

LAND DEVELOPMENT REGULATION ADVISORY BOARD (LDRAB)
LAND DEVELOPMENT REGULATION COMMISSION (LDRC)
MARCH 24, 2021 MEETING

AMENDMENTS TO THE AGENDA
(Updated 03/24/2021)

Amend – Exhibit B, Community Residences, Congregate Living, and Nursing & Treatment Facilities, Part 1, page 2, line 26, Art. 1.H.2, Definitions [Reason: To partially revert dwelling unit definition back to the original definition in the ULDC, addressing concerns from the Planning Division that the definition was reviewed during the use regulations project, approved in 2017 and did not need to match the Plan definition identically.].

26 63. **Dwelling Unit** – ~~One~~ or more rooms designed, occupied, or intended for occupancy as
27 separate living quarters, with only one kitchen plus sleeping and sanitary facilities provided
28 within the unit, for the exclusive use of a ~~single~~ family maintaining a household. ~~A house;~~
29 ~~apartment; condominium unit; Mobile Home; group of rooms or a single room intended for~~
30 ~~occupancy as a separate living quarter with direct access from the outside of the building or~~
31 ~~through a common hall; and with complete kitchen facilities for the exclusive use of the~~
32 ~~occupants, including rental units contained in a multi-unit structure or complex which are~~
33 ~~licensed by the State Department of Business and Professional Regulation, Division of Hotels~~
34 ~~and Restaurants, as apartments, rental condominiums, and retirement housing. Specialized~~
35 residences, such as ~~a~~ **Accessory apartments for the elderly or handicapped Quarters, Caretaker**
36 **Quarters, c** Congregate ~~l~~ **Living quarters Facilities**, ~~g~~ **Room's q** **Quarters, or f** **Farm w** **Workers**
37 **q** **Quarters, or migrant labor quarters** shall not be considered “dwelling units” for the purpose of
38 applying restriction on density contained in the Plan or this Code unless otherwise stated in the
39 Plan or the Code.

Amend – Exhibit B, Community Residences, Congregate Living, and Nursing & Treatment Facilities, Part 2, pages 3-5, lines 10, 47 and 48, and 23-43, Art. 2.B.7.D, Type 2 Waiver [Reason: To clarify Type 2 Waiver exceptions in demonstrating financial viability and Community Residence thresholds and to add Standards for a Type 2 Waiver with an Applicant is requesting a Transitional Community Residence within a Zoning District for Single Family type housing.]

Reason for amendments: [Zoning]
2. A Type 2 Waiver for a Family Community Residence, Transitional Community Residence, and Recovery Community is to ensure demonstrate financial viability.

6 **1. Purpose**
7 A Type 2 Waiver is to allow flexibility for mixed use or infill redevelopment projects, or
8 architectural design, site design or layout, where alternative solutions can be allowed, subject
9 to performance criteria or limitations. Type 2 Waivers are not intended to ~~relieve specific~~
10 ~~financial hardship~~ ~~ensure~~ **demonstrate financial viability, except for Family Community**
11 **Residence, Transitional Community Residence or Recovery Community pursuant to Standards**
12 **described below**, nor circumvent the intent of this Code. A Type 2 Waiver may not be granted
13 if it conflicts with other Sections of this Code, or the Florida Building Code. **[Ord. 2011-016]**
14 **[Ord. 2012-027] [Ord. 2018-002]**

....
47 **5. Family Community Residence or Transitional Community Residence**
48 **When considering a DO application for a Type 2 Waiver for a Family Community**
49 **Residence, Transitional Community Residence and Recovery Community, the BCC and**
50 **ZC shall make a finding of approval, approval with conditions or denial, based on the**
51 **standards indicated below. The requested Type 2 Waiver by an Applicant is the means of**
52 **making the reasonable accommodation for Family Community Residence, Transitional**
53 **Community Residence, and Recovery Communities. A request for a Family Community**
54 **Residence, Transitional Community Residence and Recovery Community which fails to**
55 **meet any of these Standards shall be deemed adverse to public interest and shall not be**
56 **approved.**

....
23 **3) When an Applicant seeks to provide housing for more than ten unrelated individuals,**
24 **in a Community Residence, or up to ten unrelated individuals for a Transitional**
25 **Community Residence pursuant to Art. 4.B.7.c.2)a)(2), Number of Residents, the BCC**
26 **shall not approve a Type 2 Waiver, unless and until it finds that the Applicant has:**
27 **a) Specified by how many individuals it wishes to exceed ten residents and**
28 **demonstrate by the greater weight of evidence that housing more than ten**
29 **residents is required to ensure the financial and/or therapeutic viability of the**
30 **Community Residence;**

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- 31 b) Demonstrated by the greater weight of evidence that the primary function of the
32 proposed Community Residence is residential where any medical treatment is
33 merely incidental to the residential use of the property;
34 c) Demonstrated by the greater weight of evidence that the proposed Community
35 Residence will emulate a biological family and operate as a functional family rather
36 than as a boarding or rooming house, nursing home, short-term rental, continuing
37 care facility, motel, hotel, treatment center, rehabilitation center, institutional use,
38 assisted living facility that does not comport with the definition of "Community
39 Residence," or other non-residential use; and,
40 d) Demonstrated by the greater weight of evidence that the requested number of
41 residents in the proposed Community Residence will not interfere with the
42 normalization and community integration of the occupants of any existing
43 Community Residence or Recovery Community.
44 4) When an Applicant seeks to allow a Transitional Community Residence, pursuant to
45 pursuant to Art. 4.B.7.e,2)a)(2), the BCC shall utilize the Standards a through e
46 indicated below. An application which fails to meet any of these Standards shall be
47 deemed adverse to public interest and shall not be approved.
48 a. The proposed Transitional Community Residence will not interfere with the
49 normalization and community integration of the residents of any existing
50 Community Residence and/or Recovery Community and that the presence of other
51 Community Residences and/or any Recovery Communities will not interfere with
52 the normalization and community integration of the residents of the proposed
53 Community Residence;
54 b. The proposed Transitional Community Residence, alone or in combination with
55 any existing Community Residences and/or Recovery Communities, will not alter
56 the residential character of the surrounding neighborhood by creating an
57 institutional atmosphere or by creating or intensifying a *de facto* social service
58 district by clustering Community Residences and/or any Recovery Community on
59 a block or concentrating them in a neighborhood;
60 c. The proposed Transitional Community Residence will be compatible with the
61 residential uses allowed as of right in the zoning district;
62 d. The proposed Transitional Community Residence, alone or in combination with
63 any existing Community Residences and/or Recovery Communities, will not alter
64 the residential stability of the surrounding neighborhood;
65 e. The Applicant demonstrates that the owner, operator, or the proposed Transitional
66 Community Residence has been granted certification or licensure that the State of
67 Florida offers or requires. When the State of Florida does not offer certification or
68 require a license for this type of Transitional Community Residence and the
69 population it would serve, the Applicant shall demonstrate that:
70 1) The proposed Transitional Community Residence will be operated in a manner
71 effectively similar to that of a licensed or certified Community Residence;
72 2) Staff will be adequately trained in accordance with standards typically required
73 by licensing or state certification for a Community Residence;
74 3) The Transitional Community Residence will emulate a biological family and be
75 operated to achieve normalization and community integration; and
76 4) The rules and practices governing how the Transitional Community Residence
77 operates will actually protect residents from abuse, exploitation, fraud, theft,
78 neglect, insufficient support, use of alcohol or illegal drugs, and misuse of
79 prescription medications.

Amend – Exhibit B, Community Residences, Congregate Living, and Nursing & Treatment Facilities, Part 5, page 8, lines 26, Art. 2.C.8.A.2, Types of ZCL [Reason: To adjust Community Residence and Recovery Community site reservation timeframe].

4 Section 8 Applications Not Issuing a Development Order

5 A. Zoning Confirmation Letter (ZCL)

6

14 2. Types of ZCL

15

26 c. Confirmation for a Community Residence and Recovery Community

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27 Within 30 days after the date the request is deemed sufficient for review, the DRO shall
28 provide a response to the Applicant. During the review, the Applicant may be required to
29 submit additional information to assist in preparing the response. Resubmittal of
30 information will restart the response period. Upon demonstration that the use and site can
31 comply with the requirements, the site shall be reserved for a year given a provisional
32 approval, pending final licensure or certification from the State of Florida, or Charter
33 approval by the State or the Oxford House. A one-time six-month extension may be
34 approved if the Applicant is unable to obtain its appropriate license, certification, or charter
35 within the 12-month time period. The provisional approval will advise the Applicant that
36 Type 2 Waiver(s) may be required, if approvals from the state are not finalized prior to other
37 Community Residences or Recovery Communities are approved during the same time
38 frame, and impact the Location requirements pursuant to Art. 4.B. Upon receipt of the
39 license, certification, or charter the Applicant shall provide the Zoning Division proof of
40 licensure, certification, or charter. The Applicant shall on an annual basis, provide proof of
41 the valid license, certification, or charter.

Amend – Exhibit B, Community Residences, Congregate Living, and Nursing & Treatment Facilities, Part 12, page 17, line 22, Art. 4.B.1.C, Definitions and Supplementary Standards for Specific Uses, Congregate Living Facility (CLF) [Reason: To add separation requirements for CLFs from other CLFs, Community Residences or Recovery Communities and to vest those previously approved where separations were not required.]

2 **Section 1 Residential Uses**

3
4 **C. Definitions and Supplementary Use Standards for Specific Uses**
5 **1. Congregate Living Facility (CLF)**

22 **f. Location**
23 1) A Type 3 CLF shall have frontage and access from a front or side street property line
24 abutting a Local Commercial, a Collector, or an Arterial Street, except for the following:
25 a) A Type 3 CLF having 25 residents or less may have frontage and access from a
26 Local Street.
27 b) A Type 3 CLF having 250 or fewer residents may be located in a Multifamily,
28 Commercial, or Civic Pod with Residential Pod with attached housing, and may
29 have access to a Local Residential Street or a parking tract in a PDD Residential
30 Access Street.
31 2) The Congregate Living Facility shall be located at least 660 feet or seven lots
32 whichever is greater, from another Community Residence or Congregate Living
33 Facility; and at least 1,200 feet from a Recovery Community or another Congregate
34 Living Facility. The separation requirement in this Section shall be measured in linear
35 feet from the closest points between the property lines. Congregate Living Facilities,
36 approved as a Type 3 CLF prior to the effective date of ORD 2021-xxxx, are considered
37 legal conforming and not subject to these separation requirements.

Amend – Exhibit B, Community Residences, Congregate Living, and Nursing & Treatment Facilities, Part 12, page 20, line 9, Art. 4.B.1.C, Definitions and Supplementary Standards for Specific Uses, Congregate Living Facility (CLF) [Reason: To amend the separation requirements for Community Residences that they only are required to be 660 or 7 lots from other Community Residences, Recovery Communities or CLFs.]

1 **Section 1 Residential Uses**

2
3 **3. Family Community Residence**
4
5 **f. Location**

10 The Family Community Residence shall be located at least 660 feet or seven lots whichever is
11 greater, from another Community Residence, Recovery Community, or Congregate Living
12 Facility with six or fewer residents; and at least 1,200 feet from a Recovery Community or

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13 Congregate Living Facility with more than six residents. The separation requirement in this
14 Section shall be measured in linear feet from the closest points between the property lines.

15 **1) Exemption**

Per State law, Family Community Residences for people with developmental disabilities located in a “planned residential community” as defined by F.S. § 419.001(1)(d), are exempt from the spacing requirements between Family Community Residences established in this Code.

Amend – Exhibit B, Community Residences, Congregate Living, and Nursing & Treatment Facilities, Part 12, page 21, line 31, Art. 4.B.1.C, Definitions and Supplementary Standards for Specific Uses Recovery Community [Reason: To modify to delete scrivener’s of facility, and to replace “Family Community Residence” with “Recovery Community.” As this section is for Recovery Communities.].

1 Section 1 Residential Uses

2

3 **6. Recovery Community**

4

5 **g. Revocation**

6 A Recovery Community facility that is denied a license or certification from the State’s
7 licensing/certification entity or had its license or certification suspended or revoked, is not
8 allowed to operate in Palm Beach County and shall cease operation and vacate the
9 premises within 60 calendar days and the operator of the Family Community Residence
10 Recovery Community shall return residents to their families or relocate them to a safe and
11 secure living environment.

Amend – Exhibit B, Community Residences, Congregate Living, and Nursing & Treatment Facilities, Part 12, pages 23 and 24, lines 9 and 53, and 15, Art. 4.B.1.C, Definitions and Supplementary Standards for Specific Uses [Reason: To duplicate licensing and certification reference as in the following Subsection, update number of residences Subsection and remove thresholds, change “facility” terminology to “Transitional Community Residence” so as to not imply an institutional use, and remove Congregate Living Facility threshold.].

1 Section 1 Residential Uses

2

3 **7. Transitional Community Residence**

4

5 **c. Approval Process**

6 **2) Type 2 Waiver**

7 a) A Transitional Community Residence may request a Type 2 Waiver pursuant to Art.
8 2.B.7.D, Type 2 Waiver, when the proposed use does not meet the requirements of
9 one or more of the following:

10 **(1a) AGR, AR, RE, RT, RS, Detached units Residential Pod of a PUD or Residential**
11 **Pod of a TND; or, ZLL or Cottage homes within CL/CH/CHO MUPD Zoning**
12 **District or IND/L PIPD Zoning District**

13 (a) Art. 4.B.7.d.1) Licensing or Certification, when licensing or certification is not
14 required or available from the State of Florida or Florida Association of
15 Recovery Residences. This does not apply when the Transitional Community
16 Residence has been denied a license or certification, or it has been revoked;

17 ~~(b)~~ Art. 4.B.7.e.2)a)(2) Number of Residents, include Staff that reside in the
18 dwelling unit ~~are more than four, but do not exceed 10 residents;~~ or

~~(c)~~ Art. 4.B.7.f, Location, when the proposed Transitional Community Residence
does not meet the minimum distance between other Community Residences
or Recovery Communities.

(2) RM, MUPD, Residential Attached Unit Pod of a PUD, TMD or TND

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- 19 A Transitional Community Residence may request a Type 2 Waiver pursuant to
20 Art. 2.B.7.D, Type 2 Waiver, when the proposed use does not meet the
21 requirements of one or more of the following:
22 (~~4~~a) Art. 4.B.7.d.1) Licensing or Certification, when licensing or certification is not
23 required or available from the State of Florida or Florida Association of
24 Recovery Residences. This does not apply when the Transitional Community
25 Residence has been denied a license or certification, or it has been revoked;
26 (~~2~~b) Art. 4.B.7.e.2)b)(1) Number of Residents, including staff that reside in the
27 dwelling unit, are more than ten, but still meet the definition of Transitional
28 Community Residence; or
29 (~~3~~c) Art. 4.B.3.f, Location, when the proposed Transitional Community Residence
30 does not meet the minimum distance between other Community Residences
31 or Recovery Communities.
32 b) A Transitional Community Residence may request a Type 2 Waiver pursuant to
33 Art. 2.B.7.D, Type 2 Waiver, to allow a Transitional Community Residence within
34 the AGR, AR, RE, RT, RS, Detached units Residential Pod of a PUD or Residential
35 Pod of a TND; or, ZLL or Cottage homes within CL/CH/CHO MUPD Zoning District
36 or IND/L PIPD Zoning Districts subject to the following requirements
37 (1) Art. 4.B.7.d, Licensing or Certification;
38 (2) Art. 4.B.7.e, Occupancy; and
39 (3) Art. 4.B.7.f, Location.
40 (4) An Applicant may seek additional Type 2 Waivers from the requirements of
41 (1), (2), or (3), as described above Art 4.B.1.C.7.2.)a)(1).

....
d. Licensing, Certification, or Charter

- 45 2) A Type 1 or Type 2 CLF, that conforms to the definition of Transitional Community
46 Residence, and located in the unincorporated Palm Beach County as of the effective
47 date of Ordinance No. 2021-xxx, that is not currently licensed or certified by the State
48 of Florida and that does not receive licensure, certification or recertification from the
49 designated State entity within one calendar year from the effective date of Ordinance
50 No. 2021-xxx, shall not be considered a conforming use and shall cease operation one
51 calendar year from the effective date of Ordinance No. 2021-xxx or within 60 calendar
52 days of the date on which certification, recertification, or the required license is denied,
53 whichever date comes first. The operator of the unlicensed or uncertified ~~facility~~
54 Transitional Community Residence must return residents to their families or relocate
55 them to a safe and secure living environment.

....
e. Occupancy

- 5 2) Number of Residents, including Staff that reside on the property;
6 a) AGR, AR, RE, RT, RS, Detached units Residential Pod of a PUD, or
7 Residential Pod of a TND; or, ZLL or Cottage homes within CL/CH/CHO
8 MUPD Zoning District,
9 (1) Six residents defined pursuant to F.S. § 419.001
10 (2) Residents not defined pursuant to F.S. § 419.001. require a Type 2 Waiver to
11 allow the use with Minimum five and no more than ten residents, or an
12 additional Type 2 Waiver to exceed 10 residents.
13 b) IRO, UC, UI or RM Zoning District; or existing attached housing within a
14 Residential Pod of a PUD, CL/CH/CHO MUPD, Res/NC Pod of a TND, or TMD
15 Zoning District
16 (1) Minimum ~~f~~ive ~~to~~ and no more than ten; or
17 (2) Minimum ~~f~~ive ~~to~~ and no more than fourteen for residents defined pursuant to
18 F.S. § 419.001.

....
f. Location

- 19 The Transitional Community Residence shall be located at least 660 feet or seven lots
20 whichever is greater, from another Community Residence, Recovery Community, or
21 Congregate Living Facility ~~with six or fewer residents; and at least 1,200 feet from a~~
22 ~~Recovery Community or Congregate Living Facility with more than six residents. The~~
23 separation requirement in this Section shall be measured in linear feet from property line
24 to property line.
25

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Amend – Exhibit C, Art. 1, 2, 7, and 14, Vegetation Preservation and Protection, Part 1, pages 34 of 31, lines 14, 15, and 17, Art. 1.H.2, Definitions [Reason: To add two other professions of Registered Consulting Arborist and Registered Landscape Architect to the definition of Environmental Professional as they may also have extensive knowledge of South Florida’s native vegetation].

2 CHAPTER H DEFINITIONS AND ACRONYMS

3

4 Section 2 Definitions

5 E. Terms defined herein or referenced in this Article shall have the following meanings:

6

7 26. **Environmental Control Officer (ECO)** – is the person appointed by the ECB under Chapter
8 77-616, Special Acts, Laws of Florida, as amended.

