building as non-residential uses, residential uses shall either be located above or internally separated from any non-residential uses; and, [Ord. 2011-016]
- b. Single Family ~~Dwelling Units~~ and Type 1 CLF shall not be permitted to front on Slip Street or Primary Street Frontages. [Ord. 2011-016]

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Notes:

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ATTACHMENT 1

ARTICLE 4.B, USE REGULATIONS
SUMMARY OF AMENDMENTS
(Updated 09/08/14)

1 Part 3. ULDC Art. 5.C.1.B.1, General [Related to Architectural Guidelines Thresholds] (Page 38
2 of 100) is hereby amended as follows:
3

Reason for amendments: [Zoning] Consolidate requirement of design and compatibility for Type 3 CLF with the list of uses subject to design standard in Article 5.C.1, Architectural Guidelines.

4 CHAPTER C DESIGN STANDARDS

5 Section 1 Architectural Guidelines

6 B. Threshold

7 1. General

8

9 e. The following uses, regardless of building size: [Ord. 2006-036]

10

11 3) Retail sales, automotive parts and accessories; ~~and~~ [Ord. 2006-036] [Ord. 2012-
12 027]

13 4) Type I restaurants with drive through requesting location criteria exception pursuant
14 to Art.4.B.1.A.109, Restaurant, Type I; ~~and~~, [Ord. 2012-027]

15 5) Type 3 CLF. [Relocated from Art. 4.B.1.A.34.e, Design and Compatibility -
16 Related to CLF]

17
18
19

20 Part 4. Article 1.1.3, Abbreviations and Acronyms (Page 117 of 119) is hereby amended as follows:
21

Reason for amendments: [Zoning] Create an acronym for "mobile home" or "manufactured home" to be consistent with State Statutes and maintain common reference to "mobile home" as well.

22 CHAPTER I DEFINITIONS AND ACRONYMS

23 Section 3 Abbreviations and Acronyms

24
25 MH
26

24
25 Mobile Home or Manufactured Home
26

27 Part 1 Continued

28 Part 1. New ULDC Art. 4.B.1.C, Residential Uses, is hereby established as follows:

29 385. Mobile Home Dwelling
30

Reason for amendments: Zoning

- | |
|--|
| 1. Revise definition to clarify that the Mobile Home Dwelling is for occupancy by a single household. |
| 2. Delete duplicated definition of mobile home already established in Article 1.1, Definitions and Acronyms. |
| 3. Delete definition for mobile home subdivision as the subdivision process is defined and regulated by Article 11, Subdivision, Platting and Required Improvements. |
| 4. Clarify that the only zoning district in which Mobile Home Dwelling is considered principal use is in MHPD or existing mobile home parks. |

31 a. Definition

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

33 ~~a. Mobile Home~~

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

39 ~~b. Mobile Home Subdivision~~

40 ~~A subdivision of land for the sale of lots intended for the placement of mobile homes and~~
41 ~~which meets the requirements of Article 11, SUBDIVISION, PLATTING, AND REQUIRED~~
42 ~~IMPROVEMENTS.~~

43 b. Principal Use

44 Only Mobile Home Dwellings located within the MHPD Zoning District, or within an
45 existing approved mobile home park, shall be treated as a principal use.
46

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ATTACHMENT 1

ARTICLE 4.B, USE REGULATIONS
SUMMARY OF AMENDMENTS
(Updated 09/08/14)

c. Accessory to Bona Fide Agriculture

One mobile home dwelling shall be permitted as an accessory use to a principal Bona Fide ~~agricultural~~ Agriculture 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.

5.	A removal agreement is required in the event that the property on which the accessory mobile home is located, is no longer used for Bona Fide Agriculture or the property is sold. The agreement shall be done prior to building permit of the mobile home.
----	---

3) ~~Documents~~ Mobile Home Removal Agreement

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

A removal agreement shall be executed and notarized between the Building Division and property owner and recorded on the property in the official records of the PBC Clerk prior to issuance of any building permit. The agreement shall be recorded against the property stating that the mobile home shall be removed within 30 days in the event the property is sold or the bona fide agricultural operation ceases to exist.

6.	Relocate redundant standard for Temporary Mobile Home During Construction and consolidate provisions applicable to temporary Mobile Home Dwelling in Article 5.B.1.B.3, Temporary Structures and Uses During Development Activity. The relocated standards relate to temporary Mobile Home While Constructing Single Family Dwelling already exists in Article 5. Provisions such as Building Permit, Removal Agreement and Proof of Ownership are duplicated and existing already in Art. 5 therefore they are not relocated.
7.	Relocate standard that prohibits use of mobile home for other purpose other than dwelling such as storage to new Article 5.B.1.A.23 under a section related to supplementary regulations for accessory uses and structures.

~~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] [Consolidated with Art. 5.B.1.B.3.d.2), Zoning District – AR (RSA), (Related to Mobile Home While Constructing SFD)]~~

~~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] [Relocated and consolidated with Art. 5.B.1.B.3.d.5), Time Limitations on MH Approval (Related to Mobile Home While Constructing SFD)]~~

~~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. [Partially relocated to Art. 5.B.1.B.23, Mobile Home (Related to Accessory Uses and Structures)]

Reason for amendments to Mobile Home Dwelling in the Use Matrix: [Zoning] Mobile Home Dwelling, as a principal use, is limited to the MHPD Zoning District, consequently the use is deleted from the Use Matrix in AGR, AP, Agricultural Residential/Rural Service Area (AR/RSA) and AGR Preserve pod of PUD.
--

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ATTACHMENT 1

ARTICLE 4.B, USE REGULATIONS
SUMMARY OF AMENDMENTS
(Updated 09/08/14)

Part 5. ULDC Art. 3.D.3.A.1, RM District, (Page 136-137 of 229) is hereby deleted:

Reason for amendments: [Zoning]

1.	Relocate language in Article 3.D.3.A.1, District Specific Regulations, related to RM Zoning District for parcels that contain Medium Residential 5 (MR5) FLU designation to Multifamily use in Art. 4. The regulations are use specific and they have been consolidated as a supplementary use standard under Multifamily.
----	--

CHAPTER D PROPERTY DEVELOPMENT REGULATIONS (PDRs)

Section 3 District Specific Regulations

A. District Specific Regulations

~~1. RM District~~

~~a. RM Zoning with MR5 FLU~~

~~Multifamily units shall be permitted in the RM zoning district with an MR5 FLU designation subject to the following: [Relocated to Art. 4.B.1.C.4.b, Zoning District - RM]~~

~~1) Planning Determination~~

~~A written determination from the Planning Director that the property meets the criteria for a Non Planned Development District Density Exemption in the Plan; and [Partially relocated to Art. 4.B.1.C.4.b.1), Planning Determination]~~

2.	Delete prohibition related to RM corresponding to MR-5 FLU designation as the language is redundant since Article 3, Table 3.A.3.B, FLU Designation and Corresponding Standard Zoning Districts, already addresses it.
----	--

~~2) Existing RM Zoning~~

~~The property was zoned RM prior to the 1989 adoption of the Plan (rezoning property with MR5 land use to the RM district shall be prohibited). [Partially relocated to Art. 4.B.1.C.4.b.2), Existing RM Zoning District (Related to Multifamily use)]~~

~~3) Approval Process~~

~~The approval process shall be as follows:~~

~~Table 3.D.3.A – Approval Process~~

Units	Process
0-4	Building Permit Only
5-8	DRO Site Plan Approval
9-24	Class B Conditional Use
Over 24	Class A Conditional Use

