



PALM BEACH COUNTY

LAND DEVELOPMENT REGULATION ADVISORY BOARD (LDRAB)

SEPTEMBER 23, 2020

BOARD MEMBERS

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Dr. Lori Vinikoor, Vice-Chair (District 5)**

Joanne Davis (District 1)

Drew Martin (District 2)

Ari Tokar (District 3)

Glenn E. Gromann (District 4)

Myles Basore (District 6)

Robert J. Harvey (District 7)

**Daniel J. Walesky (Gold Coast Builders
Association)**

Anna Yeskey (Palm Beach League of Cities)

Terrence Bailey (Florida Engineering Society)

Jaime M. Plana (American Institute of Architects)

Susan A. Kennedy (Environmental Organization)

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LAND DEVELOPMENT REGULATION ADVISORY BOARD (LDRAB)

WEDNESDAY, SEPTEMBER 23, 2020 AGENDA
2300 NORTH JOG ROAD
VIDEO CONFERENCE/ROOM VC-1E 47, VISTA CENTER
2:00 P.M.

A. CALL TO ORDER/CONVENE AS LDRAB

1. Roll Call
2. Additions, Substitutions, and Deletions
 - a. Staff
 - b. Board Member
3. Motion to Adopt Agenda
4. Adoption of August 26, 2020 Minutes (Exhibit A)
5. Public Comments – Any persons wanting to speak on an item shall complete and submit a comment card to the Secretary prior to the item being discussed.

B. ULDC AMENDMENTS – NEW

PAGES

1. Exhibit B Art. 1 and 2, Release of Unity of Title 1 – 2
2. Exhibit C Art. 2, Monitoring Development Phases 3 – 3
3. Exhibit D Art. 4, Planning Determination for Infill Density Exemption 4 – 5

F. STAFF COMMENTS

1. LDRAB Subcommittees
 - Attachment 1, Electric Vehicle Charging Station (EVCS) 6 – 6
 - Attachment 2, Community Residential Housing 7 – 7

G. BOARD MEMBER COMMENTS

H. ADJOURN

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EXHIBIT A

PALM BEACH COUNTY LAND DEVELOPMENT REGULATION ADVISORY BOARD (LDRAB) LAND DEVELOPMENT REGULATION COMMISSION (LDRC)

(Updated 09/09/20)

Minutes of August 26, 2020 LDRAB/LDRC Meeting

On Wednesday, August 26, 2020, the Palm Beach County Land Development Regulation Advisory Board (LDRAB), met in the Kenneth S. Rogers Hearing Room (VC-1W-47), at 2300 North Jog Road, West Palm Beach, Florida and via Cisco Webex Events communications media technology (CMT).

A. CALL TO ORDER/CONVENE AS LDRAB

1. Roll Call

Chair Mr. Wesley Blackman, called the meeting to order at 2:04 p.m. Mr. Alexander Biray, Code Revision Zoning Technician, called the roll.

Members Present: 17

Joanne Davis (District 1, Commissioner Valeche)****

Drew Martin (District 2, Commissioner Weiss)

Glenn E. Gromann (District 4, Commissioner Weinroth)

Dr. Lori Vinikoor (District 5, Commissioner Berger)

Myles Basore (District 6, Commissioner McKinlay)*

Robert J. Harvey (District 7, Commissioner Bernard)*

Daniel J. Walesky (Gold Coast Builders Association)***

Anna Yeskey (League of Cities)*

Jaime M. Plana (American Institute of Architects)*

Terrence Bailey (Florida Engineering Society)*

Susan A. Kennedy (Environmental Organization)*

Frank Gulisano (Realtors Association of the Palm Beaches)*

Jim Sullivan, Florida Surveying and Mapping Society*

Charles D. Drawdy (Assoc. General Contractors of America)*

Wesley Blackman (PBC Planning Congress)*

Tommy B. Strowd (Alternate At-Large #1)*

Abraham Wien (Alternate At-Large #2)*

Members Absent: 1

Ari Tokar (District 3, Commissioner Kerner)

County Staff Present: 9

Jon MacGillis, Zoning Director

Wendy N. Hernández, Deputy Zoning Director

Jerome Ottey, Site Planner II

Alexander Biray, Zoning Technician

Scott A. Stone, Assistant County Attorney I

Bryan Davis, Principal Planner

Dorine Kelley, Customer Relations Manager

Denise Pennell, Senior Planner*

Scott B. Cantor, Assistant Land Development Director*

Vacancies: 0

* Present via Webex Events.