9 27. **Environmental Professional** – for the purposes of Article 14.C, Vegetation Preservation and
10 Protection, a person who has extensive knowledge of South Florida’s native vegetation (i.e.
11 has the ability to identify species of native vegetation, and evaluate the health and condition of
12 native vegetation), and who holds one or more of the following professional
13 certifications/credentials: Certified Arborist, certified by the International Society of
14 Arboriculture; Certified Environmental Professional, certified by the Academy of Board Certified
15 Environmental Professionals; Certified Ecologist, certified by the Ecological Society of America;
16 Registered Consulting Arborist with the American Society of Consulting Arborists; Registered
17 Landscape Architect.

18 278. **Environmentally Sensitive Lands** – ecological sites (ecosites), other than wetlands, that are
19 designated in the Inventory of Native Ecosystems in Palm Beach County and on its
20 accompanying aerial photographs as “A” quality, representing high-quality native Florida
21 upland ecosystems. These sites are indicated on the aerial photographs (received on May 30,
22 1989) that are on file at ERM and are incorporated herein by reference. Inventory of Native
23 Ecosystems in Palm Beach County is a report and annotated aerials produced during the study
24 with this title, which was conducted by consultants under contract to PBC.

25[Renumber accordingly]

Reorder and Re-Letter Agenda – Exhibit B, Community Residences, Congregate Living, and Nursing & Treatment Facilities as Exhibit E

Amend – page 49 for Consistency Determination for Exhibit C

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**Department of Planning,
Zoning & Building**

2300 North Jog Road
West Palm Beach, FL 33411-2741
(561) 233-5000

Planning Division 233-5300
Zoning Division 233-5200
Building Division 233-5100
Code Enforcement 233-5500
Contractors Certification 233-5525
Administration Office 233-5005
Executive Office 233-5228
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**INTER-OFFICE COMMUNICATION
DEPARTMENT OF PLANNING, ZONING AND BUILDING
PLANNING DIVISION**

TO:  Wesley Blackman, AICP, Chairman, and Members of the
Land Development Regulation Advisory Board (LDRAB)
wesblackman@gmail.com

FROM:  Bryan Davis, Principal Planner
Planning Division

DATE: March 24, 2021

RE: Comprehensive Plan Consistency Determination for proposed
Unified Land Development Code (ULDC) amendments

The Planning Division has determined that the proposed ULDC amendment, Exhibit B, of the packet provided by the Zoning Division and scheduled for the March 24, 2021 LDRAB/ LDRRC meeting, is generally consistent with the Comprehensive Plan.

Additional review will be required for any revision(s) to an amendment other than for the purpose of correcting grammatical or spelling errors.

cc: Patricia Behn, Planning Director
Jon MacGillis, Zoning Director
Kevin Fischer, Deputy Planning Director
Wendy Hernandez, Deputy Zoning Director
Jeff Gagnon, Principal Site Planner
Carolina Valera, Senior Planner



PALM BEACH COUNTY

LAND DEVELOPMENT REGULATION ADVISORY BOARD (LDRAB) LAND DEVELOPMENT REGULATION COMMISSION (LDRC)

MARCH 24, 2021

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Anna Yeskey (Palm Beach League of Cities)

Terrence Bailey (Florida Engineering Society)

Lucille Hinnars (American Institute of Architects)

Susan A. Kennedy (Environmental Organization)

**Frank Gulisano (Realtors Association of the Palm
Beaches)**

**Jim Sullivan (Florida Surveying and Mapping
Society)**

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

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

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**Gregg K. Weiss
Commissioner, District 2**

**Melissa McKinlay
Commissioner, District 6**

County Administrator

Verdenia C. Baker



"An Equal Opportunity – Affirmative Action Employer"
2300 North Jog Road, West Palm Beach, Florida 33411-2711 (561) 233-5200

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LAND DEVELOPMENT REGULATION ADVISORY BOARD (LDRAB)

LAND DEVELOPMENT REGULATION COMMISSION (LDRC)

WEDNESDAY, MARCH 24, 2021 AGENDA

**KENNETH S. ROGERS HEARING ROOM (VC-1W-47)/COMMUNICATIONS MEDIA TECHNOLOGY
(CMT)
2:00 P.M.**

A. CALL TO ORDER/CONVENE AS LDRAB

1. Roll Call
2. Motion to Approve Remote Participation by CMT Due to Extraordinary Circumstances
3. Introductions – Ned Kerr, Ben Morris, Donald R. Barnes, and Lucille Hinnens as New Board Members
4. Additions, Substitutions, and Deletions
 - a. Staff
 - b. Board Member
5. Motion to Adopt Agenda
6. Adoption of Minutes – January 27, 2021 (Exhibit A)
7. 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. UNIFIED LAND DEVELOPMENT CODE (ULDC) AMENDMENTS

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F. STAFF COMMENTS

G. BOARD MEMBER COMMENTS

H. ADJOURNMENT

LDRAB/LDRC Meeting

March 24, 2021

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EXHIBIT A

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

(Updated 03/17/21)

Minutes of January 27, 2021 LDRAB/LDRC Meeting

On Thursday, January 27, 2021, 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 2:00 p.m. Ms. Darlene Perez, Code Revision Zoning Technician, called the roll.

Members Present: 17

Drew Martin (District 2, Commissioner Weiss)
Ari Tokar (District 3, Commissioner Kerner)*
Jim Knight (District 4, Commissioner Weinroth)
Dr. Lori Vinikoor (District 5, Commissioner Sachs)
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)
Terrence Bailey (Florida Engineering Society)**
Jaime M. Plana (American Institute of Architects)
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

Joanne Davis (District 1, Commissioner Marino)

County Staff Present: 21

Jon MacGillis, Zoning Director*
Wendy N. Hernández, Deputy Zoning Director
Jeff Gagnon, Principal Site Planner, Zoning
Adam Mendenhall, Senior Site Planner, Zoning
Jerome Ottey, Site Planner II, Zoning
Alexander Biray, Site Planner I, Zoning
Lindsey Walter, Site Plan Technician, Zoning*
Darlene Perez, Zoning Technician, Zoning
Scott A. Stone, Assistant County Attorney I

Patricia Behn, Planning Director*
Kevin Fischer, Deputy Planning Director*

Bryan Davis, Principal Planner, Planning
Lisa A. Amara, Principal Planner, Planning*
Carolina Valera, Senior Planner, Planning*
Sussan M. Gash, Senior Planner, Planning*
Travis Goodson, Planner II, Planning*
Nora G. Acord, Planning Technician, Planning*
Joanne Keller, Land Development Director*
Roberta Dusky, Environmental Program Supervisor, ERM*
Mark Meyer, Site Planner II, ERM*
Richard C. Radcliffe, Palm Beach County League of Cities Executive Director*
Nibal Aziz, Telecommunications Admin II*

Vacancies: 0

* Present via Webex Events.

** Mr. Bailey arrived at 2:08 p.m.

2. Motion to Approve Remote Participation by CMT Due to Extraordinary Circumstances

Motion to approve remote attendance by CMT based on extraordinary circumstances of the coronavirus pandemic for Mr. Tokar, Mr. Strowd, and Mr. Wien, by Dr. Vinikoor, seconded by Mr. Gulisano. The Motion passed unanimously (13-0).

3. Additions, Substitutions, and Deletions

Mr. Blackman noted an Add/Delete sent to the Board in advance, removing Section F, Annual Organization Discussion, and re-lettering the Agenda. Mr. Gagnon also explained an addition of two omitted pages to Exhibit B, Art. 4, Update of AGR-PUD Zoning District Preserve Area Landscape Service Regulations.

4. Motion to Adopt Agenda

Motion to adopt the Agenda as amended, by Mr. Martin, seconded by Dr. Vinikoor. The Motion passed unanimously (16-0).

5. Adoption of Minutes – December 16, 2020 (Exhibit A)

Motion to adopt the Minutes, by Dr. Vinikoor, seconded by Mr. Gulisano. The Motion passed unanimously (16-0).

6. Public Comments

There were no public comments.

EXHIBIT A

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

(Updated 03/17/21)

Minutes of January 27, 2021 LDRAB/LDRC Meeting

B. UNIFIED LAND DEVELOPMENT CODE (ULDC) AMENDMENTS

1. Exhibit B – Art. 4, Update of AGR-PUD Zoning District Preserve Area Landscape Service Regulations

Ms. Hernández explained that at the December Board of County Commissioners (BCC) Zoning Hearing, a request was made that an additional site be included under Exhibit B listing parcels with Agricultural Reserve Planned Unit Development (AGR-PUD) Zoning District Preserve Areas. The Official Zoning Map incorrectly shows the site in the Preservation/Conservation (PC) Zoning District, when it is zoned AGR-PUD with a conservation easement. The amendment adds the site, which Staff considers and the adjacent site part of a Nursery as one development. Prior deadlines are not modified.

** Mr. Bailey arrived at 2:08 p.m.

a. Discussion

Mr. Blackman noted the Board anticipated possible additions. Mr. Martin asked if it would affect anything else. Mr. Davis responded that it would not, and was inadvertently omitted.

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

C. PRIVATELY INITIATED AMENDMENTS – INITIATION

1. Exhibit C – PIA-2020-1201, Art. 4 Boca Lago PUD Clubhouse

Ms. Hernández explained the Board will vote to recommend initiation of the Phase 1 Privately Initiated Amendment (PIA) either on its own schedule, as part of an Amendment Round, or not initiate.

Mr. Jeff Brophy, WGI Agent for the Applicant, presented the issue of golf course conversion and repurposing, noting that redevelopment is usually total or partial takedown. He further noted several examples occurring in the County and statistics of golf courses that are closing. He summarized the PIA request to allow a Hotel or Motel use in the Commercial Pod of a PUD if it is collocated with a golf course, subject to a Class A Conditional Use approval, to better financially sustain clubs on an annual basis without reduction in open space. He disagreed with the Zoning Staff Report regarding consistency with the Plan.

a. Discussion

Mr. Knight asked about income coming to the club and if the Hotel is sold. Mr. Brophy responded the club will be a co-owner of the Hotel and noted a collocation of the amenities. Dr. Vinikoor asked how he can justify how it will be integrated into the development. Mr. Brophy responded Commercial Pods are typically on the periphery of the golf course. Dr. Vinikoor further asked for the Applicant/Agent's scheduling preference. Mr. Brophy responded they would prefer their own schedule. Mr. Gulisano noted that there is no guarantee that the golf course would remain as a golf course. Mr. Brophy responded there are restrictions on what can be done with golf courses. Ms. Kennedy expressed concern about the amendment being Countywide, and how it could affect Commercial Pods. Mr. Brophy responded there is nothing keeping them from doing anything as it is, and is just another tool for them to use to maintain the golf club. Mr. Blackman asked about the language being more restrictive. Mr. Brophy responded it is a question for the Zoning Division, and would be willing to redo the language. Mr. Gulisano noted he does not understand how a Motel will add value to a golf course, and why it would only be allowed for existing golf courses. Mr. Brophy responded it is based on a market study, will more likely be a higher-end accommodation than the perception of a "Motel" and the Code does not distinguish between either, and that it could be for a new golf course, but there is no land to develop a new one. Mr. Martin asked if there is an alternative. Mr. Brophy responded there is not. Mr. Martin further expressed concern about compatibility and how changing to a Commercial Pod will affect the surrounding area. Mr. Brophy noted a Hotel or Motel in a Commercial Pod would be a Class A Conditional Use, requiring Zoning review and Board of County Commissioners (BCC) approval.

Mr. Mendenhall noted some information presented by Mr. Brophy not received by the Zoning Division. He presented the Staff Report analysis. He explained the standards for a PIA not met as they relate to information the Agent provided Staff, and noted a Hotel is not a low-intensity use. In order for a Hotel and golf course to be collocated, the Hotel would need to be within a Recreation Pod. He further explained a Commercial Pod of a PUD is intended to be primarily supported by the residents, whereas a Hotel would pull population from outside the development.

b. Discussion

Mr. Bailey suggested allowing the Hotel use in the Recreation Pod. Ms. Hernández responded that was not the request and noted the lack of information provided when suggested. Mr. Bailey asked for clarification on high and low intensities. Mr. Mendenhall responded while ambiguous, the information Staff received was from the Planning Division about certain uses being listed and their intensity. Mr. Blackman noted the discussion is to determine whether the PIA will move forward. Ms. Hernández also noted the Code definition of collocated means on the same property. Dr. Vinikoor suggested more information be provided and asked if this would help move it forward.

EXHIBIT A

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

(Updated 03/17/21)

Minutes of January 27, 2021 LDRAB/LDRC Meeting

Ms. Hernández responded that it would help with a determination. Mr. Martin expressed concern over reductions in open space. Mr. Mendenhall responded that open space will be lost regardless with the development. Ms. Yeskey asked if studies were conducted for golf course conversions. Ms. Hernández responded there is language in the Code for conversions. Mr. Gulisano asked if the Board could table the amendment, so the language could be revised. Mr. Brophy responded there have been previous submittals and they are working with Staff on changing the language. Mr. Knight noted that analysis on whether something is successful is not up to the Board, and the proposal is poses an opportunity to keep golf courses open. Ms. Kennedy noted she does not see the connection between golf courses and Hotels. Mr. Walesky noted initiation does not mean it will be approved, but they could at least have the option. He also suggested looking into alternatives. Ms. Hernández noted the Board can table it, but research is the Agent/Applicant's responsibility.

Motion to recommend approval of the initiation of the PIA and allow submission of the Phase 2 Application on its own schedule, by Dr. Vinikoor, seconded by Mr. Gulisano. Ms. Hernández clarified for the Board the process if approved. Several Board members expressed their concerns and reasons for votes. The motion passed (11-5-1). Mr. Sullivan recused himself as an employee of the Agent.

D. CONVENE AS LDRC

The Land Development Regulation Advisory Board convened as the Land Development Regulation Commission at 3:25 p.m.

1. Proof of Publication

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

2. Consistency Determination for Exhibit B

Mr. Blackman noted the Comprehensive Plan Consistency Determination for Proposed ULDC Amendments memorandum. Mr. Davis stated the proposed amendment Exhibit B is consistent with the Comprehensive Plan as amended and recommended by the Board.

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

E. ADJOURN AS LDRC AND RECONVENE AS LDRAB

The Land Development Regulation Commission adjourned and reconvened as the Land Development Regulation Advisory Board at 3:26 p.m.

F. STAFF COMMENTS

1. Update on LDRAB Subcommittees

a. Response to Mr. Martin's question regarding tree removal process.

Mr. Gagnon explained when a Homeowner's Association (HOA) can remove trees and how it is checked whether allowed. He noted street trees as a major issue, where they may conflict with utility easements and not be protected by the Code. He further noted if a Landscape Plan was required as part of a Development Order (DO), there is a removal and replacement process. He concluded the County supports preserving as much landscape as possible, but conflict exists regarding street trees planted ten to twenty years ago that do not follow current best management practices such as "Right Tree, Right Place." Mrs. Hernández added that polices are in place for an Applicant to meet with Zoning and ERM Staff, but recognized the Florida Statutes (F.S.) preempts the County from requiring a permit from a residential homeowner under circumstances of danger. Dr. Vinikoor inquired about a development removing all of its trees, and whether permitted. Mr. Martin expressed concern about HOAs removing trees beyond ones causing problems, and being replaced with exotics providing less shade and environmental benefits.

b. Commemoration of Mr. Martin, Mr. Basore, Mr. Walesky, and Mr. Plana's service.

Mr. Blackman thanked the outgoing Board members for their service and provided certificates from Staff. A discussion ensued regarding quorum for the Electric Vehicle Charging Stations (EVCSs) Subcommittee.

G. BOARD MEMBER COMMENTS

Mr. Knight asked for clarification on physical quorum versus virtual, and how it differs by Local Government. Mr. Stone responded that most follow physical quorum requirements based on established precedents. Mr. Martin noted he is a candidate for Mayor of the City of Lake Worth Beach.

H. ADJOURNMENT

The Land Development Regulation Advisory Board meeting adjourned at 3:40 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

COMMUNITY RESIDENCES, CONGREGATE LIVING, AND NURSING & TREATMENT FACILITIES

CR-2017-0027
(Updated 3/17/2021)

Part 1. ULDC Art. 1.H.2, General Provisions, Definitions and Acronyms, Definitions (pages 44, 46, 50, 51, 57, and 75 of 111, Supplement 28), is hereby amended as follows:

Reason for amendments: [Zoning]
1. Community Residence – Add new definition for a housing based on the Study and Analysis provided by the Consultant. This type of residence has two types, Family Community Residence and Transitional Community Residence. These uses will replace the Type 1 and Type 2 Congregate Living Facilities. These uses are established to protect individuals with disabilities, including persons recovering from additions to alcohol and drugs, in accordance with Federal Fair Housing Act, Americans with Disabilities Act, and the Florida Statutes.
2. Congregate Living Personal Services – Modified the definition to include references to the Florida Statutes relating to Assisted Care Communities that allow for personal services, and include exceptions for limited nursing services and extended congregare care.
3. Continuing Care Facility – Add a new definition for Continuing Care Facility. This in the past has been reviewed by the BCC as either Type 3 CLFs, which included Independent, Assisted Living and Memory Care, in other cases reviewed as two collocated uses, Type 3 CLF and Nursing Home, that may have included Independent, Assisted, Memory, and a Nursing Home, as examples.
4. Disabled – Updated definition to clarify disabled persons or individuals as disabled in now referenced beyond Reasonable Accommodation within new uses for Community Residences, Family Community Residence, Transition Community Residence, and Recovery Community.
5. Dwelling Unit: Modified definition to match definition of dwelling unit as described in the Comprehensive Plan.
6. Greater Weight of Evidence: New definition included relating to the standards for Type 2 Waivers that must be met and documents provided to determine support of the Waivers for location, licensing, and additional number of residents for Family Community Residence, Transitional Community Residence, and a Recovery Community.
7. Oxford House: Add new definition for a type of Family Community Residence. This type of Community Residence is self-governing, and must have a Charter from the Oxford House organization.

1 **CHAPTER H DEFINITIONS AND ACRONYMS**

2

3 **Section 2 Definitions**

4

5 **C. Terms defined herein or referenced in this Article shall have the following meanings:**

6

7 47. **Community Residence** – Except as required by State law, a Community Residence is a
8 residential living arrangement for five to ten unrelated individuals with disabilities living as a
9 single functional family in a single dwelling unit who need the mutual support furnished by other
10 residents of the dwelling unit as well as the support services, if any, provided by any staff of
11 the Community Residence. Residents may be self-governing or supervised by a sponsoring
12 entity or its staff, which provides habilitative or rehabilitative services related to the residents'
13 disabilities. A Community Residence emulates a biological family to foster normalization of its
14 residents and integrate them into the surrounding community. Its primary purpose is to provide
15 shelter; foster and facilitate life skills; and, meet the physical, emotional, and social needs of
16 the residents in a family-like environment. Medical treatment is incidental as in any home.
17 Supportive inter-relationships between residents are an essential component. A Community
18 Residence is a Family Community Residence, or Transitional Community Residence.