~~[Relocated to Art. 4.B.1.C.4.b.3, Approval Process]~~

~~4) Multifamily Units~~

~~Legally permitted multifamily units in the RM zoning district with MR5 FLU may be redeveloped, reconstructed, or expanded in accordance with the RM zoning district PDRs. [Partially relocated to Art. 4.B.1.C.4.b.3), Development Order]~~

~~5) Limestone Creek~~

~~Multifamily units in the RM zoning district shall be prohibited in the area bounded on the north by 184 Place North, on the south by the C-18 Canal, on the east by Central Boulevard and the municipal limits of the Town of Jupiter, and on the west by Narcissus Avenue (north of Church Street) and Limestone Creek Road (south of Church Street). [Relocated to Art. Art. 4.B.1.C.4.b.4), Limestone Creek]~~

3.	Delete "Buildings Over 100 Feet in Height" standard applicable to multifamily buildings. The ULDC addresses buildings height in Article 3.D.1.E.
----	--

~~b. Buildings Over 100 Feet in Height~~

~~In the RM district, multifamily buildings over 100 feet in height shall require approval of a Class B conditional use.~~

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ATTACHMENT 1

ARTICLE 4.B, USE REGULATIONS
SUMMARY OF AMENDMENTS
(Updated 09/08/14)

Part 1 Continued

Part 1. New ULDC Art. 4.B.1.C, Residential Uses, is hereby established as follows:

487. Multi-family

Reason for amendments: [Zoning]	
1.	Revise the definition to clarify that a mobile home, by definition, cannot be Multifamily. Reference to Mobile Home Dwelling is no longer applicable, as this and other similar restrictions are being clarified in a specific section addressing uses of mobile homes.
2.	Delete references to Article 3 and Westgate Community Redevelopment Area Overlay (WCRAO) in the definition as they are redundant and addressed elsewhere in the Code.
3.	Delete provision related to Multifamily use in the main street of TMD to allow market to dictate where Multifamily units need to be located.
4.	Relocate District Specific Regulation language from Article 3.D.3.A.1, related to RM Zoning District to consolidate as a supplementary use standard under Multifamily.

a. Definition

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]~~

b.a. Zoning District - 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]~~

~~4)AGR-TMDs shall be exempt from the integration requirement and shall comply with the Development Order approved by the BCC. [Ord. 2010-022]~~

c. Zoning District - RM

Multifamily units shall be permitted in the RM zoning district with an MR5 FLU designation subject to the following: [Relocated from Art. 3.D.3.A.1.a, RM Zoning with MR-5 FLU]

1) Planning Determination

A written determination from the Planning Director that the property meets the criteria for an Infill Density Exemption in the Plan; and, [Partially relocated from Art. 3.D.3.A.1.a.1), Planning Determination]

2) Existing RM Zoning

The property was zoned RM prior to the 1989 adoption of the Plan. [Partially relocated from Art. 3.D.3.A.1.a.2), Existing RM Zoning]

5.	Reorder the approval process shown in Table 4.B.1.C, Approval Process to indicate the most restrictive at the top. Change "Building Permit Process" for "Permitted by Right"; and, indicate 1 as the minimum number of units needed instead of 0 in the range of 1 to 4 permitted by right.
----	---

3) Approval Process

The approval process shall be as follows:

Table 4.B.1.C - Approval Process

Process	Units
Class A Conditional Use	Over 24
Class B Conditional Use	9-24
DRO	5-8
Permitted by Right	1-4

[Relocated from Art. 3.D.3.A.3, Approval Process]

4) Development Order

Multifamily units in the RM Zoning District with MR5 FLU may be redeveloped, reconstructed, or expanded provided there is a valid development order. [Partially relocated from Art. 3.D.3.A.1.a.4), Multifamily Units]

5) Limestone Creek

Multifamily units in the RM zoning district shall be prohibited in the area bounded on the north by 184 Place North, on the south by the C-18 Canal, on the east by Central Boulevard and the municipal limits of the Town of Jupiter, and on the west by

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ATTACHMENT 1

ARTICLE 4.B, USE REGULATIONS
SUMMARY OF AMENDMENTS
(Updated 09/08/14)

Narcissus Avenue (north of Church Street) and Limestone Creek Road (south of Church Street). [Relocated from Art. 3.D.3.A.1.a.5), Limestone Creek]

Reason for amendments to Multifamily in the Use Matrix: [Zoning]

- 6. Change the approval process from Permitted by Right to Class A Conditional Use in the RM Zoning District to indicate the most restrictive approval process in the Matrix. A specific standard to address less restrictive approval process is included within the use standards. Table 4.B.1.C describes the approval process for Multifamily in the RM district which indicates the approval process based on the number of units.
- 7. Indicate the most restrictive approval process in the Use Matrix for Multifamily in the Institutional and Public Facilities (IPF) Zoning District by deleting the Class A Conditional Use approval and inserting a blank to denote prohibited use. The Comprehensive Plan Future Land Use (FLU) Element, under provisions for Institutional and Public Facilities (INST) land use designation, allows residential uses as accessory affordable housing to a non-profit organization or community based group. Multifamily is one of the Residential uses that may be utilized as accessory affordable housing. A general standard has been added to Residential Uses that clarifies Multifamily use as affordable housing is permitted by the DRO in the IPF Zoning District.



NURSING OR CONVALESCENT FACILITY WILL BE ADDRESSED ALONG WITH PUBLIC AND CIVIC USE CLASSIFICATION HOWEVER THIS USE WILL REMAIN IN THE RESIDENTIAL USE CLASSIFICATION.



5422. Single Ffamily

Reason for amendments: [Zoning]:

- 1. Reference to mobile home is no longer applicable, as this and other similar restrictions are being clarified in Article 5.B.1.A, Temporary Structures addressing uses of mobile home.
- 2. Delete reference to manufactured buildings in the definition of Single Family to address change in definition of manufactured buildings in Article 1.1.2 (Part 4) for consistency with State Statute 553, Building Construction Standards.

a. Definition

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

Reason for amendments to Single Family in the Use Matrix: [Zoning]

- 3. Indicate the most restrictive approval process in the Use Matrix for Single Family in the Institutional and Public Facilities (IPF) Zoning District by deleting the Class A Conditional Use approval and inserting a blank to denote prohibited use. The Comprehensive Plan Future Land Use (FLU) Element, under provisions for Institutional and Public Facilities (INST) land use designation, allows residential uses as accessory affordable housing to a non-profit organization or community based group. Single Family is one of the Residential uses that may be utilized as accessory affordable housing. A general standard has been added to Residential Uses that clarifies Single Family use utilized as affordable housing is permitted by the DRO in the IPF Zoning District.



6432. Townhouse

Reason for amendments: [Zoning]

- 1. Delete language related to RS Zoning District and MR-5 FLU designation. The language is expanded to include a less restrictive approval process for high density residential FLUs.

a. Definition

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.

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ATTACHMENT 1

ARTICLE 4.B, USE REGULATIONS
SUMMARY OF AMENDMENTS
(Updated 09/08/14)

~~**b.a. RS Zoning District with MR5 FLU Designation Approval Process – RS Zoning District**~~

~~A townhouse development in the RS zoning district with a MR5 FLU designation shall require a Class A conditional use approval. In the RS Zoning District with an HR-8, HR-12, and HR-18, FLU designation, the use may be permitted subject to DRO approval. [Ord. 2005 – 002]~~

Reason for amendments to Townhouse in the Use Matrix: [Zoning]	
2.	Change approval process from DRO to Class A Conditional Use approval in RS Zoning District to reflect that the use requires a Conditional use if it is located on land with an MR-5 FLU designation.
3.	Indicate the most restrictive approval process in the Use Matrix for Townhouse in the Institutional and Public Facilities (IPF) Zoning District by deleting the Class A Conditional Use approval and inserting a blank to denote prohibited use. The Comprehensive Plan Future Land Use (FLU) Element, under provisions for Institutional and Public Facilities (INST) land use designation, allows residential uses as accessory affordable housing to a non-profit organization or community based group. Townhouse is one of the Residential uses that may be utilized as accessory affordable housing. A general standard has been added to Residential Uses that clarifies Townhouse use utilized as affordable housing is permitted by the DRO in the IPF Zoning District.