** County Staff in audience.

*** Mr. Walesky arrived at 2:18 p.m.

**** Mrs. Davis was present at the start of the meeting, but Staff and the Board was unable to hear her responses until 2:45 p.m.

2. Additions, Substitutions, and Deletions

Mr. Blackman noted an email sent to the Board the same day with the Community Residential Housing Consultant Study attached, and a presentation is already incorporated into the Agenda. Mr. MacGillis explained the email was previously sent last month, with Mrs. Hernández clarifying July 21st. Mrs. Hernández noted no further additions, substitutions, and deletions.

3. Motion to Adopt Agenda

Motion to adopt the Agenda as amended, by Mr. Gulisano, seconded by Mr. Martin. The Motion passed unanimous (15-0).

4. Adoption of May 26, 2020 Minutes (Exhibit A)

Mr. Gromann noted a typo on page iv under 9.b, Discussion from “fprovisions” to “provisions.”

Motion to adopt the Minutes with the change, by Dr. Vinikoor, seconded by Mr. Martin. The Motion passed unanimous (16-0).

5. Public Comments

Mrs. Hernández noted no members of the public were present in person or via CMT.

B. ROUND 2020-02 INITIATION

1. Exhibit B – Initiation of Unified Land Development Code (ULDC) Amendment Round 2020-02

Mrs. Hernández provided an overview of proposed amendments that Zoning Staff, in collaboration with other County Agencies where applicable, are working on for the 2020-02 Round of Amendments, including some presented to the Board the same day. She noted the proposed Medical Use Community Residential Housing amendment may be a standalone Ordinance, and a previous Subcommittee be reconvened.

EXHIBIT A

PALM BEACH COUNTY LAND DEVELOPMENT REGULATION ADVISORY BOARD (LDRAB) LAND DEVELOPMENT REGULATION COMMISSION (LDRC)

(Updated 09/09/20)

Minutes of August 26, 2020 LDRAB/LDRC Meeting

a. Discussion

Mr. Blackman asked if the Board needs to take action on the item. Mrs. Hernández responded it is just to inform them and no action is required.

Mr. Martin contemplated the County should include rain gauges and soil sensor requirements into the proposed codification of the South Florida Water Management District (SFWMD) irrigation model code. He also asked whether the proposed amendment to Art. 7, Landscaping and Art. 14, Environmental Standards will make it easier or harder to remove native vegetation. Mrs. Hernández responded the intent of the amendment is to codify the Environmental Resources Management (ERM) Department's process and procedures for native vegetation, and clarify where Zoning's Permit Review and Landscape Section (Article 7) and ERM (Article 14) are responsible. Mr. Martin asked if there will be a Subcommittee. Mrs. Hernández and Mr. MacGillis responded Staff is still drafting the amendments and will be presented to the Board in the future.

*** Mr Waleskey arrived at 2:18 p.m.

C. ULDC AMENDMENTS – NEW

1. Exhibit C – Art. 2 and 3, Property Development and Density Bonus Regulations, and Review Procedures for the WCRAO

Ms. Pennell explained Parts 1 to 3 of the amendment. Part 1 of the amendment simplifies and clarifies processes and procedures as they relate to Zoning applications. Part 2 prohibits or restricts certain commercial and industrial uses in Sub-areas not compatible with their intent or the WCRA Community Redevelopment Plan. Part 3 revises language to address smaller non-residential lot sizes and removes sky exposure plane calculations as they are too complex to understand and have never been used. Ms. Glas explained Part 4 also simplifies and clarifies language for consistency as it relates to recent revisions in the Plan and Workforce Housing Program (WHP) in the Code.

a. Discussion

Mr. Gromann noted a typo in the Exhibit title from "Desity" to "Density."

Dr. Vinikoor expressed concern about removing the sky exposure plane as limiting architectural and design diversity. Ms. Glas responded that calculations would divert to supplemental standards taking it into consideration, and Staff are anticipating incremental revisions commensurate to its original intent as the overlay redevelops.