19
20 A Community Residence shall be considered a residential use of property for purposes of the
21 ULDC. The term does not include any other group living arrangement for unrelated individuals
22 who are not disabled nor any Recovery Community, Congregate Living Facility, institutional or
23 medical use, shelter, lodging or boarding house, extended stay hotel, nursing home, vacation
24 rental, or other use as defined in this Code. Upon termination, revocation, or suspension of its
25 license or certification, a Community Residence must be closed within 60 calendar days, and
26 the operator of the Community Residence must return residents to their families or relocate
27 them to a safe and secure living environment.

28
29 Community Residences include, but are not limited to those residences that comport with this
30 definition that are licensed by the Florida Agency for Persons with Disabilities, the Florida
31 Department of Elderly Affairs, the Florida Agency for Health Care Administration, and the

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Community Residences, Congregate Living, and Nursing & Treatment Facilities.docx

Notes:

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EXHIBIT B

COMMUNITY RESIDENCES, CONGREGATE LIVING, AND NURSING & TREATMENT FACILITIES

CR-2017-0027 (Updated 3/17/2021)

Florida Department of Children and Families, pursuant to F.S. ch. 419, Community Residential Homes; and Recovery Residences certified by the State's designated credentialing entity established under F.S. § 397.487, Substance Abuse Services.

....[Renumber accordingly]

78. Congregate Living Personal Services – Direct physical 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 State of Florida Department of Health and Rehabilitative Services and Assisted Care Communities as described in F.S. § 429.02(12), (14), and (18).

89. Continuing Care Facility – A facility that provides a continuum of congregate living arrangements ranging from less restrictive to more restrictive. It may include one building or a complex of buildings that provides a range of continuum of living arrangements for unrelated individuals, and shall include a minimum of two different living arrangements: independent living, assisted living, congregate living, memory care, nursing care, or hospice care.

....[Renumber accordingly]

D. Terms defined herein or referenced in this Article shall have the following meanings:

39. Disabled Person or Individual – for the purposes of Art. 2.C.8.C, Reasonable Accommodation, a disabled person is an individual that Someone who qualifies as disabled or handicapped under the FHAFair Housing Amendments Act or ADAAmericans with Disabilities Act. [Ord. 2011-016]

63. Dwelling Unit – one or more rooms designed, occupied or intended for occupancy as separate living quarters, with only one kitchen plus sleeping and sanitary facilities provided within the unit, for the exclusive use of a single family maintaining a household. A house; apartment; condominium unit; Mobile Home; group of rooms or a single room intended for occupancy as a separate living quarter with direct access from the outside of the building or through a common hall; and with complete kitchen facilities for the exclusive use of the occupants, including rental units contained in a multi-unit structure or complex which are licensed by the State Department of Business and Professional Regulation, Division of Hotels and Restaurants, as apartments, rental condominiums, and retirement housing. Specialized residences, such as aAccessory apartments for the elderly or handicappedQuarters, Caretaker Quarters, eCongregate lLiving quartersFacilities, gRoom's qQuarters, or fFarm wWorkers qQuarters, or migrant labor quarters shall not be considered "dwelling units" for the purpose of applying restriction on density contained in the Plan or this Code unless otherwise stated in the Plan or the Code.

G. Terms defined herein or referenced in this Article shall have the following meanings:

13. Greater Weight of Evidence – The more persuasive and convincing force and effect of the entire evidence in the case.

....[Renumber accordingly]

O. Terms defined herein or referenced in this Article shall have the following meanings:

27. Oxford House – A self-governed Family Community Residence for people in recovery from substance abuse disorder that has been issued a "Conditional Charter" or "Permanent Charter" by Oxford House World Services, or any successor organization providing oversight; where there is no limit on length of residency, and, where the use of alcohol or any illegal drug is prohibited; where any resident who violates this prohibition is expelled from the dwelling; where the residents pay the costs of the dwelling, including rent and utilities; and, where through a majority vote, the residents establish policies governing living in the Oxford House, including the manner in which applications for residence are approved. Upon termination, revocation, or suspension of its Charter, an Oxford House must be closed within 60 calendar days and the administrators of the Charter must return residents to their families or relocate them to another safe and secure living environment.

....[Renumber accordingly]

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EXHIBIT B

COMMUNITY RESIDENCES, CONGREGATE LIVING, AND NURSING & TREATMENT FACILITIES

**CR-2017-0027
(Updated 3/17/2021)**

Part 2. ULDC Art. 2.B.7.D, Application Processes and Procedures, Public Hearing Processes, Types of Applications, Type 2 Waiver, (pages 35 and 36 of 101, Supplement 28), is hereby amended as follows:

Reason for amendments: [Zoning]
1. Addition of Type 2 Waiver standards for the Family Community Residence, Transitional Community Residence, and a Recovery Community, when the Applicant cannot meet the requirements for Location, Licensing/Certification is not available from the State, or the number of residents exceeds the maximum. The Zoning Commission would make a recommendation to the Board of County Commissioners based on whether the request meets the standards and the Board of County Commissioners would make the final decision.
2. A Type 2 Waiver for a Family Community Residence, Transitional Community Residence, and Recovery Community is to ensure financial viability.
3. Clarify the types of Waivers and the standards they are subject to. The existing Art. 2.B.7.D.3.d standards is specifically for Medical Marijuana Dispensing Facilities.
4. Added standards are a result of the study prepared by the Consultant. Originally proposed to be a Conditional Use approval, but based on the structure of the Code, the process and application was revised to be a Type 2 Waiver.

1 **CHAPTER B PUBLIC HEARING PROCESSES**

2

3 **Section 7 Types of Applications**

4

5 **D. Type 2 Waiver**

6 **1. Purpose**

7 A Type 2 Waiver is to allow flexibility for mixed use or infill redevelopment projects, or
 8 architectural design, site design or layout, where alternative solutions can be allowed, subject
 9 to performance criteria or limitations. Type 2 Waivers are not intended to ~~relieve specific~~
 10 ~~financial hardship~~ ensure financial viability nor circumvent the intent of this Code. A Type 2
 11 Waiver may not be granted if it conflicts with other Sections of this Code, or the Florida Building
 12 Code. [Ord. 2011-016] [Ord. 2012-027] [Ord. 2018-002]

13 **2. Applicability**

14 Requests for Type 2 Waivers shall only be permitted where expressly stated within the ULDC
 15 or indicated in the following Table. [Ord. 2011-016] [Ord. 2012-027] [Ord. 2018-002]

Table 2.B.7.D – Summary of Type 2 Waivers

Urban Redevelopment Overlay (URAO)	Table 3.B.16.G, Type 1 and 2 URAO Waivers
WCRAO Expansion of Existing Non-Conforming Parking	Art. 3.B.14.B.1.a, Expansion of Existing Non-Conforming Parking
WCRAO Density Bonus Programs	Art. 3.B.14.H.2, Other Density Bonus Programs
IRO Residential Setbacks	Art. 3.B.15.F.6.e.4)a), Residential Setbacks
URA Residential Setbacks	Art. 3.B.16.E.3.a, Residential Setbacks
PDD Minimum Frontage	Art. 3.E.1.C.2.a.1)a), Type 2 Waiver – Infill Development
PDD Cul-de-sacs	Art. 3.E.1.C.2.a.5)b), Type 2 Waiver for additional percentage
AGR Tier – Parking Structure	Art. 3.F.2.A.2.d.1)a), Type 2 Waiver for Parking Structures
AGR-TMD – Block Structure	Art. 3.F.4.D.9.a, Type 2 Waiver for Block Structure
Commercial Communication Towers	Art. 4.B.9.H.5, Type 2 Waiver from Required Dimensional Criteria
Unique Structure	Art. 5.C.1.E.2, Unique Structure
<u>Family Community Residence, Transitional Community Residence, and Recovery Community</u>	<u>Art. 4.B.1.C.3, Family Community Residence – Location, Licensing, and Occupancy</u> <u>Art. 4.B.1.C.6, Transitional Community Residence – Location, Licensing, and Occupancy</u> <u>Art. 4.B.1.C.8, Recovery Community – Location, Licensing, and Occupancy</u>
Hours of Operation	Art. 5.E.5.E, Type 2 Waiver
Large Scale Commercial Development – Parking	Art. 6.B.2.A.1.b.1)d), Type 2 Waiver
Minimum Legal Access for Collocated Landscape Service in the AR/RSA and AR/USA Zoning Districts	Table 11.E.2.A-2, Chart of Minor Streets
[Ord. 2018-002] [Ord. 2018-018] [Ord. 2019-005] [Ord. 2020-007]	

17 **3. Standards for a Type 2 Waiver**

18 When considering a DO application for a Type 2 Waiver, the BCC shall utilize the Standards
 19 a-c indicated below and any other standards specific to a Type 2 Waiver. For a Unique
 20 Structure, refer to the Standards listed in Art. 2.B.7.D.4 below; ~~and~~ for a Commercial
 21 Communication Tower, refer to Art. 4.B.9.H.5.d, Criteria for Granting a Type 2 Waiver; ~~For~~

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EXHIBIT B

COMMUNITY RESIDENCES, CONGREGATE LIVING, AND NURSING & TREATMENT FACILITIES

CR-2017-0027
(Updated 3/17/2021)

- 1 Minimum Legal Access for Collocated Landscape Service, refer to Art. 11, Subdivision,
2 Platting, and Required Improvements; for a Medical Marijuana Dispensing Facility, pursuant
3 to Art. 4.B.2.C.35.i, refer to the Standards a-d indicated below; and, for a Family Community
4 Residence, Transitional Community Residence, and Recovery Community, refer to standards
5 listed in Art. 2.B.7.D.5 below. A Type 2 Waiver, which fails to meet any of the Standards, shall
6 be deemed adverse to the public interest and shall not be approved. [Ord. 2011-016] [Ord.
7 2012-027] [Ord. 2018-002] [Ord. 2020-007]
- 8 a. The Waiver does not create additional conflicts with other requirements of the ULDC, and
9 is consistent with the stated purpose and intent for the zoning district or overlay; [Ord.
10 2010-022] [Ord. 2011-016] [Ord. 2012-027] [Ord. 2018-002]
- 11 b. The Waiver will not cause a detrimental effect on the overall design and development
12 standards of the project, and will be in harmony with the general site layout and design
13 details of the development; and, [Ord. 2010-022] [Ord. 2012-027] [Ord. 2018-002]
- 14 c. The alternative design option recommended as part of the Waiver approval, if granted, will
15 not adversely impact adjacent properties. [Ord. 2010-022] [Ord. 2012-027] [Ord. 2018-
16 002]
- 17 d. For the purpose of Medical Marijuana Dispensing Facility in Art. 4.B.2.C.35.i, the BCC shall
18 make the determination that the location of a medical marijuana dispensing facility
19 promotes the health, safety, and welfare of the community. [Ord. 2017-028] [Ord. 2018-
20 002]
- 21 **4. Standards for a Unique Structure**
- 22 When considering a DO application for a Unique Structure, the BCC and ZC shall utilize the
23 standards a-e indicated below in addition to the requirements as stated in Art. 5.C.1.E.2, Design
24 Standards, Unique Structure. A request for a Unique Structure which fails to meet any of these
25 Standards shall be deemed adverse to the public interest and shall not be approved. [Ord.
26 2009-040] [Ord. 2018-002]
- 27 a. **Consistency with the Plan**
- 28 The proposed architectural composition is consistent with the purposes, goals, objectives
29 and policies of the Plan, including standards for building and structural intensities and
30 densities. [Ord. 2009-040] [Ord. 2018-002]
- 31 b. **Complies with Other Standards of Code**
- 32 The proposed architectural composition complies with all standards imposed on it by all
33 other applicable provisions of this Code for use, layout, function, and general development
34 characteristics. [Ord. 2009-040] [Ord. 2018-002]
- 35 c. **Architectural Compatibility**
- 36 The proposed architectural composition is consistent with the Architectural Style, (see
37 Technical Manual for examples) and generally consistent with the: scale, proportion, unity,
38 harmony, and context of the architecture in the surrounding area. [Ord. 2009-040] [Ord.
39 2018-002]
- 40 d. **Design Minimizes Environmental Impact**
- 41 The proposed architectural composition minimizes environmental impacts, including but
42 not limited to water, air, stormwater management, wildlife, vegetation, wetlands, and the
43 natural functioning of the environment. [Ord. 2009-040] [Ord. 2018-002]
- 44 e. **Circumstances**
- 45 Whether and to what extent it can be demonstrated that there are any circumstances that
46 support the designation. [Ord. 2009-040] [Ord. 2018-002]
- 47 **5. Standards for a Family Community Residence, Transitional Community Residence, and**
48 **Recovery Community**
- 49 When considering a DO application for a Family Community Residence, Transitional
50 Community Residence, and Recovery Community, the BCC and ZC shall make a finding of
51 approval, approval with conditions, or denial, based on the standards indicated below. The
52 requested Type 2 Waiver by an Applicant is the procedure by which an Applicant shall apply
53 for the additional Reasonable Accommodation for a Family Community Residence, Transitional
54 Community Residence, and Recovery Community. A request for a Family Community
55 Residence, Transitional Community Residence, and Recovery Community, which fails to meet
56 any of these standards shall be deemed adverse to public interest and shall not be approved:
- 57 **a) Family Community Residence or Transitional Community Residence**
- 58 1) When a proposed Community Residence is located less than 660 feet or seven lots,
59 whichever is greater, from the nearest existing Community Residence or Recovery
60 Community, the Applicant shall demonstrate by the greater weight of evidence that:
61 a) The proposed Community Residence will not interfere with the normalization and
62 community integration of the residents of any existing Community Residence or
63 Recovery Community and that the presence of other Community Residences or

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EXHIBIT B

COMMUNITY RESIDENCES, CONGREGATE LIVING, AND NURSING & TREATMENT FACILITIES

CR-2017-0027 (Updated 3/17/2021)

- 1 Recovery Community will not interfere with the normalization and community integration of the residents of the proposed Community Residence; and
2
3 b) The proposed Community Residence in combination with any existing Community Residences and/or Recovery Communities will not alter the residential character of the surrounding neighborhood by creating an institutional atmosphere or by creating or intensifying an institutional atmosphere or de facto social service district by clustering Community Residences and/or Recovery Communities on a block face or concentrating them in a neighborhood.
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10 2) When the State of Florida does not offer a license or certification for the type of Community Residence proposed and the population it would serve, or the proposed Community Residence is not eligible to be granted an Oxford House Charter, the Applicant shall demonstrate by the greater weight of evidence that:
11
12
13 a) The proposed Community Residence will be operated in a manner effectively similar to that of a licensed or certified Community Residence;
14
15 b) Staff who reside and/or work in the Community Residence will be adequately trained in accordance with standards typically required by licensing or State certification for a Community Residence;
16
17 c) The Community Residence will emulate a biological family and be operated to achieve normalization and community integration; and,
18
19 d) The rules and practices governing the Community Residence will be operated to protect residents from abuse, exploitation, fraud, theft, neglect, insufficient support, use of illegal drugs or alcohol, and misuse of prescription medications.
20
21
22
23 3) When an Applicant seeks to provide housing for more than ten unrelated individuals, in a Community Residence, or up to ten unrelated individuals for a Transitional Community Residence pursuant to Art. 4.B.7.e,2)a)(2), Number of Residents, the BCC shall not approve a Type 2 Waiver, unless and until it finds that the Applicant has:
24
25
26
27 a) Specified by how many individuals it wishes to exceed ten residents and demonstrate by the greater weight of evidence that housing more than ten residents is required to ensure the financial and/or therapeutic viability of the Community Residence;
28
29
30
31 b) Demonstrated by the greater weight of evidence that the primary function of the proposed Community Residence is residential where any medical treatment is merely incidental to the residential use of the property;
32
33
34 c) Demonstrated by the greater weight of evidence that the proposed Community Residence will emulate a biological family and operate as a functional family rather than as a boarding or rooming house, nursing home, short-term rental, continuing care facility, motel, hotel, treatment center, rehabilitation center, institutional use, assisted living facility that does not comport with the definition of "Community Residence," or other non-residential use; and,
35
36
37
38 d) Demonstrated by the greater weight of evidence that the requested number of residents in the proposed Community Residence will not interfere with the normalization and community integration of the occupants of any existing Community Residence or Recovery Community.
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b. Recovery Community

When a proposed Recovery Community is located less than 1,200 feet or ten lots, whichever is greater, from the nearest existing Community Residence or another Recovery Community, the Applicant shall demonstrate by the greater weight of evidence that:

- 1) The proposed Recovery Community will not interfere with the normalization and community integration of the residents of any existing Community Residences or Recovery Communities; and that the presence of existing Community Residences or Recovery Communities will not interfere with the normalization and community integration of the residents of the proposed Recovery Community; and
2) The proposed Recovery Community in combination with any existing Recovery Communities or Community Residences will not alter the residential character of the surrounding neighborhood by creating or intensifying an institutional atmosphere or creating or intensifying a de facto social service district by clustering Recovery Communities and/or Community Residences on a block face or concentrating them in a neighborhood.

56. Effect of an Issuance of a DO

Pursuant to Art. 2.B.7.B.4, Effect of an Issuance of a DO or a Map Amendment for Conditional Uses or a Rezoning to a PDD or TDD. [Ord. 2018-002]

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EXHIBIT B

COMMUNITY RESIDENCES, CONGREGATE LIVING, AND NURSING & TREATMENT FACILITIES

CR-2017-0027 (Updated 3/17/2021)

Part 3. ULDC Art. 2.C.8.C, Application Processes and Procedures, Administrative Processes, Applications Not Issuing a Development Order, Reasonable Accommodation (pages 58-60 of 101, Supplement 28), is hereby amended as follows:

Table with 1 row: Reason for amendments: [Zoning] 1. Clarifying that Reasonable Accommodations do not apply to Community Residences; Community Residences may seek accommodations only through the Type 2 Waiver process.

CHAPTER C ADMINISTRATIVE PROCESSES

Section 8 Applications Not Issuing a Development Order

C. 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] [Ord. 2020-020]

2. Applicability

An Applicant shall be required to apply for all applicable Development Review processes available in the ULDC prior to filing a request for reasonable accommodation, unless compliance with available Development Review processes would deprive the Applicant, or persons with disabilities served by the Applicant, of an equal opportunity to use and enjoy housing. Art. 2.B.7.D.5, Type 2 Waiver sets forth the procedure to seek a Reasonable Accommodation for Family Community Residence, Transitional Community Residence, or Recovery Communities and the provisions set forth herein do not apply to those uses. [Ord. 2015-006] [Ord. 2018-002]

Part 4. ULDC Art. 2.C.8.C, Application Processes and Procedures, Administrative Processes, Applications Not Issuing a Development Order, Reasonable Accommodation (pages 58-60 of 101, Supplement 28), is hereby amended as follows:

Table with 1 row: Reason for amendments: [Zoning] 1. Codification procedures for Community Residences and Recovery Communities that exist currently for Type 1 and Type 2 CLFs. The exiting procedures allow for an Applicant to request confirmation that a site meets the location criteria and reserve that site for one year (with allowance of one time extension) while the Applicant goes through the State process to get the license/certification. These procedures would continue and be expanded to include confirmation for licensing, number of residents, and location.