~~**7142. Zero Lot Line Home (ZLL)**~~

Reason for amendments: Zoning	
1.	Reference to Mobile Home Dwelling is no longer applicable, as this and other similar restrictions are being clarified in Article 5.B.1.A, Temporary Structures addressing uses of mobile homes
2.	Delete reference to manufactured buildings in the definition of ZLL to address change in definition of manufactured buildings in Article 1.1.2 (Part 4) for consistency with State Statute 553, Building Construction Standards.
3.	Delete reference to Art. 3 to prevent issues with variances from the standards located in that article. Article 3 includes specific Property Development Regulations (PDRs) and other standards for ZLL homes.
4.	Delete language related to RS Zoning District and MR-5 FLU designation. The language is expanded to include a less restrictive approval process for high density residential FLUs.

~~**a. Definition**~~

~~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.~~

~~**b. RS Zoning District with MR5 FLU Designation Approval Process – RS Zoning District**~~

~~A ZLL development in the RS zoning district with a MR-5 FLU designation shall require a Class A conditional use approval. In the RS Zoning District with an HR-8, HR-12, and HR-18, FLU designation, the use may be permitted subject to DRO approval. [Ord. 2005 – 002]~~

Reason for amendments to Zero Lot Line Home in the Use Matrix: [Zoning]	
5.	Because one of the use standards requires a Class A Conditional Use in the RS Zoning District when located on MR-5 FLU designation, the approval process has been changed from DRO to Class A Conditional Use in the Use Matrix to show the most restrictive approval process.
6.	Indicate the most restrictive approval process in the Use Matrix for ZLL in the Institutional and Public Facilities (IPF) Zoning District by deleting the Class A Conditional Use approval and inserting a blank to denote prohibited use. The Comprehensive Plan Future Land Use (FLU) Element, under provisions for Institutional and Public Facilities (INST) land use designation, allows residential uses as accessory affordable housing to a non-profit organization or community based group. ZLL Home is one of the Residential uses that may be utilized as accessory affordable housing. A general standard has been added to Residential Uses that clarifies ZLL Home use utilized as affordable housing is permitted by the DRO in the IPF Zoning District.

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ATTACHMENT 1

**ARTICLE 4.B, USE REGULATIONS
SUMMARY OF AMENDMENTS
(Updated 09/08/14)**

1

Reason for amendments: [Zoning]	
1.	<p>Distinguish accessory uses from principal uses currently located within the residential uses classification. Accessory Dwelling, Caretaker Quarters, Estate Kitchen, Farm Residence, Farm Workers Quarters, Groom's Quarters, Guest Cottage, Garage Sale, Home Occupation and Kennel Type 1A, are being consolidated in Table 4.B.1.D, Corresponding Accessory Use to a Principal Use to group uses that are accessory in nature.</p> <p>The accessory uses listed below will be permitted by right in the zoning districts where their corresponding principal uses are permitted unless indicated otherwise. More restrictive approval processes may be applicable to some uses and will be indicated in table 4.B.1.D, Corresponding Accessory Use to a Principal Use.</p> <p>Factors that were considered in the removal of these uses from the Use Matrix include:</p> <ul style="list-style-type: none"> • The relationship between accessory uses and the principal uses in zoning districts where the principal use is permitted, ownership of the principal use, and, function of the principal use; and, • Accessory uses include specific supplementary use standards that limit expansion of the use, such as building area, operation, or removal agreements to guarantee subordination of the accessory use. • These accessory uses do not exist as stand-alone uses since they incidental to the principal use. • Accessory uses such as Accessory Dwelling, Farm Residence, Groom's Quarters and Caretaker Quarters are proposed to be less restrictive in some zoning districts, while in others, they may no longer be permitted. The approval process is covered through the approval of the principal use, unless indicated otherwise in the supplementary use standards. These changes are to streamline the approval process, eliminate redundancies and facilitate identification of accessory uses in relation with principal uses. <p>Kennel Type 1A is accessory to Single Family as they are typically associated with this particular residential use.</p>
2.	<p>Farm Residence functions as a Single Family dwelling accessory to Bona Fide Agriculture use permitted in the AGR and AP Zoning Districts. Clarification is provided to indicate that accessory uses that are consistent with Single Family are also permitted accessory to a Farm Residence. Guest Cottage and Kennel Type 1A have been included as accessory to a Farm Residence in order to be consistent with Single Family.</p>
3.	<p>Clarify that accessory residential uses are subject to the property development regulations of the zoning districts where they are located unless specific standards under the use state otherwise.</p>
4.	<p>Prevent subdivision of land or sale of accessory residential uses as separate residential dwelling units to avoid non-conformities or increase in density above the underlined FLU designation.</p>

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ATTACHMENT 1

ARTICLE 4.B, USE REGULATIONS
SUMMARY OF AMENDMENTS
(Updated 09/08/14)

D. General Standards for Accessory Uses

Accessory uses shall comply with the specific Supplementary Use Standards contained in this section.

1. Corresponding Accessory Use to a Principal Use

Accessory uses identified in Table 4.B.1.D, Corresponding Accessory Residential Use to a Principal Use shall be:

- a) Permitted by right unless stated otherwise; and,
- b) Allowed to the corresponding principal use in the table.

Table 4.B.1.D – Corresponding Accessory Use to a Principal Use

Accessory Use	Principal Use												
	Mobile Home Dwelling	Multifamily	Single Family	Townhouse	Zero Lot Line	Bona Fide Agriculture	Stable Commercial / Stable Private	Agricultural Uses	Commercial Uses	Industrial Uses	Institutional and Public Uses	Recreation Uses	Utilities and Excavation Uses
Accessory Quarters	-	-	P	P	P	-	-	-	-	-	-	-	-
Caretaker Quarters (3)	-	-	-	-	-	S	S	S	S	S	S	S	S
Estate Kitchen	-	-	P	-	P	-	-	-	-	-	-	-	-
Farm Residence (2)	-	-	-	-	-	P(1)	-	-	-	-	-	-	-
Farm Workers Quarters	-	-	-	-	-	P	-	-	-	-	-	-	-
Garage Sale	P	P	P	P	P	-	-	-	-	-	-	-	-
Grooms Quarters	-	-	-	-	-	-	A	-	-	-	-	-	-
Guest Cottage	-	-	P	P	P	-	-	-	-	-	-	-	-
Home Occupation	P	P	P	P	P	-	-	-	-	-	-	-	-
Kennel, Type 1	-	-	P	-	-	-	-	-	-	-	-	-	-

Notes

- Accessory use not permitted
- P Permitted by Right
- A Accessory use subject to Class A Conditional Use unless stated otherwise – See principal use and accessory use supplementary standards.
- S Special Permit
- (1) Farm Residence may only be accessory to Bona Fide Agriculture in the AGR and AP Zoning District.
- (2) Accessory uses to Single Family are permitted by right to a Farm Residence.
- (3) Special Permit is only applicable when a Mobile Home structure is utilized for Caretaker Quarters.

2. Property Development Regulations (PDRs)

Accessory residential uses shall be subject to the PDRs of the zoning district in which the use is located unless stated otherwise.