Mr. Martin asked if increased density would increase the risk of flooding and take away open space. Ms. Glas responded that flood mitigation was the first issue the Westgate/Belvedere Homes Community Redevelopment Agency (WCRA) mitigated, and the revisions to the Density Bonus Pool create more flexibility for open space. Mr. Martin asked if green infrastructure would be considered. Ms. Glas responded that while there is a conflict between regulatory requirements and acceptance, green infrastructure is encouraged.

Mr. Blackman noted the original intent of sky exposure planes was to regulate urban high-rise development allowed in parts of the overlay. Ms. Glas explained that smaller developments and vested lots pose a greater issue, but contemplated opportunities for large development may arise to utilize comparable provisions. Mr. Blackman noted the possibility of transit options along Okeechobee Boulevard in the future.

**** Staff confirmed that Mrs. Davis was able to hear Staff and Staff was able to hear Mrs. Davis.

Motion to approve, by Mr. Gromann, seconded by Dr. Vinikoor. The Motion passed unanimous (16-0).

3. Exhibit D – Art. 3 and 5, Unity of Control

Mr. Ottey explained the amendment removes the Unity of Title provisions from Zoning Division and County Attorney's Office requirements, as they have been replaced by the Land Development Division (LDD) requirements in Art. 11, Subdivision, Platting, and Required Improvements. He also explained the amendment relocates language in Art. 3.E, Planned Development Districts (PDDs) regarding Unified Control to Art. 5.F, Legal Documents for consolidation purposes, updates applicable references, and adds a provision that Unified Control shall be demonstrated by a Unity of Control or Property Owners' Association (POA).

a. Discussion

Mr. Martin asked for clarification whether anything is being changed, or relocated and streamlined. Mr. Ottey responded nothing is being changed, and Mr. MacGillis added existing Code is in multiple conflicting places when it should refer to LDD.

EXHIBIT A

PALM BEACH COUNTY LAND DEVELOPMENT REGULATION ADVISORY BOARD (LDRAB) LAND DEVELOPMENT REGULATION COMMISSION (LDRC) (Updated 09/09/20)

Minutes of August 26, 2020 LDRAB/LDRC Meeting

Dr. Vinikoor asked if it is required to indicate who runs the Unity of Control. Mrs. Hernández responded it would be in the declarations on the plat. Mr. Cantor added the Unity of Control document contains multiple exhibits which stipulate declarations.

Mr. Gromann asked if Unity of Control would apply to a condominium association the same way it would for a POA. Mr. Cantor responded it would not unless part of an overall Planned Unit Development (PUD). Mr. Gromann further asked about platting if he divided a property. Mr. Cantor responded it would have to have an original plat. Mr. Gromann further asked about how ownership is determined when there is a bisecting road. Mr. Cantor responded the maintenance and use documents of the Unity of Control ensure the roadway is maintained.

Mr. Plana asked about existing located language on page 21, line 13 suggesting that “muted” colors be removed as it suggests only one color palette. Mr. MacGillis noted Staff looks for consistent colors.

Mr. Sullivan asked about evidence of a Unity of Control or a POA. Mr. Cantor responded it was as result of removing the obsolete responsibility of the County Attorney’s Office. Mr. Stone clarified it is demonstrated as evidence and is already part of the application.

Motion to approve with change from “muted” to “consistent,” by Mr. Martin, seconded by Mr. Plana. The Motion passed unanimous (16-0).

4. Exhibit E – Art. 3 and 4, Multiple Use Planned Development Freestanding Buildings

Mrs. Hernández explained the history of the provisions proposed to be removed by the amendment discouraging a row of outparcels lining a shopping center and obstructing it from view, and that it has not achieved its intentions of visibility and resulted in ongoing circulation issues. Furthermore, recent Code amendments to access and landscaping result in better design.

a. Discussion

Mr. Martin asked if it would remove landscaping and trees. Mrs. Hernández responded it would not. Mr. Martin commended existing language for non-vehicular circulation.

Mr. Gromann asked about prior approval Multiple Use Planned Developments (MUPDs). Mrs. Hernández responded Special Exceptions exist which default to MUPDs, and the proposed amendment is not removing zoning districts.

