



**INTER-OFFICE COMMUNICATION  
PALM BEACH COUNTY  
Planning, Zoning and Building**

**TO:** The Honorable Dave Kerner, Mayor  
and Members of the Board of County Commissioners

**FROM:** Jon P. MacGillis, ASLA, Zoning Director 

**DATE:** February 8, 2021

**RE: Community Residential Housing and Other Institutional Uses –  
2021 Unified Land Development Code (ULDC) Amendment  
Update**

Department of Planning,  
Zoning & Building  
2300 North Jog Road  
West Palm Beach, FL 33411-2741  
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Planning Division 233-5300  
Zoning Division 233-5200  
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This memo is to provide the Board of County Commissioners (BCC) an update on the status of the 2021 Unified Land Development Code (ULDC) Amendments related to Community Residential Housing and other Institutional Uses.

#### **Overview of Project**

In September 2019, the Zoning Division contracted with the consultant, Mr. Daniel Lauber, to research and analyze the ULDC to ensure that current regulations and uses related to Community Residential Housing are compliant with Federal Fair Housing, American's with Disabilities Act, and State Regulations for housing for persons with disabilities. Mr. Lauber has prepared multiple ordinances for other local municipalities that have stood up to legal challenge.

In August 2020, the Consultant completed Phase 1 by submitting his analysis with recommendations to the Zoning Division staff, which were subsequently shared with each Commissioner and interested parties. We also were able to schedule individual briefings with several Commissioners and Mr. Lauber in August 2020 where he highlighted his Report findings and recommendations on future ULDC amendments. The complete report and Frequently Asked Questions (FAQ) are posted on the Palm Beach County (PBC) Zoning Web Page and may be viewed by clicking on the hyperlinks below:

- [1. Community Residential Housing Analysis Report](#)
- [2. Frequently Ask Questions \(FAQ\)](#)

Zoning, Planning, and County Attorney Staff are currently in collaboration with Mr. Lauber on Phase 2 of the contract which involves preparing the necessary amendments to the ULDC based on his analysis and recommendations as well as input from a LDRAB Subcommittee. The contract was issued for a not-to-exceed amount of \$54,000 and expires June 30, 2021. The amendments will be presented to the LDRAB in March 2021 and be scheduled for final adoption at the BCC Hearing in June 2021.

■  
**Palm Beach County  
Board of County  
Commissioners**

Dave Kerner, Mayor

Robert S. Weinroth, Vice Mayor

Maria G. Marino

Gregg K. Weiss

Maria Sachs

Melissa McKinlay

Mack Bernard

**County Administrator**

Verdenia C. Baker

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## Status of 2021 ULDC Amendment and Consultant's Role

Based on the Study and FAQ analysis and recommendations as provided by the Consultant, the ULDC requires evaluation of the existing Congregate Living Facility and Nursing Home/Convalescent Facility uses with the requirements for Community Residences, including Oxford House type programs (self-governed sober home facilities), pursuant to F.S. § 419.01. The Consultant is also recommending to incorporate a new use, Recovery Communities, for those facilities and residents covered under F.S. § 397.311. In addition to the modification of the uses, the ULDC will have additional amendments to our definitions (Article 1 and 4), processes and procedures (Article 2), Parking, Landscaping, and other supplementary standards (Articles 3, 5, 6, and 7).

The Land Development Regulations Advisory Board (LDRAB) has convened a LDRAB Subcommittee (**Attachment 1**) of LDRAB members and interested parties to discuss and review the topic and Code drafts. The subcommittees' goal and objectives are to rely on their individual expertise as it relates to the scope of modifying the ULDC to be consistent with the findings of Mr. Lauber's study.

## Timeline

These amendments are projected to be reviewed in February 2021 by the Subcommittee and the final revisions presented to LDRAB/LDRC in March 2021.

LDRAB/LDRC	- March 24, 2021
BCC Permission to Advertise	- April 22, 2021
BCC First Reading	- May 27, 2021
BCC Approval	- June 24, 2021

Staff will start briefs with each Commissioner on these proposed amendments at upcoming briefings in February and March 2021. Should you have any questions, please contact me at 561-233-5223 or Wendy Hernandez, DZD, at 561-233-5218.

JM/WNH/zp

**Attachments:** 1. Community Residence LDRAB Subcommittee Members

**C:** Patrick Rutter, Assistant County Administrator  
Ramsay J. Bulkeley Esq. Executive Director PZB  
Patricia Behn, Director, Planning Division  
Doug Wise, Building Official  
Robert P. Banks, Chief Land Use County Attorney  
Scott Stone, Assistant County Attorney  
Wendy N. Hernandez, Deputy Zoning Director  
Jeff Gagnon, Principal Site Planner, Code Revision Section, Zoning  
LDRAB Chair- 9 members  
Zoning Director File

**Land Development Regulation Advisory Board (LDRAB)**  
**Community Residential Housing**  
(Updated 02/02/2021)

<b>Subcommittee Members</b>		<b>Interested Parties</b>	
Dr. Lori Vinikoor	District 5, Commissioner Sachs	Bob Berman	Palm Beach Country Estates
Anna Yeskey	League of Cities	Steven Farnsworth	FARR Executive Director
Terrence Bailey	Florida Engineering Society	Dodi Glas	Gentile Glas Holloway O'Mahoney & Associates
Susan A. Kennedy	Environmental Organization	Al Johnson	Chief Assistant State Attorney
Frank Gulisano	Realtors Association of the Palm Beaches	Jeffrey Lynne	Beighley, Myrick, Udell + Lynne
Wesley Blackman	PBC Planning Congress	Valerie Rozzo	Palm Beach Country Estates
<b>CURRENTLY NO LONGER SERVING AS A LDRAB MEMBER</b>			
Drew Martin	District 2, Commissioner Weiss		
Daniel J. Walesky	Gold Coast Builders Association		
Glenn E. Gromann	District 4, Commissioner Weinroth		