3. Ownership

Accessory residential uses shall remain under the same ownership of the principal use and shall not be subdivided or sold as condominium.

5.	Clarify that no single accessory use can utilized more than once when associated with one principal use. Accessory uses referenced in Table 4.B.1.D – Corresponding Accessory Use to a Principal Use uses are not counted as density, therefore limitation to one use per parcel will reduce multiple living uses. Specific supplementary use standards under the accessory uses will dictate if more units are permitted or not.
6.	Relocate and expand Discontinuation of Use standard to be applicable to all accessory residential uses.

4. Duplicated Use

An accessory use that corresponds to a principal use, as listed in Table 4.B.1.D – Corresponding Accessory Use to a Principal Use, shall not be utilized more than once in association with its principal use, unless stated otherwise.

5. Discontinuation of Use

An accessory use shall continue only as long as the principal use that it serves remains active. [Relocated from Art. 4.B.1.A.119.g, Discontinuation of Use, Related to Security and Caretaker Quarters]

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ATTACHMENT 1

ARTICLE 4.B, USE REGULATIONS
SUMMARY OF AMENDMENTS
(Updated 09/08/14)

E. Accessory Residential Use Standards
1. Accessory Dwelling-Quarters

Reason for amendments: [Zoning]	
1.	Change use name from accessory dwelling to accessory quarters as the term "dwelling" implies density. The term "quarters" implies living environment currently used for Grooms Quarters, Caretaker Quarters, and Farm Workers Quarters.
2.	Revise definition to clarify the accessory quarter can be a separate living facility from the principal dwelling unit and to clarify that the principal dwelling must be owner occupied.
3.	Consolidate building square footage standards for consistency with standardized formatting protocol and clarify that the square footage associated with Accessory Quarters is the maximum allowable.
4.	Clarify that only one accessory quarter is permitted regardless if it is owner occupied or not.
5.	Delete language associated to accessory quarters attached or detached as the use is subject to the same property development regulations applicable to the principal use.
6.	Delete the "Maximum Number of Bedrooms/Baths" standard. Existing provisions limiting the size of the accessory housing will dictate the maximum number of bedrooms and bathrooms in the unit.
7.	Delete the PDRs Standard. Property development regulations will be applicable to all accessory residential uses and addressed under Accessory Residential Use standard section of Article 4.

a. Definition

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

ab. Number of Units Building Area

~~A maximum of one accessory dwelling may be permitted. The use shall be subject to the following: 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: a maximum of 800 square feet.
- 2) On one acre or more: a maximum of 1,000 square feet.
- 3) The floor area calculation shall include only the living area of the accessory ~~dwelling~~ quarter under a solid roof. **[Ord. 2005-041]**

c. Additional Floor Area

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

d. Maximum Number of Bedrooms/Baths

~~One bedroom and one bathroom.~~

ec. Compatibility

The aAccessory dwelling Quarter 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.~~

8.	Delete ownership standard to be applicable to all accessory residential uses which is addressed under Accessory Residential Use standard section of Article 4.
9.	Clarify that all utilities will utilize the same meter as the principal dwelling. The clarification is intended to ensure that the accessory quarter is not converted into a principal dwelling.
10.	Add standard applicable to Townhouse and ZLL that establishes location of the Accessory Quarters in the lot and location criteria. The access provision is included to address potential traffic and parking impacts.

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.~~

dh. Kitchen Facilities Removal

An agreement to remove all kitchen equipment shall be executed and notarized between the Building Division and property owner and recorded on the property in the official records of the PBC Clerk for the dwelling unit prior to issuance of ~~a~~ any building permit. The agreement shall require the kitchen to be removed if the principal dwelling is no longer owner occupied.

ei. No Separate Electrical Utility Service

There shall be no separate meters for any utilities. Both, the principal ~~single family~~ dwelling and the accessory dwelling shall be connected to the same ~~meter~~ utilities. ~~Separate electric service shall be prohibited.~~ **[Ord. 2005-041]**

Notes:

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ATTACHMENT 1

ARTICLE 4.B, USE REGULATIONS
SUMMARY OF AMENDMENTS
(Updated 09/08/14)

f. Design and Development Standards- Townhouse or Zero Lot Line

A detached Accessory Quarters associated with a Townhouse or a Zero Lot Line shall be located in the rear of the lot with access from a street or alley.

Reason for amendments to Accessory Dwelling in the Use Matrix: [Zoning]

Remove Accessory Dwelling from the Use Matrix and relocate with other accessory uses. This use is accessory in nature and will be allowed in the zoning districts where the principal use is allowed. The following indicates the changes to the approval process:

- Permitted in:
 - Institutional and Public Facilities (IPF) Zoning District for Single Family, Townhouse and Zero Lot Line (ZLL);
 - Mixed Use Planned Development (MXPD) for Townhouse and ZLL;
 - Lifestyle Commercial Center (LCC) for Townhouse; and,
 - Urban/Suburban Tier and Exurban/Rural Tier of Traditional Neighborhood Development (TND) and Development area in the Agricultural Reserve (AGR) Tier of Traditional Marketplace Development (TMD) for Townhouse.
- No longer permitted in AGR Preserve of Planned Unit Development (PUD), as Single Family, Townhouse, and ZLL uses are not permitted in that Zoning District.
- More restrictive in Single Family Residential (RS) and Multifamily Residential (RM) Zoning Districts because Townhouse and ZLL include more restrictive approval process standards which are applicable to the principal use in those zoning districts. It is also more restrictive in the Residential area of the Exurban/Rural Tier of TND when accessory to Townhouse and ZLL.

~~2119~~ **2119. Security or Caretaker Quarters**

Reason for amendments: [Zoning]

1. Revise Use title and definition to clarify services provided on the premises.
2. Consolidate building square footage standards for consistency with standardized formatting protocol and clarify that the square footage associated with Accessory Quarters is the maximum allowable.
3. Simplify the maximum number of Caretaker Quarters permitted to only one per site. Additionally, delete the “bona fide agriculture, commercial, industrial, or institutional” use reference as Table 4.B.1.D, Corresponding Accessory Use to a Principal Use, will clarify where the use is permitted to be accessory. Retaining the reference is redundant.
4. Delete language identifying area governed to eliminate redundancy. General accessory use standards clarify that accessory uses are permitted in the same zoning districts where the principal use is located unless indicated otherwise.
5. Revise the occupancy standard to clarify that the owner can also be the caretaker or the custodian.
6. Delete the accessory use standard as it is addressed by Table 4.B.1.A, Corresponding Accessory Residential Use to a Principal Use.

a. Definition

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

ab. Building Area 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. The use shall be subject to the following:~~

~~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: a maximum of 800 square feet. [Ord. 2007-001]

2) On one acre or more: a maximum of 1,000 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, or 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.~~

~~**ed. Temporary Use**~~

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

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ATTACHMENT 1

ARTICLE 4.B, USE REGULATIONS
SUMMARY OF AMENDMENTS
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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~~ 4.B.1.C.3.c, Accessory to Bona Fide Agriculture. If a mobile home is used, the Special Permit shall be renewed annually. [Ord. 2008-037]

- | | |
|----|---|
| 7. | Delete most of Discontinuation of Use standard to eliminate redundant language and partially relocate to be applicable to all accessory residential uses which is addressed under Accessory Residential Use section of Article 4. |
| 8. | A removal agreement is required in the event that the principal use on the property ceases and the mobile home utilized as a Caretaker's Quarters is no longer permitted. The agreement shall be executed prior to issuance of the building permit for the mobile home. |

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.~~ [Partially relocated to new section 4.B.1.D. General Standards for Accessory Uses]

f. Mobile Home Removal Agreement

A removal agreement shall be executed and notarized between the Building Division and property owner and recorded on the property in the official records of the PBC Clerk prior to issuance of the building permit. The agreement shall be recorded against the property stating that the mobile home shall be removed within 30 days in the event the property is sold or the principal use ceases to exist.