Motion to approve, by Dr. Vinikoor, seconded by Mr. Gromann. The Motion passed unanimous (16-0).

5. Exhibit F – Art. 5, Workforce Housing Program Exchange Builder Option for Prior Approvals

Mr. Davis explained the amendment was directed by County Administration to allow developments granted a Development Order (DO) prior to the effective date of the WHP rewrite (Ordinance No. 2019-033) to use the Exchange Builder Option with conditions.

a. Discussion

Mr. Martin asked if it would encourage the development of workforce housing units rather than approvals never built. Mr. Davis responded that the option would make the delivery of more units viable.

Motion to approve, by Mr. Walesky, seconded by Mr. Martin. The Motion passed unanimous (16-0).

D. CONVENE AS LAND DEVELOPMENT REGULATION COMMISSION (LDRC)

The Land Development Regulation Advisory Board convened as the Land Development Regulation Commission at 3:15 p.m.

1. Proof of Publication

Motion to accept Proof of Publication by Dr. Vinikoor, seconded by Mr. Gromann. The Motion passed unanimous (16-0).

2. Consistency Determination for Exhibit F

Mr. Blackman noted the Comprehensive Plan Consistency Determination for Proposed ULDC Amendments letter from Planning stating the proposed amendment Exhibits F is consistent with the Comprehensive Plan.

a. Discussion

Mr. Martin asked for clarification on the motion. Mr. MacGillis responded it is to accept Planning’s determination that Exhibit F is consistent with the Plan.

Motion to approve, by Dr. Vinikoor, seconded by Mr. Gromann. The Motion passed unanimous (16-0).

EXHIBIT A

PALM BEACH COUNTY LAND DEVELOPMENT REGULATION ADVISORY BOARD (LDRAB) LAND DEVELOPMENT REGULATION COMMISSION (LDRC)

(Updated 09/09/20)

Minutes of August 26, 2020 LDRAB/LDRC Meeting

E. ADJOURN AS LDRC AND RECONVENE AS LDRAB

The Land Development Regulation Commission adjourned and reconvened as the Land Development Regulation Advisory Board at 3:18 p.m.

F. COMMUNITY RESIDENTIAL HOUSING CONSULTANT STUDY

Mr. MacGillis introduced Mr. Daniel "Dan" Lauber, Attorney/Planner of River Forest, Illinois and consultant for the study. Mr. Lauber gave a PowerPoint presentation on group homes, including overview, findings as they relate to the County, and recommendations for comprehensive reform and to be in compliance with Federal and State law while preventing the clustering of such uses in specific areas. Recommendations include replacing existing Congregate Living Facility (CLF) uses with Community Residences, including Family Community Residences and Transitional Community Residences, as well as Recovery Communities. A Community Residence is intended to emulate the functions of a family as defined by the Code, and be a compatible use in residential zoning districts. Specifically, a Family Community Residence is a long-term accommodation while a Transitional Community Residence is a short-term accommodation until occupants can move to more permanent living arrangements. A Recovery Community is intended to be a traditional institutional use, and would therefore be an incompatible use in residential zoning districts.

a. Discussion

Mr. Martin asked about room capacity as it relates to what constitutes a room, and who is considered an occupant. Mr. Lauber responded the County determines it by the Housing Code and whether staff are considered occupants may vary on the degree of disability. Mr. Martin followed up on parking, and shortages which already exist. Mr. Martin responded that it would have to be tailored by the type of Community Residence, but should not be a barrier and will collaborate with Staff further. Mr. Martin further asked about how a regular Multifamily structure would differentiate between a Community Residence. Mr. Lauber responded that it would be regulated by certification, and occupants would be required to pay rent.

Dr. Vinikoor commented on the County's sober home task force as it relates to fire codes and if Mr. Lauber agrees with the findings. Mr. Lauber responded he agrees, but complexities have arisen because of multiple codes involved, and the type of sober home and degree of disability to self-evacuate.

Dr. Vinikoor and Mr. Martin asked about Oxford House. Mr. Lauber responded the standards required would warrant automatic certification, and described its business model and charter standards.

Mrs. Yeskey noted Countywide maps shown in the presentation depict visible concentrations. Mr. Lauber responded the proposed amendment is an inclusionary approach, and the intent will be to prevent clustering.