CHAPTER C ADMINISTRATIVE PROCESSES

Section 3 General

The DRO shall coordinate the review of applications with all the applicable Agencies based on the request(s), and in accordance with Table 2.C.3, DRO, Administrative Processes. The application(s) shall be assigned by the DRO to be reviewed either through the Full DRO, which consists of all applicable County Agencies, or the Zoning Agency Review (ZAR), which consists of one to a maximum of five Agencies pursuant to Art. 2.C.4.A.3, Zoning Agency Review (ZAR). An Applicant may also request Concurrent Review by the DRO. [Ord. 2018-002] [Ord. 2020-020]

Table 2.C.3 – DRO, Administrative Processes

Table with 2 columns: Requests, Processes (Full DRO, ZAR). Row: Finalization of BCC or ZC DOs

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Finalize the BCC or ZC DOs and Plans	✓	
Administrative Approval		
A Use subject to Art. 4.A.7.C.2, Development Review Officer (DRO) (1)	✓	✓ (2)
Administrative Modifications to Prior DO in accordance with Table 2.C.5.C	✓	✓ (2)
Subdivision Plan pursuant to Art. 11, Subdivision, Platting, and Required Improvements (3)	✓	
Type 1 Waiver (4)	✓	✓ (7)
Type 1 Variance		✓
Temporary Use pursuant to Art. 4.B.11, Temporary Uses		✓
Special Permit pursuant to Art. 8.H.2, Billboards		(6)
Reasonable Accommodation		✓
Zoning Confirmation Letter (Formal and Non-Site Specific Formal) (5)		✓
Zoning Confirmation Letter (Informal) (5)		✓
<u>Zoning Confirmation Letter – Family Community Residence, Transitional Community Residence, or Recovery Community</u>		✓
Release of Unity of Title (5)		✓
ABN for a prior DO approved by the DRO	✓	✓
[Ord. 2018-002] [Ord. 2018-018] [Ord. 2020-020]		
Notes:		
1.	Includes where it specifies the process is subject to the DRO in Art. 4.B, Use Classification or in Art. 3.B, Overlays, Art. 5.G.1.B.3, Approval Process for WHP, Table 5.G.2.D, Review Process for AHP, and Art. 5.G.3.K.3, Review Process for TDR.	
2.	There shall be an approved Zoning Plan (Site or Subdivision) for those requests to add a new use or replacement of a use through the ZAR process.	
3.	May be reviewed and approved concurrent with a Final Master Plan that was approved by the BCC.	
4.	Includes Type 1 Waiver for Landscaping.	
5.	This type of request will not issue a DO for the subject property.	
6.	Shall be processed as a Special Permit.	
7.	Limited to NEO and Structural Setback as outlined in Table 2.C.5.F, Summary of Type 1 Waivers. [Ord. 2020-020]	

1
2

Part 5. ULDC Art. 2.C.8.C, Application Processes and Procedures, Administrative Processes, Applications Not Issuing a Development Order, Zoning Confirmation Letter (page 57 of 101, Supplement 28), is hereby amended as follows:

Reason for amendments: [Zoning]
1. Add in the confirmation process for Family Community Residence, Transitional Community Residence, and Recovery Community for an Applicant to confirm a site has the potential to have the use if they meet the location, number of residents, and licensing requirements. The process currently exists for Type 1 and Type 2 CLFs; with the removal of Type 1 and Type 2 CLF, the new uses will follow the same confirmation process.
2. The sites are reserved for a year with a one-month extension. The Applicant shall provide proof of licensure, certification or Charter, or obtain a one-time extension. If the Applicant proposes more residents than permitted or licensure is not available, or they cannot meet the distance requirements when the request confirmation then the Applicant will need to seek the appropriate Waivers.

3 **CHAPTER C ADMINISTRATIVE PROCESSES**

4

5 **Section 8 Applications Not Issuing a Development Order**

6 **A. Zoning Confirmation Letter (ZCL)**

7 **1. Purpose**

8 Confirmation of information regarding a particular parcel of land, or interpretation of how the
 9 Code applies to a given parcel, may be obtained through ~~an Informal ZCL, a~~ Formal ZCL, Site
 10 Specific, or Non-Site Specific, or ~~through an Informal ZCL, Confirmation for a Community~~
 11 Residence or Recovery Community from the DRO pursuant to the procedures in this Section.
 12 The scope of the ~~Formal or Informal~~ ZCL shall be limited to those matters under the authority
 13 of the Executive Director of PZB pursuant to Art. 1.B.1.A, Authority. [Ord. 2018-002] [Ord.
 14 2020-020]

15 **2. Types of ZCL**

16 The request for a ZCL by an Applicant may be in form of an Informal ZCL, a Non-Site Specific
 17 Formal ZCL or a Formal ZCL. [Ord. 2018-002]

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EXHIBIT B

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- 1
2 d. Confirmation for a Community Residence and Recovery Community
3 An owner of a parcel of land, any person with a contractual interest in a parcel of land, or
4 any person submitting a DO application for a parcel of land, shall request confirmation to
5 determine if a proposed Community Residence or Recovery Community may be allowed
6 for a specific parcel of land. The Applicant shall provide documentation on how it will
7 comply with the Location, Maximum Number of Residents, and Licensing/Certification or
8 Charter requirements pursuant to Art. 4.B.1.C.3, Family Community Residence, Art.
9 4.B.1.C.6, Transitional Community Residence, or Art. 4.B.1.C.8, Recovery Community.
10 3. Processing
11 Applicants requesting an Informal or a Formal ZCL shall submit same to the DRO subject to
12 the ZAR process. All applications are subject to sufficiency review pursuant to Art. 2.C.2.,
13 Sufficiency Review. The BCC may establish an administrative fee by Resolution for processing
14 both Informal and Formal of ZCLs. [Ord. 2018-002]
15 4. ZCL Response
16 a. Informal ZCL Response
17 Within 30 days after the date of which the request is deemed sufficient for review, the DRO
18 shall provide a response to the Applicant. [Ord. 2018-002]
19 b. Formal ZCL and Non-Site Specific ZCL Response
20 Within 60 days after the date of which the request is deemed sufficient for review, the DRO
21 shall provide a response or render an interpretation to the Applicant. A response by the
22 DRO may be extended, based on the complexity of the request(s). During the review, the
23 Applicant may be required to submit additional information to assist the DRO in preparing
24 the response. Resubmittal of information to the DRO will restart the response period. [Ord.
25 2018-002]
26 c. Confirmation for a Community Residence and Recovery Community
27 Within 30 days after the date the request is deemed sufficient for review, the DRO shall
28 provide a response to the Applicant. During the review, the Applicant may be required to
29 submit additional information to assist in preparing the response. Resubmittal of
30 information will restart the response period. Upon demonstration that the use and site can
31 comply with the requirements, the site shall be reserved for a year, pending final licensure
32 or certification from the State of Florida, or Charter approval by the State or the Oxford
33 House. A one-time six-month extension may be approved if the Applicant is unable to
34 obtain its appropriate license, certification, or charter within the 12-month time period. Upon
35 receipt of the license, certification, or charter the Applicant shall provide the Zoning Division
36 proof of licensure, certification, or charter. The Applicant shall on an annual basis, provide
37 proof of the valid license, certification, or charter.

Part 6. ULDC Art. 2.G.4.N.2, Application Processes and Procedures, Decision Making Bodies, Staff Officials, Zoning Director, Jurisdiction, Authority, and Duties (page 96 of 101, Supplement 28), is hereby amended as follows:

Reason for amendments: [Zoning]
1. Add authority and duties for the Zoning Director to review and confirm evidence provided by an Applicant that they have the appropriate license or certification from the State, or charter for an Oxford House prior to commencement of the use, and that the use provides proof of the license, certification, and charter.

38 CHAPTER G DECISION MAKING BODIES

39

40 Section 4 Staff Officials

41

42 N. Zoning Director

43 1. Creation and Appointment

44 The Zoning Director of PZB shall be the division head of the Zoning Division of PZB, and shall
45 be appointed and serve at the pleasure of the Executive Director of PZB.

46 2. Jurisdiction, Authority, and Duties

47 In addition to the Jurisdiction, Authority, and Duties which may be conferred upon the Zoning
48 Director by other provisions of the PBC Code, the Zoning Director shall have the following
49 jurisdictions, authority and duties under this Code:

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- 1 a. to set the Annual Zoning Calendar, as required by Art. 2.A, General; **[Ord. 2020-001]**
2 b. to recommend annually any necessary amendments to this Code;
3 c. to submit AI to the BCC pursuant to Art. 2.C.8.B, Administrative Inquiry (AI). **[Ord. 2011-**
4 **016] [Ord. 2018-002]**
5 d. to review and approve or deny applications for Adequate Public Facilities (Concurrency);
6 **[Ord. 2016-016]**
7 e. to revoke or suspend, if necessary, any Development Order or permit which was issued in
8 violation of this Code; **[Ord. 2016-016] [Ord. 2018-002]**
9 f. to oversee the preservation and maintenance of vegetation not covered under the
10 provisions of Art. 14, Environmental Standards, through design review, Conditions of
11 Approval, and inspections; and, **[Ord. 2016-016]**
12 g. review and approval or deny requests for time extensions described under Art. 2.A,
13 General, Art. 2.B, Public Hearing Processes, Art. 2.C, Administrative Processes, and Art.
14 2.D, ULDC Privately Initiated Amendment (PIA). **[Ord. 2020-001]**
15 h. review and confirm evidence provided by an Applicant for a Development Order for a
16 Community Residence or Recovery Community that a Community Residence or Recovery
17 Community has been granted and maintains a license or certification from the State of
18 Florida, or an Oxford House Charter, or other license or certification that is the equivalent
19 of a State license or certification.
20

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EXHIBIT B

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CR-2017-0027
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Part 7. ULDC Art. 3.B.14.E, Overlays and Zoning Districts, Overlays, WCRAO, Westgate Community Redevelopment Area Overlay, Use Regulations (pages 46, 47, and 49 of 213, Supplement 28), is hereby amended as follows:

Reason for amendments: [Zoning]
1. Add reference to the Family Community Residence, Transitional Community Residence, and the Recovery Community within the Sub-areas of the Westgate Community Redevelopment Area Overlay.
2. Add Footnote that the Community Residences or Recovery Communities meet the appropriate setbacks based on the structure the uses are located within.

CHAPTER B OVERLAYS

Section 14. WCRAO, Westgate Community Redevelopment Area Overlay

E. Use Regulations
1. Mixed Use

In the WCRAO, mixed use means the combination of residential and one or more non-residential uses that are functionally integrated. Mixed use may be required or permitted in commercial districts that have a commercial with underlying residential FLU designation, as indicated in Table 3.B.14.E, WCRAO Mixed Use. [Ord. 2006-004]

Table 3.B.14.E – WCRAO Mixed Use

Sub-areas	NR	NRM	NG	NC	UG	UH	UI
Mixed Use (2)	Prohibited	Permitted (1)(3)	Permitted (1)(3)	Permitted (3)(4)	Permitted (4)	Permitted (4)	Prohibited
Min. Residential Use	N/A	50%	50%	0%	0%	0%	N/A
Max. Residential Use	N/A	100%	100%	100%	100%	100%	N/A
Min. Non-Residential Use	N/A	0%	0%	0%	0%	0%	N/A
Max. Non-Residential Use	N/A	50%	50%	100%	100%	100%	N/A
[Ord. 2006-004] [Ord. 2011-001] [Ord. 2015-031] [Ord. 2018-002] [Ord. 2020-001]							
Notes:							
1.	Non-residential uses on parcels that have a commercial FLU with underlying residential designation, approved as part of Plan Amendment Round 2005-01, Ord. No. 2005-032, shall be permitted in in the NRM and NG Sub-areas. Non-residential uses shall only be permitted if all permitted residential density is utilized, but in no case shall it be less than one unit. Density shall be calculated meeting the requirements of FLUE Table 2.2.1-g.1, and other related Policies of the Plan. [Ord. 2006-004] [Ord. 2015-031] [Ord. 2018-002] [Ord. 2019-005] [Ord. 2020-001]						
2.	Minimum and maximum percentages for residential and non-residential uses are calculated by dividing the total GFA for either use (residential OR non-residential) type by the total GFA (residential AND non-residential). Projects that vertically integrate a minimum of 20 percent of the site's approved (includes allowed density and any density bonus units) residential density with commercial uses may be allowed to utilize up to 100 percent of both the site's commercial intensity and residential density. [Ord. 2006-004] [Ord. 2020-001]						
3.	Residential-only developments are permitted within the NC, NRM, and NG Sub-areas. [Ord. 2015-031] [Ord. 2018-002] [Ord. 2020-001]						
4.	Within the NC, UG, and UH Sub-areas, residential-only Multifamily and Townhouse, and Recovery Community developments with five dwelling units or more shall be permitted. Residential-only developments with under five units shall not be permitted. [Ord. 2020-001]						

2. Sub-area Use Regulations
a. Use Regulations

In addition to the requirements of Art. 4.B, Use Classification, the following uses shall be prohibited or permitted in the WCRAO Sub-areas: [Ord. 2006-004]

Table 3.B.14.E – WCRAO Sub-area Use Regulations

Sub-areas	NR	NRM	NG	NC	UG	UH	UI	Supplementary Use Standards # (2)
Residential Uses								
Single Family	P	P	X	X	X	X	X	4.B.1.C.5
Family Community Residence	<u>P</u>	<u>P</u>	X	X	X	X	X	4.B.1.C.X
Cottage Home – Single Unit on a Single Lot	X	P	X	X	X	X	X	4.B.1.C.2
Cottage Home – Multiple Units on a Single Lot or Site	X	P	P	X	X	X	X	4.B.1.C.2
Zero Lot Line (ZLL)	X	X	X	X	X	X	X	4.B.1.C.7
Transitional Community Residence	-	<u>P</u>	-	-	-	-	<u>X</u>	4.B.1.C.4

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Multifamily (MF)	X	P (5)	X	4.B.1.C.4				
Townhouse	X	P (5)	X	4.B.1.C.6				
Recovery Communities	X	P (5)	X	4.B.1.C.X				
Commercial Uses								
....								
[Ord. 2006-004] [Ord. 2007-013] [Ord. 2009-040] [Ord. 2010-022] [Ord. 2011-016] [Ord. 2012-007] [Ord. 2017-002] [Ord. 2017-007] [Ord. 2018-002] [Ord. 2018-018] [Ord. 2020-001]								
Notes:								
1.	Limited to lots with a CH FLU designation and corresponding zoning district. [Ord. 2006-004] [Ord. 2018-002]							
2.	A number in the Supplementary Use Standards # column refers to Art. 4.B, Use Classification, which are applicable to the use. [Ord. 2006-004] [Ord. 2020-001]							
3.	Adult Entertainment shall also be prohibited as an accessory use to other principal uses within the Sub-areas. [Ord. 2007-013]							
4.	Limited to lots with a CH or CL FLU designation and corresponding zoning district. Work/Live Space shall be Permitted by Right in all Sub-areas except the NR and UI. [Ord. 2007-013] [Ord. 2020-001]							
5.	Multifamily and Townhouse units may be Permitted by Right in non-residential districts where mixed use is permitted in accordance with Table 3.B.14.E. WCRAO Mixed Use. [Ord. 2017-002] [Ord. 2020-001]							
6.	Employment Agencies as contained in Art. 4, Use Regulations under Office, Business or Professional. [Ord. 2017-007]							
Key:								
X	Prohibited in Sub-area							
-	Subject to Use Regulations of zoning district							
P	Permitted by Right in Sub-area [Ord. 2007-013] [Ord. 2009-040] [Ord. 2020-001]							
A	Class A Conditional Use [Ord. 2017-007]							

1
2

....

Table 3.B.14.F – WCRAO Residential Sub-area PDRs

Residential Use Type (8)	Single Family	Cottage Homes – Single Unit on a Single Lot	Cottage Homes – Multiple Units on a Single Lot or Site	Townhouse (1)	Multifamily (≤ 4 Units)	Multifamily (≥ 5 Units)
Lot Dimensions						
Min. Frontage/Lot Width	50'	25'	75'	16'	75'	100'
Min. Lot Depth	90'	70'	100'	50'	100'	100'
Max. Building Coverage	50%	50%	80%	80%	40% (2)	40% (2)
Setbacks						
Front/Build-to-Line	25' min.	20' min.	10' min.	10-25'	10-25'	10-25'
Min. Side (3)	5'	2.5'	5'	5' – End unit; 0' – Interior unit	5'	10'
Min. Side Street	7.5'	7.5'	7.5'	10' – End unit	10'	10'
Min. Rear	10'	5'	15'	7.5'	10'	25'
Height/Stories						
Max. Stories	2	2	2	3	3	2 min. (6)
Max. Height (4)	N/A	N/A	N/A	36'	36'	(5)
Accessory Structures	2 stories					
Building Frontage						
Min. Building Frontage	N/A	N/A	N/A	60% (7)	60% (7)	60% (7)
[Ord. 2020-001]						
Notes:						
1.	Unless provided for herein, Townhouse developments shall comply with Table. 3.D.2.A, Townhouse Property Development Regulations.					
2.	Building coverage may be increased to 60 percent if all parking is provided curbside or in a parking structure.					
3.	Side setbacks may be reduced to zero in accordance with Art. 3.B.14.F.1.a, NRM, NG, and NC Side Setback Reduction.					
4.	Minor increases in maximum height may be permitted subject to all of the standards of Art. 5.C.1.E.4,a-c and as exempted by Art. 3.D.1.E.4, Height Exceptions, and as defined by Art. 1, General Provisions.					
5.	Maximum height of Multifamily projects of five units or more shall be in accordance with Maximum Stories and Height by Sub-area in Table 3.B.14.F, WCRAO Non-Residential and Mixed Use Development Sub-area PDRs.					
6.	Multifamily developments with five units or more shall be required to be a minimum of two stories in the NC, UG, and UH Sub-areas.					
7.	Minimum building frontage of 80 percent is required for all Townhome and all Multifamily developments in the NC Sub-area.					
8.	<u>Community Residences and Recovery Communities are subject to the same Sub-area PDRs as the specific housing type they are located within.</u>					

Part 8. ULDC Art. 3.B.16 Overlays and Zoning Districts, Overlays, Urban Redevelopment Area Overlay (URAO), Use Regulations (page 91 of 213, Supplement 28), is hereby amended as follows:

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EXHIBIT B

COMMUNITY RESIDENCES, CONGREGATE LIVING, AND NURSING & TREATMENT FACILITIES

CR-2017-0027
(Updated 3/17/2021)

Reason for amendments: [Zoning]

1. Clarify that detached housing types, Single Family, Zero Lot Line, or Cottage Homes, may not be allowed on a frontage street. These housing types would include residential uses for single families or Community Residences.