<p>Reason for amendments to Caretakers Quarters in the Use Matrix: [Zoning]</p> <p>Remove Caretakers Quarters from the Use Matrix and relocate with other accessory uses. This use is accessory in nature and will be allowed in the zoning districts where the principal use is allowed. Caretakers Quarters is a permanent accessory use for which Special Permit is no longer necessary, since Special Permit applies mainly to temporary uses that require monitoring. The following indicates the changes to the approval process:</p> <ul style="list-style-type: none"> • Less restrictive in agricultural, residential, commercial, industrial and institutional standard zoning districts where the use was changed from SP to Permitted by Right, and in the IRO and Urban Redevelopment Area Overlay (URAO) where the change was from Development Review Officer (DRO) to Permitted by Right. • Expand approval to permit in Residential pod of a PUD where Single Family is permitted, Recreation pod of a PUD, MUPD with EDC FLU designation, LCC, Residential area and Open Space Recreation area in the Urban/Suburban (U/S) Tier and Exurban/Rural Tier of TND, and in the in the AGR Tier Preserve area of TMD.

348. Estate Kitchen

<p>Reason for amendments to Estate Kitchen: [Zoning]</p> <ol style="list-style-type: none"> 1. An estate kitchen is an accessory use to a single-family residence. Therefore, it is relocated from principal use under Accessory Residential Use standard section of Article 4. It is recommended that this is accessory to farm residence, single family, and zero lot line units. 2. Clarify that the creation of a second complete residence through the installation of a secondary kitchen shall be prohibited. 3. Delete lot size restriction as this is considered irrelevant to the use being treated as an accessory use.
--

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

a. Definition

A second kitchen located within a principal single family, zero lot line, or farm residence.

b. Conversion to Duplex Prohibited

~~a.~~ A secondary kitchen may be added provided there shall not be the presence of a second complete and separate living environment associated with the secondary 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.

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ATTACHMENT 1

ARTICLE 4.B, USE REGULATIONS
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Reason for amendments to Estate Kitchen in the Use Matrix: [Zoning]
 Remove Estate Kitchen from the Use Matrix and relocate with other accessory uses. This use is accessory in nature and will be allowed in the zoning districts where the principal use is allowed. The following indicates the changes to the approval process:

- Permitted in MXPD with CH and CHO FLU designation as ZLL is allowed in those Zoning Districts. Also permitted now in the Residential of the Urban/Suburban, Exurban and Rural Trier of a TND as ZLL and Single Family uses are allowed in those Zoning Districts.
- Estate Kitchen is no longer permitted in the AP Zoning District.

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250. Farm Residence

a. Definition

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]**

ab. Principal Dwelling

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

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Reason for amendments to Farm Residence in the Use Matrix: [Zoning] Remove Farm Residence from the Use Matrix and relocate with other accessory uses. This use is accessory in nature and will be allowed in the zoning districts where the principal use is allowed. Clarification in the accessory uses table identifies that a Farm Residence may only be accessory to Bona Fide Agriculture in the AGR and AP Zoning Districts for consistency with the zoning districts in which the Use Matrix currently allows the use.



451. Farm Workers Quarters

Reason for amendments: [Zoning]:
1. Clarify that the structure is a complete living environment which must include cooking facilities, as well as sanitary facilities and sleeping accommodations.
2. Add words "bona fide" to clarify that the use is intended to be accessory to bona fide agricultural operations, without which, there would be no need for this use.
3. Create maximum 1,000 square foot gross floor area (GFA) standard for consistency with other accessory residential uses.
4. Delete clustering standard as Farm Worker Quarters are subject to the property development regulations.
5. Delete AR/RSA with Specialized Agriculture (SA) FLU designation standard. Currently there are no parcels which have both the AR Zoning District and SA FLU designation.
6. Allow mobile home to be utilized as a Farm Workers Quarters to be consistent with other accessory residential uses in Bona Fide Agriculture.

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a. Definition

One or more residential structures providing a complete living environment, occupied by farm workers who provide labor in conjunction with bona fide agricultural operations.

ab. Density-Building Area

One ~~dwelling unit limited to a maximum of four bed shall farm workers quarter may~~ be permitted for each 25 acres- subject to the following: **[Ord. 2006-004]**

1) Limited to a maximum of four beds; and, [Relocated from this standard above]

2) The structure shall not exceed 1,000 sq. ft. GFA under a solid roof.

b. Clustering

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

c. AGR/PUD or TMD AGR Tier

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 workers quarters shall not be located on property in the AGR Tier ~~in to~~ 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. 2007-004]~~

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ATTACHMENT 1

ARTICLE 4.B, USE REGULATIONS
SUMMARY OF AMENDMENTS
(Updated 09/08/14)

d. Mobile Home Removal Agreement

A mobile home may be used for a Farm Workers Quarters. A removal agreement shall be executed and notarized between the Building Division and property owner and recorded on the property in the official records of the PBC Clerk prior to issuance of the building permit. The agreement shall be recorded against the property stating that the mobile home shall be removed within 30 days in the event the property is sold or the bona fide agricultural operation ceases to exist.

Reason for amendments to Farm Workers Quarters in the Use Matrix: [Zoning]

Remove Farm Workers Quarters from the Use Matrix and relocate with other accessory uses. This use is accessory in nature and will be allowed in the zoning districts where the principal use is allowed. The following indicates the changes to the approval process:

- Permitted only when accessory to Bona Fide Agriculture use expanding its allowance into residential, commercial, industrial, public and institutional standard zoning districts.

560- Garage Sale

Reason for amendments: [Zoning] Revise the definition to clarify Garage Sale location is within a residential dwelling unit and sales are temporary.

a. Definition

Temporary sale of household articles, in the front yard or garage of a dwelling unit, by the occupants ~~of a dwelling unit~~.

~~b.a.~~ Duration

A maximum of 72 hours.

~~c.b.~~ Number of Sales

A maximum of two per year per dwelling unit.

Reason for amendments to Garage Sale in the Use Matrix: [Zoning]

Remove Garage Sale from the Use Matrix and relocate with other accessory uses. This use is accessory in nature and will be allowed in the zoning districts where the principal use is allowed. The following indicates the changes to the approval process:

- Expanded to be allowed in LCC, the Residential and Neighborhood Center area of the U/S, Exurban and Rural Tiers of TND and U/S, Exurban, and Rural Tiers of a TMD and the Development Area of the AGR Tier in TMD as multiple residential uses are permitted in these Zoning Districts.
- The use is no longer permitted in the AGR Preserve of a PUD and MUPD with INST FLU designation as there are not residential uses allowed on those Zoning Districts.

665- Groom's Quarters

Reason for amendments: [Zoning]

1. Revise definition to relocate occupancy limitations. Occupancy is not an element of the definition but a supplementary use standard.

2. Relocate AGR PUD or TMD standard related to the numbers of Groom's Quarters for consistency with standardized formatting protocol for the construction of Art. 4, Use Regulations.

a. Definition

On-site living quarters for persons responsible for grooming and caring for horses boarded at a sStable. ~~Occupancy shall be limited to on-site employees and members of the employees' family only.~~ [Partially relocated to a new Occupancy standard below]

b. Zoning Districts - AGR PUD or AGR TMD

1) Twenty Groom's Quarters may be permitted on the preservation area of an AGR PUD or AGR TMD. [Relocated from Art. 4.B.1.E.5.e, AGR PUD or TMD below]

2) For more than 20 groom's quarters, the allowable density shall be decreased by one unit for each groom's quarter and shall not exceed a maximum reduction of one-half of the number of dwelling units associated with the Preservation Area. [Ord. 2006-004][Relocated from Art. 4.B.1.E.5.e, AGR PUD or TMD below]

~~ac.~~ Number Permitted

1) 20 Acres or Less

One groom's quarters shall be permitted for each four horse stalls.