Mr. Gromann asked if any State preemption exists for the County to require a sub-certification. Mr. Lauber responded that the State does not prohibit extra staff training, but will look into it further. Mr. Gromann further asked about Mr. Lauber's experience with POAs if one were to challenge a group home. Mr. Lauber responded that the Fair Housing Act would prohibit any challenge on the grounds of discrimination.

Mr. Blackman asked about the degree of care being examined. Mr. Lauber responded the primary use is residential, making the degree of treatment irrelevant and is determined by certification. Mr. Blackman also expressed interest to be on a Subcommittee and the proposed timeline.

Mr. Plana expressed concern about struggling with Americans with Disabilities Act (ADA) and conflicting code requirements. Mr. Lauber responded that he would not believe it to be required. He further explained that fire safety codes have incorrectly been classifying group homes as institutional rather than residential, and a State requirement or mediation should be required. Mr. Blackman noted it is a litigious issue.

Mrs. Kennedy asked about the difference between Community Residences and Transitional Community Residences in Single Family districts, and the degree of review. Mr. Lauber responded that the operator would demonstrate the home would not alter the character of the neighborhood by trips and physical characteristics. Mr. Blackman asked how current regulations stand for group homes. Mr. Lauber responded the County would be best served by the recommendations in the study.

EXHIBIT A

PALM BEACH COUNTY
LAND DEVELOPMENT REGULATION ADVISORY BOARD (LDRAB)
LAND DEVELOPMENT REGULATION COMMISSION (LDRC)
(Updated 09/09/20)

Minutes of August 26, 2020 LDRAB/LDRC Meeting

G. STAFF COMMENTS

Mr. MacGillis informed the Board follow-up for Subcommittees on Electric Vehicle Charging Stations (EVCS) and Medical Use will continue at the September 23rd meeting.

H. BOARD MEMBER COMMENTS

Mr. Blackman asked if the Governor's allowance for CMT will sunset on October 1st. Mr. Stone responded the Governor has been consistently extending it, and Staff is monitoring expiration dates.

I. ADJOURN

The Land Development Regulation Advisory Board meeting adjourned at 4:33 p.m.

Recordings of all LDRAB meetings are kept on file in the Palm Beach County Zoning/Code Revision office and can be requested by contacting the Code Revision Section at (561) 233-5243.

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EXHIBIT B

ARTICLE 2 – APPLICATION PROCESSES AND PROCEDURES
RELEASE OF UNITY OF TITLE

CR-2020-0016
(Updated 09/04/2020)

Part 1. ULDC Art. 1.H.3, General Provisions, Definitions and Acronyms, Abbreviations and Acronyms (page 109 of 111, Supplement 27), is hereby amended as follows:

Reason for amendments: [Zoning]
1. To add the acronym for Release of Unity of Title as the Policies and Procedures Manual (PPM) outlining the process is now being codified.

CHAPTER H DEFINITIONS AND ACRONYMS

....

Section 3 Abbreviations and Acronyms

- RSA Rural Service Area
RT Residential Transitional [Ord. 2005-002]
RTO Research and Technology Overlay
RUOT Release of Unity of Title
RV Recreational Vehicle [Ord. 2017-007]
RVPD Recreational Vehicle Planned Development (RVPD) [Ord. 2017-007]
SCGCFO Sugar Cane Growers Cooperative of Florida Protection Area Overlay [Ord. 2004-040]

Part 2. ULDC Art. 2.C.8.D, Application Processes and Procedures, Administrative Processes, Applications Not Issuing a Development Order, Release of Unity of Title (RUOT) (page 60 of 101, Supplement 27), is hereby amended as follows:

Reason for amendments: [Zoning]
1. To repeal and codify PPM #ZO-O-015, Release of Unity of Title that clarifies the procedures for a release of an existing Unity of Title. The Unity of Title process is no longer required as it has been replaced by the Platting and Subdivision requirements of Article 11. Existing Unity of Titles that are no longer applicable can be abandoned through the Release of Unity of Title process.