1 **CHAPTER B OVERLAYS**

2

3 **Section 16 Urban Redevelopment Area Overlay (URAO)**

4

5 **E. Additional PRA Use Regulations**

6 The list of uses permitted within the URAO shall be in accordance with Art. 4, Use Regulations,
7 and the following. [Ord. 2011-016] [Ord. 2017-007]

8 **1. Right to Continue or Change Uses**

9 Those uses that were legally established prior to the adoption of Zoning Resolutions No. R-
10 2010-1344 and R-2010-1345 (Applications 2010-00667 and 2010-00668, UC and UI districts,
11 respectively) shall be permitted to continue in accordance with Art. 1.E, Prior Approvals, or Art.
12 1.F, Nonconformities. A change in use shall only be permitted if the proposed use complies
13 with all of the following: [Ord. 2011-016]

14 a) Listed in the Use Matrices contained in Art. 4, Use Regulations; [Ord. 2011-016] [Ord.
15 2017-007]

16 b) Does not exceed the limitations of Art. 1.F, Nonconformities; [Ord. 2011-016]

17 c) Is entirely located within existing buildings; and, [Ord. 2011-016]

18 d) Parking is provided in accordance with the minimum parking requirements of Art. 6,
19 Parking, Loading, and Circulation, inclusive of the minimum parking requirements of Table
20 6.B.1.B, Minimum Parking and Loading Requirements. Previously approved PDDs may
21 apply any vested parking requirements in accordance with Art. 1.E, Prior Approvals, with
22 exception to applications for Conditional Uses. [Ord. 2011-016]

23 **2. Residential Uses**

24 Residential uses may be allowed on any floor, with exception to the following: [Ord. 2011-016]
25 [Ord. 2017-007]

26 a. Where located in the same building as non-residential uses, residential uses shall either
27 be located above or internally separated from any non-residential uses; and [Ord. 2011-
28 016]

29 b. Single Family ~~and Type 1 CLF, Cottage Home on a single lot, Zero Lot Line housing types,~~
30 or Community Residences within these housing types, shall not front on Slip Street or
31 Primary Street Frontages. [Ord. 2011-016] [Ord. 2017-007]

Part 9. ULDC Art. 3.E.1.C.2.j, Overlays and Zoning Districts, Overlays, Planned Development Districts (PDDs), General, Objectives and Standards, Performance Standards, Emergency Generators (page 139 of 219, Supplement 28), is hereby amended as follows:

Reason for amendments: [Zoning]

1. Deleted the specific uses that required generators under the Planned Development District Performance Standards leaving the reference to Article 5 where the requirements for generators is located.

32 **CHAPTER E PLANNED DEVELOPMENT DISTRICTS (PDDs)**

33 **Section 1 General**

34

35 **C. Objectives and Standards**

36

37 **2. Performance Standards**

38 Planned developments shall comply with the following standards:

39

40 **j. Emergency Generators**

41 A permanent emergency generator shall be required ~~for all Type 2 and Type 3 CLFs,~~
42 ~~Nursing or Convalescent Facilities, and PDD clubhouses 20,000 square feet or greater,~~
43 ~~and shall~~to meet the standards of Art. 5.B.1.A.19, Permanent Generators. [Ord. 2006-004]
44 [Ord. 2010-022]

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EXHIBIT B

COMMUNITY RESIDENCES, CONGREGATE LIVING, AND NURSING & TREATMENT FACILITIES

CR-2017-0027
(Updated 3/17/2021)

Part 10. ULDC Art. 3.F.1.G.1, Overlays and Zoning Districts, Overlays, Traditional Development Districts (TDDs), Use Regulations (pages 176 of 213, Supplement 28), is hereby amended as follows:

Reason for amendments: [Zoning]
1. Deleted the list of housing types in the TND, as Article 4 lists all of the residential housing types, and TND shall have a mix of the uses as described in the Use Matrices.

- 1 **CHAPTER F TRADITIONAL DEVELOPMENT DISTRICTS (TDDs)**
- 2 **Section 1 General Provisions for TDDs**
- 3
- 4 **G. Design Objectives**
- 5 TDDs shall comply with the following design guidelines:
- 6 **1. Neighborhoods**
- 7 a. A mix of residential uses shall be required in a TND, to provide a variety of housing
- 8 opportunities. ~~TND residential uses include: [Ord. 2005-002]~~
- 9 ~~1) Single Family dwellings;~~
- 10 ~~2) Zero Lot Line (ZLL) dwellings;~~
- 11 ~~3) Townhouses;~~
- 12 ~~4) Multifamily dwellings;~~
- 13 ~~5) Accessory dwellings; or,~~
- 14 ~~6) Congregate Living Facilities~~
- 15 b. Centrally-located community focal points for the formal and informal interaction of
- 16 neighborhood residents, such as a neighborhood square, community meeting hall, or
- 17 neighborhood commercial center. These uses are within walking distance (within 1,320
- 18 feet) of all neighborhood residents. **[Ord. 2005-002]**
- 19 c. A variety of open spaces and recreation areas to allow for both passive and active
- 20 recreation. Small neighborhood parks and playgrounds should be located throughout the
- 21 neighborhood, so all residents are closely located (within 1,320 feet) to a neighborhood
- 22 park. Large outdoor recreation areas should be located at the periphery of neighborhoods
- 23 rather than in central locations. **[Ord. 2005-002]**
- 24

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EXHIBIT B

COMMUNITY RESIDENCES, CONGREGATE LIVING, AND
NURSING & TREATMENT FACILITIES

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Use Approval Process Key:		
P	Permitted by Right	A Subject to BCC Approval (Class A Conditional Use)
(1)	Supplementary Use Standards for each use must be reviewed regardless of the approval process set forth in the Use Matrix. Refer to the numbers in the Supplementary Use Standards column.	- Prohibited Use, unless stated otherwise within Supplementary Use Standards
(2)	The only residential use allowed in the RM or the PUD Zoning Districts, that has a CLR FLU designation, is a Type 3 Congregate Living Facility (CLF). [Ord. 2019-005]	
(3)	Residential uses within an MUPD may only be permitted when density is available through an underlying Residential or Agricultural Reserve Future Land Use designation. [Ord. 2019-005]	

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COMMUNITY RESIDENCES, CONGREGATE LIVING, AND NURSING & TREATMENT FACILITIES

CR-2017-0027
(Updated 3/17/2021)

Part 12. ULDC Art. 4.B.1.C.1, Use Regulations, Use Classification, Residential Uses, Definitions and Supplementary Use Standards for Specific Uses, Congregate Living Facility (CLF) (pages 15 and 16 of 199, Supplement 28), is hereby amended as follows:

Reason for amendments: [Zoning]
1. Revise the definition and standards for the Congregate Living Facility to remove the Type 1 and 2 standards and retain the Type 3 standards under Congregate Living Facility (remove the term Type 3 no longer needed since Type 1 and 2 are removed). Clarify the typical uses to include previously approved Congregate Living Facilities.
2. Remove signage as all signage must be in accordance with Art.8
3. Standard for Emergency Generators added and clarified in Art.5, remove from Article 4
4. Remove the licensing as it relates to Type 1 and 2 CLFs. The new Community Residences and Recovery Communities will require licensing and certification. Some Congregate Living Facilities that are for persons with disabilities that fall under what was a type 3 CLF will still require the appropriate licensing from the State agencies.
5. Approval process within the RS district remains the same for a Congregate Living Facility
6. Clarify the location criteria requiring the use to abut commercial type roadways, unless limited in the number of residents or located within in Planned Unit Developments.

1 CHAPTER B USE CLASSIFICATION

2 Section 1 Residential Uses

3

4 C. Definitions and Supplementary Use Standards for Specific Uses

5 1. Congregate Living Facility (CLF)

6 a. Definition

7 A facility which provides long-term care, housing, food service, and one or more assistive
8 care services for persons not related to the owner or administrator by blood or marriage. A
9 group living arrangement permanent or temporary for people without disabilities, or a group
10 living arrangement in which normalization and/or community integration are not integral
11 elements, or a group living arrangement for people undergoing treatment in a program
12 under the same or affiliated ownership, or congregare housing for people with disabilities
13 who pose a direct threat to the health or safety of others including as an alternative to
14 incarceration, or intermediate care or assisted living facilities that do not emulate a family.

15 b. LicensingTypical Uses

16 ~~Type 1 and 2 CLFs shall be licensed by one of the licensing entities referenced in F.S. §~~
17 ~~419.001. Typical uses may include, but are not limited to:~~

18 1) Group home or other CLF for housing for people without disabilities that does not
19 emulate a family;

20 2) Group home or other CLF arrangement for people who may be considered as a direct
21 threat to the health or safety of others, requires monitoring;

22 3) Intermediate care facility for developmentally disabled people that does not emulate a
23 family;

24 4) Assisted Living Facilities for adults with disabilities or elderly for the number of people
25 that exceed the thresholds to be considered a Community Residence and do not
26 emulate a family;

27 5) Shelters for victims of domestic abuse;

28 6) Previously approved Type 3 CLF, for people with disabilities that do not meet the
29 requirements of a Community Residential Home pursuant to F.S. § 419.01, and the
30 residents are:

31 a) Frail elders or disabled adults (F.S. § 429.65);

32 b) People with disabilities (F.S. § 760.22 (3)(a));

33 c) Persons who have a developmental disability (F.S. § 393.063);

34 d) Non-dangerous person who has a mental illness (F.S. ch. 394);

35 e) A child who is found to be dependent (F.S. § 39.01 or 984.03);

36 f) A child in need of services (F.S. § 984.03 or 985.03); or,

37 7) Previously approved Type 1 CLF or Type 2 CLF for people without disabilities that do
38 not meet the definition and requirements for Family Community Residence or
39 Transitional Community Residence.

40 c. Approval Process

41 1) RS Zoning District

42 A ~~Type 3~~ CLF may be allowed in the RS Zoning District with an MR-5, HR-8, HR-12,
43 or HR-18 FLU designation subject to a Class A Conditional Use approval. A ~~Type 3~~

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EXHIBIT B

COMMUNITY RESIDENCES, CONGREGATE LIVING, AND NURSING & TREATMENT FACILITIES

CR-2017-0027
(Updated 3/17/2021)

- 1 CLF in the RS Zoning District with an LR-1, LR-2, and LR-3 FLU designation shall be
2 prohibited. [Ord. 2019-005]
- 3 **d. Maximum Occupancy**
- 4 ~~1) Type 1 CLF~~
5 ~~Six persons, excluding staff.~~
- 6 ~~2) Type 2 CLF~~
7 ~~14 persons, excluding staff.~~
- 8 ~~3) Type 3 CLF~~
9 A Congregate Living Facility may include multiple dwelling units on a single lot. The
10 maximum occupancy shall be determined by FLUE Table 2.2.1-g.1 of the Plan and
11 multiplying the maximum allowable density by 2.39. A dwelling unit is equivalent to 2.39
12 residents/beds. [Ord. 2019-005]
- 13 **e. Separation**
- 14 ~~The separation requirements in this Section shall be measured from the nearest point of~~
15 ~~the existing CLF structure to the nearest point of the proposed CLF structure.~~
- 16 ~~1) Type 1 CLF~~
17 ~~A Type 1 CLF, shall not be located within a radius of 1,000 feet of another Type 1 CLF~~
18 ~~regulated by F.S. § 419.001 and within a radius of 1,200 feet of a Type 2 CLF.~~
- 19 ~~2) Type 2 CLF – RM Zoning District~~
20 ~~A Type 2 CLF located in the RM Zoning District shall not be located within a radius of~~
21 ~~1,200 feet of another CLF.~~
- 22 **fe. Location**
- 23 ~~A Type 3 CLF shall have frontage and access from a front or side street property line~~
24 ~~abutting a Local Commercial, a Collector, or an Arterial Street, except for the following:~~
- 25 ~~1) A Type 3 CLF having 25 residents or less may have frontage and access from a Local~~
26 ~~Street.~~
- 27 ~~2) A Type 3 CLF having 250 or fewer residents may be located in a Multifamily,~~
28 ~~Commercial, or Civic Pod with Residential Pod with attached housing, and may have~~
29 ~~access to a Local Residential Street or a parking tract in a PDD Residential Access~~
30 ~~Street.~~
- 31 **g. Lot Size**
- 32 ~~1) The minimum lot dimension for a Type 2 or Type 3 CLF shall be 8,000 square feet or~~
33 ~~the zoning district minimum lot requirement, whichever is greater.~~
- 34 ~~2) The required minimum acreage for a PDD may be reduced by 50 percent if it consists~~
35 ~~exclusively of a CLF.~~
- 36 **h. Type 2 or Type 3 CLFs – Fire Rescue Station**
37 ~~A Type 2 or Type 3 CLF shall be located within five miles of a full-service fire-rescue station.~~
- 38 **i. Drop-off Area, for Type 2 and Type 3, CLFs**
39 ~~A drop-off area shall be provided for group transportation, such as vans or similar vehicles.~~
- 40 **jf. Accessory Commercial Uses**
41 A limited amount of commercial uses may be Permitted by Right as accessory uses in a
42 Type 3 CLF. Such uses shall be limited to ~~Retail Sales and~~ Medical or Dental Office,
43 Personal Services, and Retail Sales uses designed exclusively to serve the residents of
44 the facility, such as a barber or beauty shop, ~~convenience retail sales, and~~ banking
45 services, ~~and convenience retail sales.~~ No more than ten percent of the GFA of the facility
46 shall be used for accessory commercial uses. There shall be no exterior signage or other
47 indication of the existence of these uses in the facility that may attract nonresidents.
- 48 **k. Signage**
49 ~~Signage for a Type 1 or Type 2 CLF shall be limited to one freestanding sign no more than~~
50 ~~four square feet in sign face area and six feet in height.~~
- 51 **lq. Congregate Living, Assistive Care Services**
52 Assistance with activities of daily living and limited nursing services.
- 53 **m. Emergency Generators**
54 ~~A permanent emergency generator shall be required for all Type 2 and Type 3 CLFs, and~~
55 ~~shall meet the standards of Art. 5.B.1.A.19, Permanent Generators.~~
- 56 **nh. Cooking Facilities**
57 A CLF shall provide and continuously maintain a central dining facility. ~~Food preparation~~
58 ~~shall be prohibited in sleeping areas or in individual quarters in Types 1 and 2 CLFs.~~
59 Individual kitchen facilities may be provided in the living quarters of a Type 3 CLF.
60
-

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EXHIBIT B

COMMUNITY RESIDENCES, CONGREGATE LIVING, AND NURSING & TREATMENT FACILITIES

CR-2017-0027
(Updated 3/17/2021)

Reason for amendments: [Zoning]
1. Add new use Family Community Residence, which is a type of Community Residence, based on recommendations by the Consultant based on his study and analysis. The Family Community Residence provides permanent housing for a specific group of residents who function as a family under one household. This type of use must be licensed or certified in accordance with Florida Statutes 419 or 397 but may also allow for other residents that are recovering from an illness or condition that is not licensed/certified by the State. The standards for the specific housing type also apply to this type of use.
2. The uses are allowed by right where single family is allowed provided it meets requirements for licensing/certification from the State, location and distance requirements and maximum number of residents
3. Add an allowance for a Type 2 Waiver, where the Zoning Commission provides a recommendation on the request and the Board of County Commissioners renders a final decision. The Standards are specifically relate to when Licensing/certification is not available by the State, when the proposed Family Community Residence is less than the proposed separation, or when the facility is requesting to have more residents, that are not licensed under 419,
4. Add reference to Article 2 to the Zoning Confirmation Letter, which will confirm the location, number and licensure for the proposed use. If the applicant cannot comply with these standards they would have to request a Type 2 Waiver, if allowed.
5. Add specific Supplementary Standards for the Family Community Residence as it relates to Location, Number of residents and license/certification. Along with compliance with the definition, these three criteria are required to be met in order for the use to be permitted by right. The allowance to exceed the number of residents, is only for proposed Community Residence not licensed by FS 419, and would be required to be approved by the BCC. For those residences that the State does not offer a license/certification, they would be required to seek approval as a Type 2 Waiver. Finally, if the proposed Residence is located less than the distance it would be required to see approval as a Type 2 Waiver.
6. Add provision, as described in the Study, that if a Zoning Confirmation Letter is issued, or the use has Commenced Development and a license/certification is not obtained, denied or revoked, by the State, Palm Beach County may revoke the approval, and the operator must provide safe housing for the residence.

1 **CHAPTER B USE CLASSIFICATION**

2 **Section 1 Residential Uses**

3

4 **3. Family Community Residence**

5 **a. Definition**

6 A Community Residence that provides a relatively permanent living arrangement for five
7 to ten people with disabilities which, in practice and/or under its rules, charter, or other
8 governing document, does not limit how long a resident may live there. The intent is for
9 residents to live in the dwelling unit on a long-term basis, longer than a year. A Family
10 Community Residence emulates a biological family to foster normalization of its residents
11 and integrate them into the surrounding community. Its primary purpose is to provide
12 shelter; foster and facilitate life skills; and, meet the physical, emotional, and social needs
13 of the residents in a family-like environment. Medical treatment is incidental, as in any
14 home.

15 **b. Typical Uses**

16 Typical uses shall conform to the definition and include, but not are limited to the following:

17 1) Oxford House or other long-term housing for people in recovery from substance use
18 disorder, and with no limit on tenancy in practice or in rules;

19 2) Community Residential Home (F.S. ch. 419);

20 3) Assisted Living Facility for disabled or elderly (F.S. § 429.02(5));

21 4) Adult Family-Care Home (F.S. § 429.60);

22 5) Intermediate Care Facility for developmentally disabled (F.S. § 400.96);

23 6) Recovery Residences (F.S. § 397.311) under Florida Association of Recovery
24 Residences, with incidental medical treatment, Level 2 Home or,

25 7) Previously approved Type 1 CLF or Type 2 CLF for people with disabilities and meet
26 definition and requirements for a Family Community Residence.

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EXHIBIT B

COMMUNITY RESIDENCES, CONGREGATE LIVING, AND NURSING & TREATMENT FACILITIES

CR-2017-0027
(Updated 3/17/2021)

c. Approval Process

1) Permitted by Right

a) CL/CH/CHO MUPD, IND/L PIPD, TND Residential Pod Ex/Rural Tier, TMD US, Ex/Rural, or AGR Development Area Zoning District

A Family Community Residence may be Permitted by Right within previously approved Single Family, Zero Lot Line, Cottage Homes, Townhouse, or Multi-family Dwelling units, subject to compliance with Licensing, Location, and Number of Residents.