2) More Than 20 Acres

One groom's quarters shall be permitted for each three horse stalls.

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ATTACHMENT 1

**ARTICLE 4.B, USE REGULATIONS
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bd. Floor Building Area

1) Each Unit

Each groom's quarters shall not exceed 500 square feet of GFA per unit.

2) 20 Acres or Less

The total GFA for all groom's quarters shall not exceed 5,000 square feet per lot.

3.	Delete the "Maximum Number of Bedrooms/Baths" standard. Existing provisions limiting the size of a Groom's Quarters will dictate the maximum number of bedrooms and bathrooms in the unit.
4.	Private or Commercial Stable have their own approval process contained in the Use Matrix but once Groom's Quarters are included on site, it may trigger upper level of approval. More than 21 Groom's Quarters will be subject to public hearing which tends to minimize the impacts of overconcentration of quarters to adjacent properties.
5.	Revise Kitchen Facilities standard to clarify when removal agreement is to be executed and establish specific time for removal of kitchen when use ceases to operate. The 90-day threshold was added to ensure that adequate time was given for obtaining proper permits, such as plumbing and electrical, and to remove kitchen facilities.

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~~c. Bedrooms and Bathrooms~~

~~A maximum of one bedroom and one bathroom per groom's quarter.~~

4) Occupancy

Shall be limited to on-site employees and members of the employees' family only.

[Relocated from the use definition above]

d. Approval Process

Table 4.B.6.C - Groom's Quarters

Process	Number of Groom's Quarters Permitted
Class A Conditional Use	101 or more
Class B Conditional Use	21 through 100
DRO	Five through 20
Permitted by Right	Maximum four
[Ord. 2007-001]	

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~~e. AGR PUD or TMD~~

~~For more than 20 groom's quarters, or more than 20 groom's quarters on the Preservation Area of an AGR PUD or TMD, the allowable density shall be decreased by one unit for each groom's quarter to a maximum reduction of one-half of the number of dwelling units associated with the Preservation Area. [Ord. 2006-004] [Partially relocated to Zoning Districts - AGR PUD or AGR TMD standard 4.B.1.E.6.b.1)a) and 4.B.1.E.6.b.1)b) above related to Groom's Quarter accessory to Stable]~~

e. Kitchen Facilities Removal

Groom's quarters may contain individual cooking facilities and/or one common dining facility. An agreement to remove all kitchen equipment shall be executed and notarized between the Building Division and property owner and recorded on the property in the official records of the PBC Clerk prior to issuance of building permit approval of the groom's quarter. The agreement shall require the kitchen to be removed within 90 days of-if the unit ceases ceasing to operate as a groom's quarters.

Reason for amendments to Groom's Quarters in the Use Matrix: [Zoning]
Remove Groom's Quarters from the Use Matrix and relocate with other accessory uses. This use is accessory in nature to Private Stable and Commercial Stables. The approval process for accessory Groom's Quarters to Stable use is based on the number of Groom's Quarters as contained in the standards for this use. The approval indicated in Table 4.B.1.D – Corresponding Accessory Use to a Principal Use, shows the most restrictive approval process Class A Conditional Use. A specific supplementary use standard indicates the number at which Groom's Quarters may trigger a different approval process than the one applicable to the principal use Stable.

The following indicates the approval process changes of the accessory use when compared with the zoning districts where the Private Stable and Commercial Stable are allowed:

- Less restrictive for Commercial Stables in Agricultural Residential (AR), AGR, Agricultural Production (AP) Zoning Districts and commercial, industrial and public standard zoning districts; and, for Private Stables in agriculture and residential standard zoning districts due to a change from Class A Conditional Use to a less restrictive approval.
- Permitted by Right approval process remains unchanged in the Residential pod and Agricultural Preserve pod of a PUD for Commercial and Private Stables.
- Proposed to be permitted in Multiple Use Land Development (MUPD) with Commercial Recreation (CR) Future Land Use (FLU) designation for Commercial Stable and for Private Stable, in Residential

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- area in the U/S Tier and Exurban/Rural Tier of TND.
- No longer permitted in commercial, industrial, public and institutional standard zoning districts where Private Stable is not permitted; and in the residential pod of a PUD for Commercial Stable.
- More restrictive in the Preserve area AGR Tier of TMD for Commercial Stables by changing the Special Permit approval to DRO approval.

766. Guest Cottage

Reason for amendments: [Zoning:]

- Clarify that the principal dwelling unit on the property is owner occupied to prevent multiple rental units on one property owned by an absentee landlord.
- Consolidate under Building Area standard the floor area regulations for consistency with standardized formatting protocol and clarify that the square footage associated with Accessory Quarters is the maximum allowable.
- Delete reference to unit type. Where the accessory use is allowed will be dictated by new Table 4.B.1.A – Corresponding Accessory Residential Use to a Principal Use.

a. Definition

An accessory sleeping quarters provided for non-paying guests by the owner /occupant of a principal single-family or ZLL dwelling unit.

ab. Units Building Area

~~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. The use shall be subject to the following:~~

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.~~

~~1) On less than one acre: a maximum of 800 square feet.~~

~~2) On one acre or more: a maximum of 1,000 square feet.~~

~~3) The floor area calculation shall include only the living area of the guest cottage under a solid roof.~~

c. Additional Floor Area

~~4) Floor area under a solid roof that is utilized as a porch, patio, porte cochere, or carport shall not exceed 500 square feet.~~

dc. Kitchen or Cooking Facilities

There shall be no kitchen or cooking facilities in a guest cottage.

- Delete standards related to setbacks and ownership as these are standards applicable to all accessory residential uses indicated in section 4.B.1.D. General Standards for Accessory Uses.

e. Compatibility

A guest cottage shall be architecturally compatible in character and materials with 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.~~

- Stipulate that all utilities shall be maintained under the principal residential use, including no separate meters for such metered utilities as water, gas, and electric.

f. No Separate Utility Service

There shall be no separate meters for any utilities. Both the principal dwelling and the Guest Cottage shall be connected to the same utilities.

Reason for amendments to Guest Cottage in the Use Matrix: [Zoning]

Remove Guest Cottage from the Use Matrix and relocate with other accessory uses. This use is accessory in nature and will be allowed in the zoning districts where the principal use is allowed. The following indicates the changes to the approval process:

- Permitted in
 - IPF for Single Family, Townhouse and ZLL;
 - MXPDP for Townhouse and ZLL;

Notes:

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ARTICLE 4.B, USE REGULATIONS
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- LCC for Townhouse;
- Residential area in the U/S Tier of TND for Single Family, Townhouse and ZLL;
- Residential area in the Exurban/Rural Tier of TND for Single Family;
- U/S Tier, Exurban/Rural Tier, and Development area in the AGR Tier of TMD for Townhouse.
- No longer permitted in IRO for Single Family and ZLL.
- More restrictive in RM and RS Zoning Districts for Townhouse and ZLL; and, Residential area in the Exurban/Rural Tier of TND for Townhouse and ZLL.