CHAPTER C ADMINISTRATIVE PROCESSES

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Section 8 Applications Not Issuing a Development Order

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C. Reasonable Accommodation [Relocated from 2.C.5.F, Reasonable Accommodation]

1. Purpose

The purpose of this Section is to establish procedures for processing requests for reasonable accommodation from the County's Unified Land Development Code and related rules, policies, practices, and procedures, for persons with disabilities as provided by the Federal Fair Housing Amendments Act (42 U.S.C. 3601 et seq.) (FHA), or Title II of the Americans with Disabilities Act (42 U.S.C. 12131 et seq.) (ADA). Any person who is disabled, or qualifying entities, may request a reasonable accommodation, pursuant to the procedures set out in this Section. [Ord. 2011-016] [Ord. 2018-002] [Relocated from: Art. 2.C.5.F.1, Purpose]

D. Release of Unity of Title (RUOT)

1. Purpose

To establish procedures for Applicants submitting requests to release an existing Unity of Title.

2. Applicability

An Applicant shall only submit an application for a RUOT if the original Unity of Title was required by PZB.

3. Authority

The Unity of Title shall only be released by the BCC, ZC, or the PZB Executive Director or Zoning Director that signed the original Unity of Title document.

4. Application Procedures

The RUOT Application shall be submitted using the forms and supporting documents established by the Zoning Division, and pursuant to the Zoning Technical Manual.

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Notes:

Underlined indicates new text.

Stricken indicates text to be deleted. Stricken and italicized means text to be totally or partially relocated. If being relocated destination is noted in bolded brackets [Relocated to:].

Italicized indicates text to be relocated. Source is noted in bolded brackets [Relocated from:].

.... A series of four bolded ellipses indicates language omitted to save space.

EXHIBIT B

ARTICLE 2 – APPLICATION PROCESSES AND PROCEDURES
RELEASE OF UNITY OF TITLE

CR-2020-0016
(Updated 09/04/2020)

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a. Application Requirements

The Applicant must clearly demonstrate that the conditions that required the Unity of Title no longer exist. If it is determined that the need for a Unity of Title still exists, the RUOT shall not be approved.

b. Processing

Applicants requesting a RUOT shall submit the application to the DRO subject to the ZAR process. All applications are subject to sufficiency review pursuant to Art. 2.C.2, Sufficiency Review. If the original Unity of Title required approval by the BCC or ZC, Staff shall prepare a cover letter with a brief history of the site in addition to the Unity of Title documents.

c. Recording

Upon approval of the RUOT, the Applicant shall submit the RUOT to the Office of the Clerk and Comptroller to be recorded. A copy of the recorded RUOT shall be provided to the Zoning Division within 30 days of recording. No new DOs shall be issued until a copy is submitted to the Zoning Division.

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EXHIBIT C

ARTICLE 2 – APPLICATION PROCESSES AND PROCEDURES
MONITORING DEVELOPMENT PHASES

CR-2020-0013
(Updated 09/10/20)

1 Part 1. ULDC Art. 2.E.2.C, Application Processes and Procedures, Monitoring of Development
2 Orders (DOs) and Conditions of Approval, Time Limitations for Commencement (page
3 66 of 101, Supplement 27), is hereby amended as follows:

| |
|---|
| Reason for amendments: [Planning] |
| 1 The Phasing Limitations paragraph is to reinstate and simplify the maximum number of phases a development may have. This material is primarily relocated from the former Table 2.E.3.B, Time Limitation of Development Order for Each Phase removed and consolidated in the Chapter rewrite per Ordinance No. 2020-001. |

4 CHAPTER E MONITORING OF DEVELOPMENT ORDERS (DOs) AND CONDITIONS OF APPROVAL

5

6 Section 2 Monitoring Elements

7 A. Commencement of Development

8 Approved DOs shall be monitored for commencement of development. Commencement of
9 development shall consist of the following requirements: [Ord. 2020-001]

- 10 1. For development with a single building, the first inspection approval for the foundation of the
11 structure; [Ord. 2020-001]
- 12 2. For development with multiple buildings, the first inspection approval for the first component of
13 the primary structure; [Ord. 2020-001]
- 14 3. For residential development, the subdivision of land into parcels through the recordation of a
15 plat; [Ord. 2020-001]
- 16 4. For Type 3 Excavation sites, extraction of minerals for commercial purposes. [Ord. 2020-001]