2) DRO Approval

a) CL, CH, or CHO MUPD Zoning District

A Family Community Residence may be allowed in a proposed Zero Lot Line, Townhouse, or Multifamily dwelling units, subject to the approval procedures for those housing types.

3) Type 2 Waiver

A Family Community Residence may request a Type 2 Waiver pursuant to Art. 2.B.7.D, Type 2 Waiver, when the proposed use does not meet the requirements of one or more of the following:

a) Art. 4.B.3.d.1) Licensing or Certification, when licensing or certification is not required or available from the State of Florida or Florida Association of Recovery Residences. This does not apply when the Family Community Residence has been denied a license or certification, or it has been revoked;

b) Art. 4.B.3.e.2)a) Number of Residents, including staff that reside in the dwelling unit, are more than ten, but still meet the definition of Family Community Residence; or

c) Art. 4.B.3.f, Location, when the proposed Family Community Residence does not meet the minimum distance between other Community Residences or Recovery Communities.

4) Zoning Confirmation Letter

An Applicant proposing to have a Family Community Residence shall apply for a Zoning Confirmation Letter pursuant to Art. 2.C.8.C.A, Family Community Residence, Transitional Community Residence, or Recovery Community, in order to confirm compliance with Licensing, Number of Residents, and Location requirements.

d. Licensing, Certification, or Charter

1) A Family Community Residence shall be licensed or certified by one of the licensing entities referenced in F.S. § 419.001, § 397.311, or § 397.487; or obtain a charter for an Oxford House, as follows:

a) The appropriate available license, certification or charter that the State of Florida, or Florida Association of Recovery Residences, offers or requires to operate the proposed Family Community Residence, including any provisional license or certification issued prior to granting a full license or certification; pursuant to F.S. § 419.001, § 397.311, or § 397.487.

b) A "conditional" Oxford House Charter within 30 calendar days of the date on which the first individual occupies the Oxford House and a "permanent" Oxford House Charter within 180 calendar days after the "conditional" charter was issued.

2) A Type 1 or Type 2 CLF, that conforms to the definition of Family Community Residence, and located in the unincorporated Palm Beach County as of the effective date of Ordinance No. 2021-xxx, that is not currently licensed or certified by the State of Florida and that does not receive licensure, certification or recertification from the designated state entity within one calendar year from the effective date of Ordinance No. 2021-xxx, shall not be considered a conforming use and shall cease operation one calendar year from the effective date of Ordinance No. 2021-xxx or within 60 calendar days of the date on which certification, recertification, or the required license is denied, whichever date comes first. The operator of the unlicensed or uncertified facility must return residents to their families or relocate them to a safe and secure living environment.

e. Occupancy

1) Residents of a Family Community Residence may include, but are not limited to:

a) Frail elders or disabled adults (F.S. § 429.65)

b) People with disabilities (F.S. § 760.22 (3)(a));

c) Persons who have a developmental disability (F.S. § 393.063);

d) Non-dangerous person who has a mental illness (F.S. § 394.455);

e) A child who is found to be dependent (F.S. § 39.01 or 984.03);

f) A child in need of services (F.S. § 984.03) or (F.S. § 985.03);

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1 g) Residents of an Oxford House or persons recovering from substance abuse
2 disorder; or,

3 h) Staff who reside in the home as part of the Family Community Residence and play
4 an integral part of emulating a family.

5 **2) Number of Residents, including Staff that reside in the dwelling unit**

6 a) Minimum five and no more than ten residents; or,

7 b) Minimum five and no more than fourteen residents defined pursuant to F.S. §
8 419.001.

9 **f. Location**

10 The Family Community Residence shall be located at least 660 feet or seven lots
11 whichever is greater, from another Community Residence or Congregate Living Facility
12 with six or fewer residents; and at least 1,200 feet from a Recovery Community or
13 Congregate Living Facility with more than six residents. The separation requirement in this
14 Section shall be measured in linear feet from the closest points between the property lines.

15 **1) Exemption**

16 Per State law, Family Community Residences for people with developmental
17 disabilities located in a "planned residential community" as defined by F.S. §
18 419.001(1)(d), are exempt from the spacing requirements between Family Community
19 Residences established in this Code.

20 **g. Revocation**

21 An operator must provide evidence of license, certificate, or charter prior to the expiration
22 of the 12-month Zoning Confirmation Letter for Family Community Residence, as issued.
23 An operator who is unable to provide licensure, certification or charter or where a license,
24 certification, or charter was denied, revoked, or suspended shall not be allowed to operate
25 in PBC and the Zoning Confirmation Letter for the Family Community Residence shall
26 become null and void. Such an operator shall cease operation and vacate the premises
27 within 60 calendar days and the operator of the Family Community Residence shall return
28 residents to their families or relocate them to a safe and secure living environment.

Reason for amendments: [Zoning]
--

1. Add new use as recommended by the Consultant related to Community Residences, add Recovery Community standards and requirements. Recovery Community is approved in multifamily dwelling units operated by a licensed administrator. Residents may be under drug or alcohol addiction and do not emulate a family.
--

2. Recovery Communities are allowed where multi-family uses are allowed or other attached housing subject to certification and location requirements.

29 **CHAPTER B USE CLASSIFICATION**

30 **Section 1 Residential Uses**

31

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

33

34 **6. Recovery Community**

35 **a. Definition**

36 Multiple dwelling units in Townhouses or Multifamily housing, or a group of Single Family
37 or other detached dwellings, that are not held out to the general public for rent or
38 occupancy, that provides a drug-free and alcohol-free living arrangement for people in
39 recovery from substance use disorder, which, taken together, do not emulate a biological
40 family and are under the auspices of a single entity or group of related entities. Recovery
41 Communities include land uses for which the operator is eligible to apply for certification or
42 licensing from the State of Florida. The term does not include any other group living
43 arrangements for people who are not disabled nor any Community Residence, Congregate
44 Living Facility, institutional or medical use, shelter, lodging or boarding house, extended
45 stay hotel, nursing home, vacation rental, or other use defined in this this Code.

46 **b. Non-Conformities**

47 A Recovery Community located in the unincorporated Palm Beach County as of the
48 effective date of Ordinance No. 2021-xxx, that is not currently licensed or certified by the
49 State of Florida and that does not receive licensure, certification or recertification from the
50 designated State entity within one calendar year from the effective date of Ordinance No.
51 2021-xxx, shall not be considered a conforming use and shall cease operation one

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- 1 calendar year from the effective date of Ordinance No. 2021-xxx or within 60 calendar days
- 2 of the date on which certification, recertification, or the required license is denied,
- 3 whichever date comes first. The operator of the unlicensed or uncertified facility must return
- 4 residents to their families or relocate them to a safe and secure living environment.
- 5 **c. Approval Process**
- 6 **1) Permitted by Right**
- 7 **a) Residential Pod- PUD within Townhouse or Multi-family Housing.**
- 8 Recovery Community may be located within an existing or proposed Pod for
- 9 attached housing subject to the approval process for the specific housing structure,
- 10 and compliance with Licensing or Certification, Location, and Number of
- 11 Residents.:
- 12 **2) Type 2 Waiver**
- 13 A Recovery Community may request a Type 2 Waiver pursuant to Art. 2.B.7.D, Type
- 14 2 Waiver, when the proposed use does not meet the requirements of one or more of
- 15 the following:
- 16 a) Art. 4.B.6.f, Location
- 17 **3) Zoning Confirmation Letter**
- 18 An Applicant proposing to have a Recovery Community shall apply for a Zoning
- 19 Confirmation Letter pursuant to Art. 2.C.8.C.A, Community Residence or Recovery
- 20 Community, in order to confirm compliance with Licensing and Location requirements.
- 21 **d. Licensing or Certification**
- 22 A Recovery Community shall be licensed or certified by one of the certifying entities
- 23 referenced in F.S. § 397.487 and be actively managed by a certified recovery residence
- 24 administrator. Certificate of Compliance and/or renewal shall be provided for application
- 25 review.
- 26 **f. Location**
- 27 The Recovery Community shall be located at least 1,200 feet or ten lots whichever is
- 28 greater, from the closest Recovery Community, Community Residence, or Congregate
- 29 Living Facility. The separation requirement in this Section shall be measured in linear feet
- 30 from property line to property line.
- 31 **g. Revocation**
- 32 A Recovery Community facility that is denied a license or certification from the State's
- 33 licensing /certification entity or had its license or certification suspended or revoked, is not
- 34 allowed to operate in Palm Beach County and shall cease operation and vacate the
- 35 premises within 60 calendar days and the operator of the Family Community Residence
- 36 shall return residents to their families or relocate them to a safe and secure living
- 37 environment.

Reason for amendments: [Zoning]
1. Add new use Transitional Community Residence, which is a type of Community Residence, based on recommendations by the Consultant based on his study and analysis. The Transitional Community Residence provides temporary housing for a specific group of residents who function as a family under one household. This type of use must be licensed or certified in accordance with Florida Statutes 419 or 397 but may also allow for other residents that are recovering from an illness or condition that is not licensed/certified by the State. The standards for the specific housing type also apply to this type of use.
2. The uses are allowed by right where single family homes are allowed, when licensed under FS 419 and not exceeding 6 residents, meets the location and licensing/certification requirements. The use is allowed in RM or similar zoning Districts where multi-family is allowed for a maximum of 10 residents and 14 residents licensed under FS 419, and meets the licensing/certification, and location requirements.is allowed provided it meets requirements for licensing/certification from the State, location and distance requirements and maximum number of residents
3. Add an allowance for a Type 2 Waiver, where the Zoning Commission provides a recommendation on the request and the Board of County Commissioners renders a final decision. The Standards are specifically relate to when Licensing/certification is not available by the State, when the proposed Transitional Community Residence is less than the proposed separation, or when the facility is requesting to have more residents, that are not licensed under 419,
4. Add reference to Article 2 to the Zoning Confirmation Letter, which will confirm the location, number and licensure for the proposed use. If the applicant cannot comply with these standards they would have to request a Type 2 Waiver, if allowed.
5. Add specific Supplementary Standards for the Transitional Community Residence as it relates to Location, Number of residents and license/certification. Along with compliance with the definition,

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Reason for amendments: [Zoning]
these three criteria are required to be met in order for the use to be permitted by right. The allowance to exceed the number of residents, is only for proposed Community Residence not licensed by FS 419, and would be required to be approved by the BCC. For those residences that the State does not offer a license/certification, they would be required to seek approval as a Type 2 Waiver. Finally, if the proposed Residence is located less than the distance it would be required to see approval as a Type 2 Waiver.
6. Add provision, as described in the Study, that if a Zoning Confirmation Letter is issued, or the use has Commenced Development and a license/certification is not obtained, denied or revoked, by the State, Palm Beach County may revoke the approval, and the operator must provide safe housing for the residence.

1 **CHAPTER B USE CLASSIFICATION,**

2 **Section 1 Residential Uses**

3

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

5

6 **7. Transitional Community Residence**

7 **a. Definition**

8 A Community Residence that provides a relatively temporary living arrangement for
9 unrelated people with disabilities with a limit on length of tenancy less than a year which
10 may be measured in weeks or months as determined either in practice or by the rules,
11 charter, or other governing document of the Transitional Community Residence. A
12 Transitional Community Residence may service residents with substance use disorder who
13 may be undergoing detoxification at another location. A Transitional Community Residence
14 emulates a biological family to foster normalization of its residents and integrate them into
15 the surrounding community. Its primary purpose is to provide shelter; foster and facilitate
16 life skills; and, meet the physical, emotional, and social needs of the residents in a family-
17 like environment. Medical treatment is incidental, as in any home. Transitional Community
18 Residences include, but are not limited to, those residences that comport with this definition
19 that are licensed by the Florida Agency for Persons with Disabilities, the Florida
20 Department of Elderly Affairs, the Florida Agency for Health Care Administration, and the
21 Florida Department of Children and Families, under F.S. ch. 419, and sober homes certified
22 by the State's designated credentialing entity established under F.S. § 397.487.

23 **b. Typical Uses**

24 Typical uses shall conform to the definition, with less than one year of tenancy, and include
25 but are not limited to the following:

- 26 1) Halfway houses for people with disabilities that emulate a family, including people with
27 illness, addiction, physical disabilities, or mental illness;
28 2) Community Residential Facility pursuant to F.S. ch. 419;
29 3) Recovery Residences, F.S. § 397.311;
30 4) Recovery Residences, (F.S. § 397.487), under Florida Association of Recovery
31 Residences, with incidental medical treatment, Level 2-4 Home;
32 5) Short-term group home
33 6) Day or night treatment with community Housing 397.311; or
34 7) Previously approved Type 1 CLF or Type 2 CLF for people with disabilities with less
35 than one year on tenancy and meeting the definition of Transitional Community
36 Residence.

37 **c. Approval Process**

38 **1) Permitted by Right**

39 a) AGR, AR, RE, RT, RS, Detached units Residential Pod of a PUD, or Residential
40 Pod of a TND; or, ZLL or Cottage homes within CL/CH/CHO MUPD Zoning District
41 or IND/L PIPD Zoning District shall meet the following:

- 42 (1) Art. 4.B.7.d, Licensing or Certification;
43 (2) Art. 4.B.7.e, Occupancy; and
44 (3) Art. 4.B.7.f, Location.

45 b) IRO, UC, UI or RM Zoning District; or existing attached housing within a
46 Residential Pod of a PUD, CL/CH/CHO MUPD, Res/NC Pod of a TND, or TMD
47 Zoning District shall meet the following:

- 48 (1) Art. 4.B.7.d, Licensing or Certification;
49 (2) Art. 4.B.7.e, Occupancy; and

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1 (3) Art. 4.B.7.f, Location

2 **2) Type 2 Waiver**

3 A Transitional Community Residence may request a Type 2 Waiver pursuant to Art.
4 2.B.7.D, Type 2 Waiver, when the proposed use does not meet the requirements of
5 one or more of the following:

6 **a) AGR, AR, RE, RT, RS, Detached units Residential Pod of a PUD or Residential**
7 **Pod of a TND; or, ZLL or Cottage homes within CL/CH/CHO MUPD Zoning**
8 **District or IND/L PIPD Zoning District**

9 (1) Art. 4.B.7.e.2)a)(2) Number of Residents, include Staff that reside in the
10 dwelling unit are more than four, but do not exceed 10 residents; or

11 (2) Art. 4.B.7.f, Location, when the proposed Transitional Community Residence
12 does not meet the minimum distance between other Community Residences
13 or Recovery Communities.

14 **b) RM, MUPD, Residential Attached Unit Pod of a PUD, TMD or TND**

15 A Transitional Community Residence may request a Type 2 Waiver pursuant to
16 Art. 2.B.7.D, Type 2 Waiver, when the proposed use does not meet the
17 requirements of one or more of the following:

18 (1) Art. 4.B.7.d.1) Licensing or Certification, when licensing or certification is not
19 required or available from the State of Florida or Florida Association of
20 Recovery Residences. This does not apply when the Transitional Community
21 Residence has been denied a license or certification, or it has been revoked;

22 (2) Art. 4.B.7.e.2)b)(1) Number of Residents, including staff that reside in the
23 dwelling unit, are more than ten, but still meet the definition of Transitional
24 Community Residence; or

25 (3) Art. 4.B.3.f, Location, when the proposed Transitional Community Residence
26 does not meet the minimum distance between other Community Residences
27 or Recovery Communities.

28 **3) Zoning Confirmation Letter**

29 An Applicant proposing to establish a Transitional Community Residence shall apply
30 for a Zoning Confirmation Letter pursuant to Art. 2.C.8.C.A, Community Residence or
31 Recovery Community, in order to confirm compliance with Licensing, Number of
32 Residents, and Location requirements.

33 **d. Licensing, Certification, or Charter**

34 1) A Transitional Community Residence shall be licensed or certified by one of the
35 licensing entities referenced in F.S. § 419.001, § 397.311, or § 397.487; or obtain a
36 charter for an Oxford House, as follows:

37 a) The appropriate available license or certification that the State of Florida or Florida
38 Association of Recovery Residences, offers or requires to operate the proposed
39 Transitional Community Residence, including any provisional license or
40 certification issued prior to granting a full license or certification pursuant F.S. §
41 419.001, § 397.311, or § 397.487.

42 b) A “conditional” Oxford House Charter within 30 calendar days of the date on which
43 the first individual occupies the Oxford House and a “permanent” Oxford House
44 Charter within 180 calendar days after the “conditional” charter was issued.

45 2) A Type 1 or Type 2 CLF, that conforms to the definition of Transitional Community
46 Residence, and located in the unincorporated Palm Beach County as of the effective
47 date of Ordinance No. 2021-xxx, that is not currently licensed or certified by the State
48 of Florida and that does not receive licensure, certification or recertification from the
49 designated State entity within one calendar year from the effective date of Ordinance
50 No. 2021-xxx, shall not be considered a conforming use and shall cease operation one
51 calendar year from the effective date of Ordinance No. 2021-xxx or within 60 calendar
52 days of the date on which certification, recertification, or the required license is denied,
53 whichever date comes first. The operator of the unlicensed or uncertified facility must
54 return residents to their families or relocate them to a safe and secure living
55 environment.

56 **e. Occupancy**

57 1) **Residents of a Transitional Community Residence may include but are not**
58 **limited to:**

59 a) Frail elders (F.S. § 429.65)

60 b) People with disabilities (F.S. §760.22 (3)(a));

61 c) Persons who have a developmental disability (F.S. § 393.063)

62 d) Non-dangerous person who has a mental illness (F.S. § 394.455)

63 e) A child who is found to be dependent (F.S. § 39.01 or § 984.03);

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- 1 f) A child in need of services (F.S. § 984.03 or § 985.03)
2 g) Persons recovering from substance use disorder (F.S. § 397.311)
3 h) Staff who reside in the home of the Transitional Community Residence and play
4 an integral part of emulating a family.
5 **2) Number of Residents, including Staff that reside on the property:**
6 a) AGR, AR, RE, RT, RS, Detached units Residential Pod of a PUD, or Residential
7 Pod of a TND; or, ZLL or Cottage homes within CL/CH/CHO MUPD Zoning District,
8 (1) Six residents defined pursuant to F.S. § 419.001
9 (2) Residents not defined pursuant to F.S. § 419.001. require a Type 2 Waiver
10 b) IRO, UC, UI or RM Zoning District; or existing attached housing within a
11 Residential Pod of a PUD, CL/CH/CHO MUPD, Res/NC Pod of a TND, or TMD
12 Zoning District
13 (1) Five to ten; or
14 (2) Five to fourteen for residents defined pursuant to F.S. § 419.001.
15 **f. Location**
16 The Transitional Community Residence shall be located at least 660 feet or seven lots
17 whichever is greater, from another Community Residence or Congregate Living Facility
18 with six or fewer residents; and at least 1,200 feet from a Recovery Community or
19 Congregate Living Facility with more than six residents. The separation requirement in this
20 Section shall be measured in linear feet from property line to property line.
21 **1) Exemption**
22 Per State law, Transitional Community Residences for people with developmental
23 disabilities located in a “planned residential community” as defined by F.S. §
24 419.001(1)(d), are exempt from the spacing requirements between Transitional
25 Community Residences established in this Code.
26 **g. Revocation**
27 An operator must provide evidence of license, certificate, or Charter within the 12 month
28 Zoning Confirmation Letter for Transitional Community Residence, as issued. An operator,
29 who is unable to provide licensure, certification or Charter or where a license, certification,
30 or Charter was denied, revoked, or suspended, shall not be allowed to operate in PBC and
31 the Transitional Community Residence Zoning Confirmation Letter shall become null and
32 void. Such an operator shall cease operation and vacate the premises within 60 calendar
33 days and shall either return residents to their families or relocate them to a safe and secure
34 living environment.
35

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COMMUNITY RESIDENCES, CONGREGATE LIVING, AND NURSING & TREATMENT FACILITIES

CR-2017-0027 (Updated 3/17/2021)

1

Part 14. ULDC Art. 4.B.1.C.1, Use Regulations, Use Classification, Residential Uses, Definitions and Supplementary Use Standards for Specific Uses, Congregate Living Facility (CLF) (pages 15 and 16 of 199, Supplement 28), is hereby amended as follows:

Table with 1 column: Reason for amendments: [Zoning]. Rows 1-4 list amendments: 1. Modify the Use of Nursing Convalescent Facility to Skilled Nursing and Residential Treatment Home. 2. Added typical uses for this type of use. 3. Removal of minimum lot size. 4. Removal of the bed calculation for the RR Future Land Use designation.