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~~870.~~ Home Occupation

Reason for amendments:	
1.	Recognize current zoning policy which allows for cottage food production as a home occupation, in accordance with Florida Statutes 500.80, and the requirements of the Department of Agriculture and Consumer Services.
2.	Allow incidental retail sales where the home occupation is a mail order or internet business, and where inventory is stored in accordance with existing standards.
3.	Revise title of On-Premise Sales standards to read "On-Premise Sales of Goods and Services" to clarify the sale of services is prohibited at the home other than instructional services.
4.	Delete the certificate of insurance requirement associated with instructional services as Zoning no longer reviews Home Occupational Licenses and the certificate is not a Tax Collector or State of Florida requirement.

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a. Definition

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 that~~ are required open to the public including those required by State of Florida agencies ~~to be open to the public.~~ [Ord. 2009-040]

ab. 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.~~

bc. 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.

ed. 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.

de. 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. Cottage Foods

No food preparation shall be permitted, except as allowed in accordance with Section F.S. Section 500.80 cottage food operations, as amended.

gh. On-Premise Sales of Goods and Services

A home occupation shall not involve the sale of any stock, trade, supplies, products, or services on the premises, except for instructional services ~~or incidental retail sales where~~ the home occupation is a mail order or internet business.

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ATTACHMENT 1

ARTICLE 4.B, USE REGULATIONS
SUMMARY OF AMENDMENTS
(Updated 09/08/14)

1 **hi. Instructional Services**

2 Instructional services shall meet the following additional regulations:

3 **1) Home Instruction, Inside**

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

6 **2) Home Instruction, Outside**

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

11 **3) Hours of Operation**

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

13 ~~**4) Insurance**~~

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

17 **54) Number of Students**

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

20 **65) Parking**

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

23 **76) Resident**

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

27 **ij. Outside Storage**

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

30 **jk. Nuisances**

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

37 **kl. Violations or Hazard**

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

41 **lm. Vehicles**

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

45 **Reason for amendments to Home Occupation in the Use Matrix:** [Zoning]
Remove Home Occupation from the Use Matrix and relocate with other accessory uses. This use is
accessory in nature and will be allowed in the zoning districts where the principal use is allowed.



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ATTACHMENT 1

ARTICLE 4.B, USE REGULATIONS
SUMMARY OF AMENDMENTS
(Updated 09/08/14)

973. Kennel, Type 1 (Private)

Reason for amendments: Zoning

1. Kennel, Type 1 (Private) is proposed to be relocated to three locations in the ULDC: Art. 4, Accessory Residential Uses (new), Commercial Use Classification, and Art. 5.B, Accessory and Temporary Uses.
 - The existing Kennel, Type 1 (Private) will be renamed to Kennel Type 1A. The definition is revised to clarify that private kennels are accessory to Single Family dwelling and not principal in nature.
 - A new commercial kennel use, Type 1B, is being established to allow commercial kennels in residential zoning districts to be addressed with the Commercial uses.
 - Regulations for Hobby Breeder and number of animals are contained in the Limitations of Use standard are addressed by Animal Care and Control (ACC), therefore not needed.
 - Portions of the use will be relocated from the current Residential Classification to Article 5.B, Accessory and Temporary Uses. See Part 12 below.
2. The Pot Bellied Pigs Standard will be deleted since Kennel Type 1 definition clearly indicates this use is limited to dogs and cats only.

a. Definition

~~Any building or land used, A residential lot with a Single Family dwelling~~ 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]

ba. Limitations of Use Private Non-Profit

~~A private Kennel Type 1 may include 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] [Relocated to new Art. 5.B.1.A.22.c.1)a), General]~~

2)c. Hobby Breeder

~~A person who breeds up to two litters of dogs or cats or 19 dogs or cats per one-year period, on their property 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 A hHobby bBreeder is further defined and regulated by the PBCACC pursuant to Ord. 89-2 98-022, as amended. [Ord. 2006-036]~~

~~3) Outdoor Runs~~

~~Safety fences not to exceed six feet in height shall be required around outdoor runs. [Relocated to new Art. 5.B.1.A.22.a, Fences] 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. [Relocated to new Art. 5.B.1.A.22.b, Hedges]~~

~~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] [Relocated to new Art. 5.B.1.A.22.c.3), Hobby Breeders]~~

~~4) Private Kennel~~

~~Outdoor runs or non-enclosed structures shall not be located within 25 feet of any property line. [Ord. 2006-036] [Relocated to new Art. 5.B.1.A.22.c.1)b), General]~~

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] [Relocated to new Art. 5.B.1.A.22.c.4), Guard Dog Exemption]~~

c. Pot Bellied Pigs

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

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ATTACHMENT 1

ARTICLE 4.B, USE REGULATIONS
SUMMARY OF AMENDMENTS
(Updated 09/08/14)

Reason for amendments to Kennel Type 1 (Private) in the Use Matrix: [Zoning]
Remove Kennel Type 1 (Private) from the Use Matrix and relocate with other accessory uses. This use is accessory in nature and will be allowed in the zoning districts where the principal use is allowed.

Part 6. ULDC Art. 5.B.1.A, Temporary Structures, (Page 32 of 100) is hereby amended as follows:

Reason for amendments: [Zoning]
1. Kennel, Type 1 (Private) is proposed to be split into two locations in the ULDC: Art. 5, Accessory and Temporary Structures and Art. 4 Commercial Use Classifications. A new Commercial Kennel use, Type 1, is being relocated from the current Residential Classification to Article 5.B, Accessory and Temporary Uses, where standards for sheds and other similar accessory structures are located. Non-commercial kennels in residential zoning districts will still be allowed, subject to standards.

CHAPTER B ACCESSORY AND TEMPORARY USES

Section 1 Supplementary Regulations

A. Accessory Uses and Structures

22. Kennels and Runs

Runs applicable to any kennel use shall be subject to the following:

a. Fences

Safety fences around the outdoor runs shall not exceed six feet in height. [Partially relocated from Art. 4.B.1.A.73.a.3), Limitations of Use related to Kennel, Type 1 (Private)]

b. Hedge

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. [Partially relocated from Art. 4.B.1.A.73.a.3), Limitations of Use related to Kennel, Type 1 (Private)]

2. Clarify setbacks are not applicable to shelters used to house active duty guard dogs since the dogs are not permanently stationed in the structure 24 hours.

c. Setbacks

1) General

a) Enclosed structures or enclosed runs shall comply with the minimum setbacks applicable to the principal dwelling unit. [Ord. 2006-036] [Relocated from Art. 4.B.1.A.73.a.1) Setbacks related to Kennel, Type 1 (Private)]

b) Outdoor runs or non-enclosed structures shall not be located within 25 feet of any property line. [Ord. 2006-036] [Relocated from Art. 4.B.1.A.73.a.4) Limitations of Use related to Kennel, Type 1 (Private)]

2) Hobby Breeders

Outdoor runs or non-enclosed structures used by 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] [Relocated from Art. 4.B.1.A.73.a.3) Limitations of Use related to Kennel, Type 1 (Private)]

d. Guard Dog Shelter 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. A shelter for a permanent on-site guard dog, associated with guard duty, shall be exempt from the setback requirements of this section when adjacent to non-residential zoning districts or uses. [Ord. 2008-036] [Relocated from Art. 4.B.1.A.73.b.3) Limitations of Use related to Kennel, Type 1 (Private)]

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ATTACHMENT 1

ARTICLE 4.B, USE REGULATIONS
SUMMARY OF AMENDMENTS
(Updated 09/08/14)

Part 7. ULDC Art. 5.B.1.A, Temporary Structures, (Page 32 of 100) is hereby amended as follows:

Reason for amendments: [Zoning]	
1.	This amendment consolidates general applicability of mobile home under Accessory Uses and Structures in Article 5 in a table to differentiate between a Mobile Home Dwelling unit and mobile home structure.