17 B. Commencement of Development is Not

- 18 1. Demolition of a structure; [Ord. 2020-001]
- 19 2. Deposit of refuse, solid, or liquid waste; or fill on the parcel, unless the DO is exclusively and
20 specifically for such a use; or, [Ord. 2020-001]
- 21 3. Clearing of land. [Ord. 2020-001]

22 C. Time Limitations for Commencement

- 23 1. All DOs shall comply with a time limitation requirement for commencement as follows: [Ord.
24 2020-001]
- 25 a. The first phase of a DOs shall commence within four years of the adoption date. Each
26 subsequent phase shall commence within four years of commencement of the preceding
27 phase. [Ord. 2020-001]
- 28 b. Standalone Variances shall be utilized within one year, unless stated otherwise by the
29 Resolution or Result Letter. [Ord. 2020-001]
- 30 c. Each additional phase of a phased development shall commence within four years of
31 commencement of the previous phase. [Ord. 2020-001]
- 32 ~~d. Each phase of a Type 3 Excavation shall be established by a Condition of Approval. [Ord.~~
33 ~~2020-001]~~
- 34 2. Projects not meeting the time limitations for commencement shall be subject to the provisions
35 set forth in Art. 2.E.3, Procedures for Compliance. [Ord. 2020-001]

36 D. Phasing Limitations

- 37 1. The maximum number of development phases is four unless otherwise indicated below:
- 38 a. PUDs, TNDs, PIPDs in the GAO Overlay, residential uses in other PDDs, or other Standard
39 Districts have no maximum number of phases.
- 40 b. TMD:
- 41 1. TMDs in the AGR, Exurban, and Rural Tiers shall have a maximum of two phases.
- 42 2. TMDs in the U/S Tier shall have a maximum of four phases.
- 43 c. The maximum number of phases and duration of each phase for a Type 3 Excavation shall
44 be established by a Condition of Approval.

45[Re-letter accordingly]

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EXHIBIT D

**ARTICLE 4 – USE REGULATIONS
PLANNING DETERMINATION FOR INFILL DENSITY EXEMPTION**

**CR-2020-0014
(Updated 09/03/20)**

Part 1. ULDC Art. 4.B.1.C.4.d.2)a)(1), Use Regulations, Use Classification, Residential Uses, Definitions and Supplementary Use Standards for Specific Uses, Multifamily, Zoning District, RM District, MR-5 FLU Designation, Planning Determination (page 17 of 199, Supplement 27), is hereby amended as follows:

| | |
|--|--|
| Reason for amendments: [Planning] | |
| 1 | To remove the requirement for a written Planning Determination in the Medium Residential, 5 unit per acre (MR-5) Future Land Use (FLU) Designation to determine if a property meets the criteria for an Infill Density Exemption in the Comprehensive Plan. This determination impacted the density potential of smaller parcels, and was changed in 2015. |
| 2. | The Multifamily Planning Determination amendment is the result of the Use Regulations Project (Ordinance No. 2017-007), which identified that a written Planning Determination was not appropriate, as the Comprehensive Plan does not regulate housing type and the infill letter relates to density only. |

CHAPTER B USE CLASSIFICATION

Section 1 Residential Uses

....
C. Definitions and Supplementary Use Standards for Specific Uses

....
4. 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.

b. Typical Uses

Typical uses include apartments and residential condominiums.

c. Overlay – WCRAO

Multifamily is prohibited in the NR Sub-area per Table 3.B.14.E, WCRAO Sub-area Use Regulations.

d. Zoning District

1) TMD District

AGR-TMDs shall be exempt from the integration requirement and shall comply with the Development Order approved by the BCC.

2) RM District

Multifamily units may be allowed in the RM Zoning District as follows: **[Ord. 2017-025]**

a) MR-5 FLU Designation

~~**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~~

2(1) Existing RM Zoning

The property was zoned RM prior to the 1989 adoption of the Plan.