2

C. Definitions and Supplementary Use Standards for Specific Uses

3

12. ~~Skilled Nursing Home~~ or ~~Convalescent Residential Treatment~~ Facility

4

a. Definition

5

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

6

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12

b. Licensing

13

~~A Nursing Home or Convalescent Facility~~ shall be required to be licensed by the State of Florida.

14

15

c. Typical Uses

16

Typical uses may include, but are not limited to:

17

1) Addiction receiving facility;

18

2) Detoxification Treatment Facility;

19

3) Residential Treatment Facility (F.S. ch. 394)

20

4) Nursing Home;

21

5) Convalescent Facility;

22

6) Hospice larger than a Single Family Dwelling unit;

23

7) Recovery Residences (F.S. § 397.311) under Florida Association of Recovery Residences, Level 1 Home"; or

24

8) Recovery Residences (F.S. § 397.311) under Florida Association of Recovery Residences, where medical treatment is more than incidental, Level 2-4 Home, which does not meet the requirements of a Community Residence.

25

26

27

28

d. Lot Size

29

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

30

d. Frontage

31

A minimum of 100 feet of frontage or the minimum requirement of the zoning district.

32

e. Access

33

If located in a residential FLU designation, access shall be provided from a Collector or Arterial Street.

34

f. Maximum Number of Patient Beds

35

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

36

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

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COMMUNITY RESIDENCES, CONGREGATE LIVING, AND NURSING & TREATMENT FACILITIES

CR-2017-0027 (Updated 3/17/2021)

Part 15. ULDC Art. 5.B.1.A.19, Supplementary Standards, Accessory Uses and Structures, Supplementary Regulations, Accessory Uses and Structures, Permanent Generators (pages 34 and 35 of 106, Supplement 28), is hereby amended as follows:

Table with 1 row: Reason for amendments: [Zoning] 1. Clarify those facilities that require a permanent emergency generator pursuant to F.S. § 400.99, for assisted living facilities, or facilities caring for disabled persons as defined in State Statutes.

1 CHAPTER B ACCESSORY USES AND STRUCTURES

2 Section 1 Supplementary Regulations

3 A. Accessory Uses and Structures

4

5 19. Permanent Generators

6 a. Applicability

7 1) Permitted Use

8 Use of permanent generators shall be permitted during periods of electrical power
9 outages in utility systems maintained by the utility service provider or when the BCC
10 declares a state of emergency. [Ord. 2006-004] [Ord. 2007-013]

11 2) Type 2 and 3 CLF, Club Houses, and Nursing or Convalescent Facility

12 A permanent emergency generator or other alternative power source shall be required
13 for all Type 2 and 3 CLFs assisted living facilities—excluding personal residences
14 (owner occupied) used as an assisted living facility for five or fewer residents, Nursing
15 or Convalescent Facilities homes, intermediate care facilities for the developmentally
16 disabled, or transitional living facilities for brain and spinal cord injury patients, pursuant
17 to F.S. § 400.492 and the Rule 59A-8.027, F.A.C.—, and PDD or TDD clubhouses
18 20,000 square feet, or greater. These uses may be approved as Community
19 Residences, Congregate Living Facilities, or Skilled Nursing or Residential Treatment
20 Facilities pursuant to Art. 4.B, Use Classification. [Ord. 2006-004] [Ord. 2007-013]

21

22 b. Standards

23

24 3) Type 2 and 3 CLF, PUD Club Houses, and Nursing Homes, and Other Uses
25 Referenced in Article 5.B.1.A.19.a.2)

26 Required generators or alternative power source shall have a minimum operating
27 capacity to provide service for the following: [Ord. 2006-004]

28 a) Essential Functions

29 Essential electrical systems within the building, including but not limited to, exit
30 lighting, emergency lighting, elevators, fire alarm system, bathroom exhaust fans,
31 and, bathroom hot water heaters. [Ord. 2006-004]

32 b) General Lighting

33 Lighting for a minimum of 30 percent of the building's GFA, including but not limited
34 to, main meeting or gathering area, hallways, and bathrooms. [Ord. 2006-004]

35 c) Multipurpose Room

36 Air conditioning for 30 percent of the building's GFA including the largest meeting
37 or gathering room. [Ord. 2006-004]

38 d) Fuel Storage

39 Sufficient to operate the generator for the minimum of 72 hours at the full load
40 capacity. [Ord. 2006-004]

41

42

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EXHIBIT B

COMMUNITY RESIDENCES, CONGREGATE LIVING, AND NURSING & TREATMENT FACILITIES

CR-2017-0027
(Updated 3/17/2021)

Part 16. ULDC Art. 5.G.1.A.2.e, Supplementary Standards, Density Bonus Programs, Workforce Housing Program (WHP), General, Applicability, Exemptions (pages 72 and 73 of 106, Supplement 28), is hereby amended as follows:

Reason for amendments: [Zoning]

1. Minor modification to remove all, as there will only be one type of Congregate Living Facility with the proposed modifications.

1 **CHAPTER G DENSITY BONUS PROGRAMS**

2 **Section 1 Workforce Housing Program (WHP)**

3 **A. General**

4 **1. Purpose and Intent**

5 The WHP is intended to increase the supply of housing opportunities for persons employed in PBC
6 in jobs that residents rely upon to make the community viable. The WHP implements Policies 1.1-
7 o and 1.5-g of the Housing Element of the Comprehensive Plan, among others, by establishing an
8 inclusionary WHP to provide Low, Moderate 1, Moderate 2, and Middle-Income housing. The
9 program mandates the provision of workforce housing for all new developments in the
10 Urban/Suburban Tier with a residential component of ten or more dwelling units; encourages the
11 development of additional workforce housing through a density bonus and other incentives;
12 encourages the equitable geographic distribution of workforce housing units; and, ensures a
13 minimum affordability period. The WHP is implemented by the Planning Division of the Planning,
14 Zoning and Building Department, and the Department of Housing and Economic Sustainability.

15 [Ord. 2019-033]

16 **2. Applicability**

17

18 **e. Exemptions**

19 1) Developments utilizing the AHP. [Ord. 2019-033]

20 2) ~~All~~ Congregate Living Facilities (CLFs) [Ord. 2019-033]

21

Part 17. ULDC Art. 5.G.1.A.2.e, Supplementary Standards, Density Bonus Programs, Affordable Housing Program (AHP), General, Applicability, Exemptions (pages 81 and 82 of 106, Supplement 28), is hereby amended as follows:

Reason for amendments: [Zoning]

1. Removing nursing and convalescent facility as this use is an institutional use and development is based on intensity, rather than density.

22 **CHAPTER G DENSITY BONUS PROGRAMS**

23

24 **Section 2 Affordable Housing Program (AHP)**

25

26 **B. Applicability**

27 In cases of conflict between this Chapter and other Articles of this Code, the provisions of this
28 Chapter shall apply. The AHP shall apply to developments with a residential component of 10 or
29 more dwelling units with all units being built on site. This shall include the expansion of existing
30 projects that add 10 or more dwelling units, where the program shall apply to those units being
31 added. Requirements and limitations are further defined in Table 5.G.2.B, Affordable Housing
32 Program. [Ord. 2009-040]

33 **1. Exemptions**

34 Congregate Living Facilities (CLFs); ~~and, nursing or convalescent facilities.~~ [Ord. 2009-040]

35

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EXHIBIT B

COMMUNITY RESIDENCES, CONGREGATE LIVING, AND NURSING & TREATMENT FACILITIES

CR-2017-0027
(Updated 3/17/2021)

Part 18. ULDC Art. 5.G.2.B.1, Supplementary Standards, Density Bonus Programs, Transfer of Development of Rights (TDRs) – Special Density Program, Applicability (page 87 of 106, Supplement 28), is hereby amended as follows:

Reason for amendments: [Zoning]
1. Clarify the cross-reference to Congregate Living Facility as it relates to calculation for density.

- 1 **CHAPTER G DENSITY BONUS PROGRAMS**
- 2
- 3 **Section 3 Transfer of Development of Rights (TDRs) – Special Density Program**
- 4
- 5 **C. Applicability**
- 6 This Chapter shall apply to property in unincorporated PBC which is located within designated
- 7 sending areas, as defined in Art. 5.G.3.F, Sending Areas. Development rights may be transferred
- 8 from sending areas pursuant to the procedures contained in this Chapter, to property which meets
- 9 the qualifications to receive such density according to Art. 5.G, Density Bonus Programs, and the
- 10 standards contained herein.
- 11
- 12 The use of TDR shall be allowed in all residential zoning districts within the U/S Tier and shall be
- 13 approved pursuant to this Chapter. TDR units may be utilized for all housing types. Additionally,
- 14 TDR units may be converted to CLF beds subject to the provisions of Art. 4.B.1.C.1, Congregate
- 15 Living Facility, whereby the total approved density, including TDR units, is utilized when calculating
- 16 permissible CLF occupants ~~per CLF~~.
- 17 **D. Previous Approvals**
- 18 All previously approved transfers of development rights, as long as they remain in force, shall
- 19 remain valid and shall not be affected nor changed by subsequent revisions to the TDR Program.
- 20

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EXHIBIT B

COMMUNITY RESIDENCES, CONGREGATE LIVING, AND NURSING & TREATMENT FACILITIES

CR-2017-0027
(Updated 3/17/2021)

Part 19. ULDC Art. 6.B.1, Parking, Loading, and Circulation, Parking and Loading, Calculation, Minimum Parking Requirements (pages 4 and 6 of 35, Supplement 28), is hereby amended as follows:

Reason for amendments: [Zoning]
1. Clarify that Parking calculations for Community Residences and Recovery Residences follow the same parking calculations as the type of structure whether single family or multifamily.

1 **CHAPTER B PARKING AND LOADING**

2 **Section 1 Calculation**

3 **A. Computing Parking Standards**

4

5 **4. Occupants**

6 When the calculation of required parking spaces is based on the number of occupants, the
7 calculation shall be based on the maximum number of persons legally residing on the premises
8 at any one time.

9

10 **B. Minimum Parking Requirements**

11

Table 6.B.1.B – Minimum Parking and Loading Requirements

Use Classification: Residential		Loading Standard
Congregate Living Facility, <u>Type 1, Type 2, Type 3</u>	0.6 spaces per unit or 0.25 per resident/bed whichever is greater; plus 1 space per 250 sq. ft. of office space	A (12)
Multifamily, <u>Recovery Community</u> , and Cottage Home (Multiple Units on a Single Lot)	1 space per efficiency unit; 1.75 spaces per unit (1 bedroom or more); plus 1 guest parking space per 4 units with common parking areas	N/A
Single Family, Cottage Home (Single Unit on a Single Lot), Zero Lot Line Home, Townhouse, Farm Residence, <u>Community Residence</u> or Mobile Home Dwelling	2 spaces per unit	N/A
Accessory Quarters, Caretaker Quarters, Groom's Quarters, Guest Cottage	1 space per unit	N/A
Farm Worker Quarters	1 space per 4 units	N/A
[Ord. 2016-042] [Ord. 2017-007] [Ord. 2017-025] [Ord. 2018-018] [Ord. 2019-005] [Ord. 2019-034] [Ord. 2020-001] [Ord. 2020-0YY]		

12

Use Classification: Institutional, Public, and Civic		Loading Standard
....		
<u>Skilled Nursing Home</u> or <u>Residential Treatment Home Convalescent Facility</u>	1 space per 3 beds; plus 1 space per 250 sq. ft. of office space	A (12)
....		
[Ord. 2006-004] [Ord. 2006-013] [Ord. 2009-040] [Ord. 2016-042] [Ord. 2017-007] [Ord. 2017-025] [Ord. 2019-005] [Ord. 2020-001]		

13

14

15 **C. Parking Spaces for Persons Who Have Disabilities**

16 Pursuant to F.S. § 553.513, the provision of parking spaces and passenger loading areas for
17 persons who have disabilities is governed by F.S. § 553.511, § 5041, and the current effective
18 version of the Florida Building Code, Accessibility. [Ord. 2005-002] [Ord. 2011-016] [Ord. 2020-
19 001]

Part 20. ULDC Art. 7, Landscaping (pages 12, 13, and 19 of 58, Supplement 28), is hereby amended as follows:

Reason for amendments: [Zoning]
1. Revise use reference in Landscape Waiver table as the revised use now called Congregate Living Facility
2. Clarify the references to attached and detached structures in regards to Incompatibility Buffer requirements where incompatibility buffers are required based on the housing types, attached or detached.

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EXHIBIT B

COMMUNITY RESIDENCES, CONGREGATE LIVING, AND NURSING & TREATMENT FACILITIES

**CR-2017-0027
(Updated 3/17/2021)**

1 **CHAPTER B APPLICABILITY AND APPROVAL PROCESS**

2

3 **Section 4 Type 1 Waiver for Landscaping**

4 An Applicant may seek minor modifications to the requirements of this Article that are identified in Table
5 7.B.4.A, Type 1 Waivers for Landscaping. Any requirements that are not listed herein may be eligible to be
6 modified through other applicable processes pursuant to Art. 2, Application Processes and Procedures.
7 The Applicant shall demonstrate in the Justification Statement and provide supporting documents that Art.
8 2.C.5.F.3, Standards for a Type 1 Waiver, and the applicable Criteria in the following Table have been met.
9 **[Ord. 2007-001] [Ord. 2016-042] [Ord. 2018-002]**

10 **A. Applicability**

11 Type 1 Waiver for Landscaping shall not be combined with other Variance requests for the same
12 requirements. **[Ord. 2018-002]**
13

Table 7.B.4.A – Type 1 Waivers for Landscaping

Article/Table Reference and Title	Maximum Waiver	Criteria
R-O-W Buffer		
Table 7.D.4.D, Location of Wall or Fence in a Landscape Buffer, Canopy Tree Planting for R-O-W Buffer	Allow a reduction of 25 percentage of required Canopy trees to be located on the exterior side of the wall or fence for R-O-W Buffers.	<ul style="list-style-type: none"> Since a wall or fence is not a requirement for a R-O-W Buffer, the Applicant shall demonstrate in the request that the proposed wall or fence is an integral design component for security or aesthetic purpose. The required trees shall be located on both sides of the wall or fence.
Incompatibility Buffer		
Art. 7.C.2.C.1, Elimination of Incompatibility Buffer (1)	Allow to eliminate the requirement of an Incompatibility Buffer for Residential Pods in a PDD or tracts within a residential subdivision.	<ul style="list-style-type: none"> The pod or tract is located adjacent to open space that is 100 feet or greater in width; or The site layout of the pod or tract will integrate recreational amenities with Multifamily-units and Congregate Living Facilities (CLFs).
Table 7.D.4.D, Location of Wall or Fence in a Landscape Buffer, Canopy Tree Planting for Incompatibility Buffer	Allow a reduction of 25 percent of required Canopy trees to be located on the exterior side of the wall or fence for Incompatibility Buffers.	<ul style="list-style-type: none"> The Applicant shall demonstrate in the request that the proposed wall or fence is an integral design component for security or aesthetic purpose. The required trees shall be located on both sides of the wall or fence.
Berm		
Art. 7.D.6.A, Berm Tier Restrictions	Allow landscape berms within the Exurban, Rural, Agricultural Reserve, or Glades Tiers.	<ul style="list-style-type: none"> Berms are utilized to improve screening of loading, parking, or vehicular use areas, and to address compatibility issues.
Foundation Planting		
Table 7.C.3.B, Foundation Planting and Dimensional Requirements – Façades to be Planted	Allow a 50 percent relocation of required foundation planting.	<ul style="list-style-type: none"> The foundation planting shall be relocated to another façade of the same building or structure, or to an expanded sidewalk that is located within 30 feet of the same building or structure; The relocated foundation planting shall have the minimum planting width; and, The overall total square feet for the foundation planting meets or exceeds the required foundation planting.
Landscape Islands and Parking Structures		
Table 7.C.4.A, Landscape Island and Divider Median – Planting and Dimensional Requirements, Landscape Island Width	Allow the reduction of width of landscape island to five feet excluding curbs.	<ul style="list-style-type: none"> For infill sites with less than 25 parking spaces.
Table 7.C.4.A, Landscape Island and Divider Median – Planting and Dimensional Requirements, Divider Median Shrub Planting	Allow relocation of shrubs from divider medians to other areas of the site.	<ul style="list-style-type: none"> For industrial developments that do not have significant public visitation and the nature of the use does not benefit for interior plantings in parking areas.
Art. 7.C.4.A.1, Landscape Island Maximum Spacing	Allow to increase the number of spaces or distance to provide larger interior islands.	<ul style="list-style-type: none"> To allow existing vegetation to be preserved or existing vegetation to be relocated within parking areas.