CHAPTER B ACCESSORY AND TEMPORARY USES

Section 1 Supplementary Regulations

A. Accessory Uses and Structures

23. Mobile Home

The use of a mobile home shall be prohibited unless stated otherwise in Articles 4, Use Regulations and Article 5, Supplementary Standards.

Table 5.B.1.A – Mobile Home (1) Applicability

Dwelling Unit	Structure
MHPD or Existing Approved Mobile Home Park (2)	Accessory to Bona Fide Agriculture (2)
	Farm Workers Quarters (2)
	Caretaker Quarters (2)
	Watchman Trailer (3)
	While Constructing a SF Dwelling (3)
[Ord.]	
Notes:	
1.	Mobile Home shall not be used for storage or display.
2.	Supplementary use standards are indicated in Article 4, Use Regulations.
3.	Specific regulations are stated in Article 5, Supplementary Standards.

Part 8. Article 1.1.2, Definitions (Page 77 of 119) is hereby amended as follows:

Reason for amendments: [Zoning]	
1.	Expand definition of manufactured building to provide consistency with the definition contained in the State Statute 553, Building Construction Standards. The revised definition includes residential, commercial, institutional, and industrial structures that are built under the standards of the Florida Building Code .
2.	Clarify mobile home definition to differentiate between structure and dwelling unit as the terminology has been used interchangeably in the Code. Mobile home structure relates to non-density related uses such as Caretaker Quarters, Accessory to Bona Fide Agriculture and Farm Workers Quarters, temporary construction of Single Family, or, office. Mobile Home Dwelling is a principal residential use counted as density and permitted only in Mobile Home Park Development (MHPD) Districts or within an existing approved mobile home park. Mobile Home is a residential unit constructed to standards promulgated by the United States Department of Housing and Urban Development.
3.	Delete duplicated definition of Mobile Home Subdivision which applies to articles 4, Use Regulations and 11, Subdivision, Platting and Required Improvements.

CHAPTER I DEFINITIONS AND ACRONYMS

Section 2 Definitions

M. Terms defined herein or referenced Article shall have the following meanings:

11. **Manufactured Building**

- a. ~~A~~ closed structure, building assembly, or system of subassemblies, which may include structural, electrical, plumbing, heating, ventilating, or other service systems manufactured with or without other specified components, as a finished building or as part of a finished building, constructed in conformance with and certified pursuant to the requirements of Chapter 553, Florida Statutes, as may be amended, which shall include, but not be limited to, Residential Manufactured Buildings (aka Modular Homes), commercial, institutional, storage, and industrial structures. ~~is used as a dwelling unit or residence or office.~~ This definition does not apply to mobile homes. ~~Manufactured building may also mean, at the option of the manufacturer, any dwelling unit or residence of open construction made or assembled in manufacturing facilities away from the building site for installation, or assembly and installation, on the building site.~~

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ATTACHMENT 1

ARTICLE 4.B, USE REGULATIONS
SUMMARY OF AMENDMENTS
(Updated 09/08/14)

b. For the purposes of Articles 3 and 4, a Residential Manufactured Building (aka Modular Home) may also be considered a Mobile Home, where required by F.S. 553.382, Placement of Certain Housing. [Ord. 2012-027]

....
46. **Mobile Home**

a. **Structure** - A detached, transportable ~~single family dwelling unit structure~~, 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.

~~47b. Mobile Home Dwelling - for the purposes of Art. 3 or Art. 4, the use of a residential lot or a-unit for one mobile home or manufactured home. [Ord. 2012-027]~~

~~4847. Mobile Home Subdivision -~~

~~a. For the purposes of Art. 4, a subdivision of land for the sale of lots intended for the placement of mobile homes and which meets the requirements of Art. 11, Subdivision, Platting and Required Improvements.~~

~~b. For the purposes of Art. 11, a subdivision of land for the sale of lots intended for the placement of mobile homes and which meets the requirements of Art. 11, Subdivision, Platting and Required Improvements.~~

[Renumber Accordingly]

Part 9. Article 1.1.3, Abbreviations and Acronyms (Page 115 of 119) is hereby amended as follows:

Reason for amendments: [Zoning] Delete duplicated acronym for Congregate Living Facility (CLF) which also includes wrongly the word "Adult". CLFs are not specifically oriented to attend adult population.

CHAPTER I DEFINITIONS AND ACRONYMS

Section 3 Abbreviations and Acronyms

~~ACLF Adult Congregate Living Facility~~

Part 10. ULDC Art. 5.B.1.B.3.d, Mobile Home While Constructing SFD, (Page 35 - 36 of 100) is hereby amended as follows:

Reason for amendments: [Zoning]	
1.	Relocate existing Mobile Home Dwelling standard in Article 4 related to temporary mobile home used during the construction of Single Family dwelling to consolidate with duplicated provisions in Article 5, Temporary Structures.

CHAPTER B ACCESSORY AND TEMPORARY USES

Section 1 Supplementary Regulations

B. Temporary Structures

3. Temporary Structures and Uses During Development Activity

d. Mobile Home While Constructing ~~a SFD Single Family Dwelling~~

1) ~~Temporary Dwelling During Home Construction Definition~~

~~A mobile home used as a temporary residence during the construction of a Single Family structure.~~

2.	Clarify that temporary mobile home is permitted only when associated with the construction of Single Family that is located in the AR/RSA Zoning District.
3.	Expand requirements for mobile home to be connected to potable water well as the structure will be temporarily used as residence. This is an existing requisite by the Health Department applicable to temporary habitable structures.
4.	As a result of relocation of temporary mobile home language in Article 5.B.1.B, Temporary Structures, this amendment consolidates duplicated standards related to Removal Agreement and Time Limitations on Mobile Home Approval located in Article 4 and Article 5. It also clarifies that a removal agreement is needed at the time of building permit for the mobile home.

~~2) Zoning District - AR (RSA)~~

~~✎ A temporary mobile home is permitted only in the AR Zoning District of the - Rural Service Area (RSA). District, placement of a mobile home dwelling shall be permitted on a temporary basis subject to the following standards:~~

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ATTACHMENT 1

ARTICLE 4.B, USE REGULATIONS
SUMMARY OF AMENDMENTS
(Updated 09/08/14)

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a3) Agency Approval

Sanitary sewage facilities and potable water well shall be approved by all governmental agencies having appropriate jurisdiction, permits, and inspections for the installation which must be obtained from the PZB Department and Health Department;

b4) Building Permit

a) A valid building permit for a single-family dwelling unit on the land shall have been ~~approved~~ issued by the Building ~~Director~~ Division prior or concurrent to issuance of the tie down permit for the mobile home;

b) *The approval for the mobile home shall be valid for two years or up to 30 days after the issuance of the Certificate of Occupancy for the Single Family dwelling, whichever occurs first. A removal agreement shall be notarized and executed between the Building Division and property owner and recorded on the property in the official records of the PBC Clerk prior to issuance of any building permit. No time extensions shall be granted. No more than one MH approval shall be granted per Property Control Number. [Ord. 2007-001] [Relocated from Art. 4.B.1.A.85.d.2.a), Limitations of MH Approval]*

~~c) Removal Agreement~~

~~Execution of a notarized Mobile Home Removal Agreement, which establishes that the mobile home shall be removed within 30 days after the final CO or at the end of the maximum two-year timeframe. Additionally, the building permit shall be stamped with the requirement to remove the mobile home within 30 days after the final CO is issued. [Ord. 2008-003]~~

25) Additions

No additions shall be permitted to the mobile home, except awnings and demountable screen panels, stairs, decks and trellises.

36) Proof of Ownership

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

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