3(2) Approval Process

The approval process shall be as follows:

**Table 4.B.1.C – Approval Process
RM District with MR-5 FLU Designation**

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

4) Development Order

Prior approvals for Multifamily units in the RM Zoning District with MR-5 FLU designation shall be considered legal conforming uses.

b) HR-8, HR-12, or HR-18 FLU Designation

Multifamily units on parcels with an HR-8, HR-12, or HR-18 FLU designation, may be Permitted by Right unless Development Thresholds in Art. 4.A.9 are triggered. **[Ord. 2017-025]**

c) Limestone Creek

Multifamily units in the RM Zoning District shall be prohibited in the area bounded on the north by 184th Place North, on the south by the C-18 Canal, on the east by

U:\Zoning\CODEREV\Code Amendments\2020\02- LDRAB\09-Sept 23 2020\5- LDRAB Packet\Exh. D - CR 2020-0014 Art. 4, Planning Determination for Infill Density Exemption.docx

Notes:

Underlined indicates **new** text.

~~Stricken~~ indicates text to be **deleted**. ~~Stricken and italicized~~ means text to be totally or partially relocated. If being relocated destination is noted in bolded brackets **[Relocated to:]**.

Italicized indicates text to be relocated. Source is noted in bolded brackets **[Relocated from:]**.

.... A series of four bolded ellipses indicates language omitted to save space.

EXHIBIT D

ARTICLE 4 – USE REGULATIONS PLANNING DETERMINATION FOR INFILL DENSITY EXEMPTION

CR-2020-0014
(Updated 09/03/20)

1 Central Boulevard and the municipal limits of the Town of Jupiter, and on the west
2 by Narcissus Avenue (north of Church Street) and Limestone Creek Road (south
3 of Church Street).

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Planning Determination for Infill Density Exemption.docx

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ATTACHMENT 1

LDRAB SUBCOMMITTEES

| 2020 Land Development Regulation Advisory Board (LDRAB) Subcommittees |
|--|
| ELECTRIC VEHICLE CHARGING STATION (EVCS) |
| <p>At the February 26, 2020 LDRAB/LDRC meeting, the Motion to establish an EVCS Subcommittee was made by Mr. Bailey, seconded by Mr. Martin. The motion passed unanimous (11-0).</p> |
| <p>LDRAB Subcommittee Members in 2020: Drew Martin Frank Gulisano Dr. Lori Vinikoor Terrance Bailey Jaime M. Plana Abraham Wien</p> |

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**ATTACHMENT 2
COMMUNITY RESIDENTIAL HOUSING SUBCOMMITTEE**

| Land Development Regulation Advisory Board (LDRAB) Medical Uses Subcommittee Members and Interested Parties (Updated 03/01/2018) | | |
|--|------------------------------|---|
| Subcommittee Members | Interested Parties | |
| Drew Martin | Al Johnson | Chief Assist. State Attorney |
| Philip Barlage | Jeffrey C Lynne, ESQ | Attorney |
| James Knight | James Green, ESQ | Attorney |
| Dr. Lori Vinikoor | B. Russell | The Treatment Center of the PB |
| Anna Yeskey | Renell Ingram, Ex. Asst | Silvernail Consultant Services |
| Frank J. Gulisano | Darlene Silvernail, PHD LMHC | Silvernail Consultant Services |
| C. Wes Blackman | Dana Biemuller, Exec. Dir | Greenway Recovery LLC |
| Michael Peragine | Sarah Kennedy-Liccardi | DCF / Office of Substance Abuse & Mental Health |
| | Vickie Hess | DCF / Operations & Management Consultant Mng |
| | Michelle Windfelder | DCF / Foster Children License |
| | Carol Edlund | DCF |
| | Clay Walker | DCF / Comm Development Adm |
| | Mary Bowen | AHCA / Health Serv. Consultant |
| | Dr. Robert Moran, Psych | Family Center of Recovery /In & Outpatient-Addiction psychiatrist |
| | Cassandra Sierra | Sierra Consulting, CEO |
| | John Lehman | Fia Alliance of Recovery Home |
| | Keith Gibson | Assisted Living & Health Srv LLC |
| | Jessica Hernandez | Path of Life Assisted Living |
| | Shad Houston/Haston | AHCA / Health Serv. Consultant |
| | Donnie Brothright, APD | AHCA / Health Serv. Consultant |
| | Michael Mendoza | Serenity Now Recovery |
| | Gerry Driscoll, APD | APD - Person with Disabilities |
| | Gail Motilla Keith | Dept. of Elder Affairs - |
| | Joshua Spagnola, | Dept. of Elder Affairs - legislative Affairs |