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EXHIBIT B

COMMUNITY RESIDENCES, CONGREGATE LIVING, AND NURSING & TREATMENT FACILITIES

CR-2017-0027
(Updated 3/17/2021)

1 restrictive buffer type based on the use difference between adjacent uses. Where required between pods
2 in a PDD, only one Incompatibility Buffer shall be required. [Ord. 2016-016] [Ord. 2018-002]
3

Table 7.C.2.C – Incompatibility Buffer Types

Difference Between Adjacent Uses (1)			
Use Classification	Abutting	Use Classification	Required Buffer Type
Residential, Detached (4)	↔	Residential, Attached (3)	Type 1
Residential, Detached (4)	↔	Congregate Living Facility, Type 3 CLF	Type 2
Residential	↔	Commercial	Type 2
Residential	↔	Recreational	Type 2
Residential	↔	Institutional, Public, and Civic	Type 2
Residential	↔	Agricultural	Type 3
Residential	↔	Industrial	Type 3
Residential	↔	Utility (2)	Type 3
[Ord. 2008-003] [Ord. 2016-016] [Ord. 2018-002] [Ord. 2018-018] [Ord. 2019-034]			
Notes:			
1.	Determination of use classification shall be consistent with Art. 4, Use Regulations. Where proposed development abuts vacant parcels, use classification shall be based upon Future Land Use (FLU) designation. [Ord. 2018-002]		
2.	Buffer for Minor Utilities or Electric Distribution Substation shall be determined by the DRO. [Ord. 2017-007] [Ord. 2018-002]		
3.	Shall also apply to Type 2 CLF. [Ord. 2018-002]		
3.	Attached Residential classification includes Multifamily, Cottage Homes with multiple units on a single lot, or Townhouse housing types. This shall also include Community Residences and Recovery Communities located in attached housing types.		
4.	Detached Residential classification includes Cottage Home on a single lot, Zero Lot Line, or Single Family housing types. This shall also include Community Residences and Congregate Living Facilities located in detached housing types.		

4
5

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EXHIBIT C

**ARTICLE 7 – LANDSCAPING
ARTICLE 14 – ENVIRONMENTAL STANDARDS
VEGETATION PRESERVATION AND PROTECTION**

**CR-2020-0022 and 0029
(Updated 03/17/2021)**

LDRAB FOLLOW-UP

12/16/2020 Meeting

1
2
3

<u>Agenda Item</u>	<u>Board Questions/Concerns</u>	<u>Follow-Up</u>	<u>Status</u>
Exhibit – Article 1, Article 2, Article 7, Article 14	Requirement to use a Landscape Architect	Revised definition of Environmental Professional to include examples of acceptable professions	Page 34, Line 11 - Complete
Exhibit – Article 1, Article 2, Article 7, Article 14	Re-evaluate amount of performance bond and consider a minimum amount	Established new amount of 125% and minimum amount of \$1,000.00	Page 42, Line 8 - Complete
Exhibit – Article 1, Article 2, Article 7, Article 14	Why boundary survey	Removed word boundary and made it certified survey	Page 39, Line 17 - Complete

Part 1. ULDC Art. 1.H.2, General Provisions, Definitions and Acronyms (pages 71 and 109 of 111, Supplement 28), is hereby amended as follows:

Reason for amendments: [Zoning/ERM]
1. To add a definition for Naturalized Tree.
2. To add a definition for Environmental Professional.
3. To add an acronym for Protection of Native Vegetation (PNV).

4 **CHAPTER H DEFINITIONS AND ACRONYMS**

5

6 **Section 2 Definitions**

7 E. Terms defined herein or referenced in this Article shall have the following meanings:

8

9 26. **Environmental Control Officer (ECO)** – is the person appointed by the ECB under Chapter
10 77-616, Special Acts, Laws of Florida, as amended.

11 **27. Environmental Professional** – for the purposes of Article 14.C, Vegetation Preservation and
12 Protection, a person who has extensive knowledge of South Florida’s native vegetation (i.e.
13 has the ability to identify species of native vegetation, and evaluate the health and condition of
14 native vegetation), and who holds one or more of the following professional certifications:
15 Certified Arborist, certified by the International Society of Arboriculture; Certified Environmental
16 Professional, certified by the Academy of Board Certified Environmental Professionals;
17 Certified Ecologist, certified by the Ecological Society of America.

18 **278. Environmentally Sensitive Lands** – ecological sites (ecosites), other than wetlands, that are
19 designated in the Inventory of Native Ecosystems in Palm Beach County and on its
20 accompanying aerial photographs as “A” quality, representing high-quality native Florida
21 upland ecosystems. These sites are indicated on the aerial photographs (received on May 30,
22 1989) that are on file at ERM and are incorporated herein by reference. Inventory of Native
23 Ecosystems in Palm Beach County is a report and annotated aeriels produced during the study
24 with this title, which was conducted by consultants under contract to PBC.

25[Renumber accordingly]

27 N. Terms defined herein or referenced in this Article shall have the following meanings:

28

29 9. **Natural Disaster Damage** – loss in structural integrity due to an act of nature such as
30 hurricane, tornado, wildfire, or flood. This does not include fire, termites, and other damages
31 not related to those listed herein. [Ord. 2010-005]

32 **10. Naturalized Vegetation** – native plant species of an undetermined origin that are established
33 on site.

34 **101. Nautical Mile** – for the purposes of Art. 16, Airport Regulations, a unit of length used in air
35 navigation, based on the length of one minute of arc of a great circle, and equivalent to U.S.
36 unit equal to 1,852 meters, or 6,076 feet.

37[Renumber accordingly]

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EXHIBIT C

**ARTICLE 7 – LANDSCAPING
ARTICLE 14 – ENVIRONMENTAL STANDARDS
VEGETATION PRESERVATION AND PROTECTION**

**CR-2020-0022 and 0029
(Updated 03/17/2021)**

1 Section 3 Abbreviations and Acronyms

- 2
3 **PMSP** Preliminary Master Sign Plan [Ord. 2009-040]
4 **PNV** Protection of Native Vegetation
5 **PO** Public Ownership [Ord. 2005-002]
6

Part 2. ULDC Art. 2.A.5, Application Processes and Procedures, General, Pre-Application Conference (PAC) and Pre-Application Appointment (PAA) (page 16 of 101, Supplement 28), is hereby amended as follows:

Reason for amendments: [Zoning/ERM]
1. Applicants are required to meet with Zoning or ERM Staff prior to submitting an application for the preservation, relocation, mitigation, etc. of existing vegetation on a parcel. This requirement is being added to Table 2.A.5, PAC and PAA.

7 CHAPTER A GENERAL

8

9 Section 5 Pre-Application Conference (PAC) and Pre-Application Appointment (PAA)

10 It is mandatory for the Applicants to meet with Staff prior to the official submittal of applications that are
11 listed in Table 2.A.5, PAC and PAA to identify issues related to the proposed request(s), and ensure the
12 requests are in compliance with the applicable Comprehensive Plan or Codes. [Ord. 2018-002]
13

Table 2.A.5 – PAC and PAA

	PAC		PAA
....	-		PO Deviations (3)
	-		<u>Existing Native Vegetation (4)</u>
	[Ord. 2018-002] [Ord. 2019-005]		
	Notes:		
....			
3.	The Zoning Director in consultation with the Applicant may determine a formal PAA is not required based on general discussions on this request. [Ord. 2019-005]		
4.	<u>Pursuant to Art 7.E, Existing Native Vegetation Prohibited and Controlled Plant Species, an Applicant shall meet with the Zoning Division and the Department of ERM prior to the submittal of an Application for a Development Permit to address the preservation of native vegetation on the affected site.</u>		

14
15

Part 3. ULDC Art. 7.E, Landscaping, Existing Native Vegetation, Prohibited, and Controlled Plant Species (pages 47 and 48 of 58, Supplement 28), is hereby amended as follows:

Reason for amendments: [Zoning/ERM]
1. To modify the Pre-Application Appointment to clarify that the this appointment will also determine if the existing vegetation is subject to the requirements of Article 7 or Article 14, and thus the Division/Department Zoning or ERM whom enforces the Code provision.
2. Some references to ERM are also being removed so as to mainly restrict provisions in Art. 7, Landscaping to vegetation controlled by Zoning and restrict the ERM provisions to Art 14, Environmental Standards.

16 CHAPTER E EXISTING NATIVE VEGETATION, PROHIBITED, AND CONTROLLED PLANT SPECIES
17

18 Section 1 Purpose

19 To establish standards and requirements for the preservation of existing native vegetation, removal of
20 prohibited species, and reduction of controlled species. For the purpose of this Article-7, existing native
21 vegetation includes native trees, palms, and pines and ~~are required to shall~~ be incorporated ~~in the site for~~
22 ~~any application with the vegetation required pursuant to this Article for any application~~ that is subject to a
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Art. 1, 2, 7, and 14, Vegetation Preservation and Protection.docx

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EXHIBIT C

ARTICLE 7 – LANDSCAPING ARTICLE 14 – ENVIRONMENTAL STANDARDS VEGETATION PRESERVATION AND PROTECTION

CR-2020-0022 and 0029
(Updated 03/17/2021)

1 DO. Existing native vegetation may satisfy the landscape requirements in this Article, in total or in part. In
2 determining whether native vegetation satisfies the requirements of this Article and the goals of Art. 14.C,
3 Vegetation Preservation and Protection, either one or both of the following shall be considered: **[Ord. 2018-
4 002]**

- 5 A. The effectiveness of utilizing the existing vegetation as visual screening and re-establish a natural
6 habitat for the existing vegetation; or **[Ord. 2018-002]**
7 B. The quality and species of the vegetation being preserved. **[Ord. 2018-002]**

8 Section 2 Authority and Review Procedures

9 The Zoning Director shall have the authority to require the preservation of vegetation on-site that is not
10 covered under Art. 14.C, Vegetation Preservation and Protection, subject to the following: **[Ord. 2016-016]**
11 **[Ord. 2018-002]**

12 A. ~~Pre-~~**Application Appointment (PAA)**

13 The Applicant shall meet with the Zoning Division and the Department of Environmental Resources
14 Management (ERM) prior to the submittal of the application. Staff shall coordinate with the
15 Applicant and ERM to address the preservation of native vegetation ~~in the early stage of~~
16 ~~development review~~, and to resolve design issues to the greatest extent, without impacting the
17 timeline for certification or approval of the application. Staff ~~may~~shall request conduct a site visit
18 with the Applicant to determine whether the existing vegetation is worthy of preservation, whether
19 the vegetation falls under Zoning or ERM authority, and inform the Applicant of the necessary
20 application requirements, including a Vegetation Survey to be submitted as part of the Zoning
21 application. Vegetation that has been determined to be under the authority of ERM, shall be subject
22 to the requirements of Art. 14.C, Vegetation Preservation and Protection. **[Ord. 2018-002]**

23 B. **Review and Permit Procedures**

24 The Zoning Division ~~and ERM~~ shall ~~collaborate on the~~ review ~~of~~ all applications that require
25 preservation of existing vegetation through: PAA; site visits; site design to maximize preservation;
26 and when appropriate, Conditions of Approval shall be imposed to ensure the requirements are
27 being monitored at Land Development review and Building Permit stages. **[Ord. 2018-002]**
28

29 Section 3 Credit and Replacement

30 This Section clarifies when existing vegetation can be utilized to satisfy Art. 7.C, Landscape Buffer and
31 Interior Landscaping Requirements and Art. 7.D, Landscape Standards. In addition, this Section also
32 establishes requirements for quantity and size for replacement. Replacement of vegetation may be required
33 due to injury, damage, or removal, which includes: improper pruning; hatracking; or, other actions that
34 render existing vegetation unable to achieve its natural and intended form. The quantity and the size of the
35 replaced vegetation is based on the size of the individual vegetation at the time when the vegetation was
36 injured, damaged, or removed. For the purpose of this Section, the term Vegetation shall include trees,
37 palms, or pines. **[Ord. 2018-002] [Ord. 2019-005]**

38 A. **Vegetation Credit**

39 Credit to satisfy Art. 7.C, Landscape Buffer and Interior Landscaping Requirements, and Art. 7.D,
40 Landscape Standards shall be granted for on-site preservation of existing vegetation when
41 accompanied by an approved Vegetation Survey with a Vegetation Disposition Chart, and indicated
42 on the Final Landscape Plan or Final ALP. **[Ord. 2018-002] [Ord. 2019-005] [Ord. 2020-001]**

43 1. **Approval**

44 The credited vegetation shall be approved by both the Department of ERM and the Zoning
45 Division. The Vegetation Survey, Vegetation Disposition Chart, and Final Landscape or Final
46 ALP shall clearly identify which vegetation is being preserved to satisfy the requirements of this
47 Article. **[Ord. 2020-001]**

48 2. **Excluded from Credit**

49 Credits shall not be permitted for vegetation: **[Ord. 2018-002] [Ord. 2019-005]**

- 50 a. Required for preservation by Art. 14.C, Vegetation Preservation and Protection (i.e. located
51 in required Preservation Areas, heritage, or champion trees);
52 b. Irreparably damaged during the construction process; **[Ord. 2018-002]**
53 c. Classified as prohibited or invasive non-native species as defined in Art. 14.C, Vegetation
54 Preservation and Protection; **[Ord. 2018-002]**
55 d. Dead, dying, diseased, or infested with harmful insects; or, **[Ord. 2018-002]**
56 e. Located in a sub-area of a planned development that is not intended to be developed for
57 residential, commercial, or industrial use, such as a Golf Course on an adjacent open
58 space parcel. **[Ord. 2018-002]**

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EXHIBIT C

ARTICLE 7 – LANDSCAPING
ARTICLE 14 – ENVIRONMENTAL STANDARDS
VEGETATION PRESERVATION AND PROTECTION

CR-2020-0022 and 0029
(Updated 03/17/2021)

Part 4. ULDC Art. 14.C, Environmental Standards, Vegetation Preservation and Protection (page 33 and 34 of 51, Supplement 26), is hereby amended as follows:

Table with 1 row: Reason for amendments: [Zoning/ERM]
1. The purpose of this amendment is to modify several references to improve clarity and be consistent with the terminology used within Art. 14.C, Vegetation Preservation and Protection.

1 CHAPTER C VEGETATION PRESERVATION AND PROTECTION

2

3 Section 4 Applicability

- 4 A. This Chapter shall apply within the unincorporated areas of PBC, Florida.
5 B. PBC shall have regulatory authority over the alteration or removal of non-native and native upland
6 vegetation, and the establishment and maintenance of upland preserve areas.
7 C. Terms specific to this Chapter are defined in Art. 1.H, Definitions and Acronyms. Terms not defined
8 in this Chapter shall be defined pursuant to Chapter 62, F.A.C., the document entitled, "Basis of
9 Review" (BOR), as amended, for Applications within the South Florida Water Management District,
10 dated November 1996, and Art. 1.H, Definitions and Acronyms, of this Code, as may be amended
11 from time to time. In the event that a term is defined in Chapter 62, F.A.C., or the BOR, the BOR
12 shall prevail. [Ord. 2008-040]
13 D. Vegetation subject to the authority of this Article is defined as native plant species that are located
14 on the site through natural recruitment, specimen native trees, or naturalized vegetation. Trees
15 planted as a result of the requirements of Art. 7, Landscaping are not subject to this Article.

16

17 Section 7 Protection of Native Vegetation Approval – Application, Process, and General
18 Standards

19 A. General
20 The application process and procedure set herein apply to the requirements for a Protection of
21 Native Vegetation (PNV) approval. The applications shall be submitted to ERM and in a manner
22 and forms established by ERM, unless otherwise stated herein. ERM shall review all applications
23 that require preservation of existing vegetation.

24 AB. Single Family Dwellings
25 All newly constructed Single Family ~~d~~Dwellings (SFDs) in a residential subdivision ~~will~~shall
26 automatically receive a Building Division Residential 1 & 2 Family Checklist with standard native
27 and non-native vegetation removal conditions as part of the Building Permit process. For the
28 purposes of this Chapter, a Single Family ~~(SF)~~ residential parcel ~~also~~ includes: SFD; Zero Lot Line;
29 and, Townhouse or Multifamily~~single~~ two-unit (duplex) residences and associated accessory
30 structures, and shall comply with the following standards: [Ord. 2008-040] [Ord. 2012-027] [Ord.
31 2018-018]

- 32 1. Removal of native vegetation shall be limited to the minimum necessary to accomplish the
33 purpose of the site plan. The Building Division Checklist shall include requirements that ensure
34 the intent of this provision is implemented. [Ord. 2008-040] [Ord. 2018-018]
35 2. ~~Complete r~~Removal or eradication of prohibited invasive non-native vegetation, as identified in
36 Appendix 5, Prohibited Invasive Non-Native Vegetation, and Appendix 6, Invasive Non-Native
37 Vegetation, shall be completed for the entire parcel or parcels of the Development Order prior
38 to receipt of the CO. Planting or installation of vegetation identified in Appendix 5, Prohibited
39 Invasive Non-Native Vegetation, and Appendix 6, Invasive Non-Native Vegetation, is
40 prohibited. The parcel owner shall maintain the parcel free of prohibited vegetation. No
41 additional permit for such maintenance of vegetation shall be required. [Ord. 2005-002] [Ord.
42 2006-004]

43
44 Notwithstanding anything in this Chapter to the contrary, all vegetation removal permits for
45 ~~Single Family residences, single two-unit (duplex) residences, and accessory structures~~
46 ~~associated with Single Family residential parcels~~ SF residential parcels in existence as of the
47 date of the adoption of this Chapter are void and of no effect, and all pending enforcement
48 actions related thereto are dismissed. ~~Single Family~~SF residential ~~Property~~parcel ~~O~~owners are
49 encouraged to maintain preserved native vegetation after site development is completed and

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EXHIBIT C

ARTICLE 7 – LANDSCAPING
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VEGETATION PRESERVATION AND PROTECTION

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1 to minimize the removal of native vegetation damaged by an extreme weather event such as a
2 storm, hurricane, or other natural disaster. [Ord. 2008-040] [Ord. 2014-001]
3

Part 5. ULDC Art. 14.C, Environmental Standards, Vegetation Preservation and Protection
(page 33 and 34 of 51, Supplement 26), is hereby amended as follows:

Table with 1 row: Reason for amendments: [Zoning/ERM]
1. The purpose of this amendment is to modify several references to improve clarity and be consistent with the terminology used within Art. 14.C, Vegetation Preservation and Protection.

4 CHAPTER C VEGETATION PRESERVATION AND PROTECTION

5

6 Section 7 Protection of Native Vegetation Approval – Application, Process, and General
7 Standards

8 ~~BC. Approval of Development for Commercial Projects, Government Projects, Schools, New
9 Construction of Utilities, Road Right-of-Way Projects, Projects Requiring DRO Review, and
10 Agricultural Operations Ten Acres in Size or Greater~~ Development of Other Uses and
11 Improvements

12 1. Applicability

13 The following uses and construction shall comply with this Subsection, unless exempted by
14 State Law for Building Permits:

- 15 a. MF residential over two units;
16 b. Commercial or industrial projects;
17 c. Construction of utilities, road right-of-way, and canals;
18 d. Schools;
19 e. Government projects;
20 f. Agricultural uses ten acres in size or greater; and,
21 g. Other construction, unless exempted by Art. 14.C.8, Exemptions.

22 2. Pre-Application Appointment

23 a. PZB Development Permit

24 The Applicant may meet with ERM or Zoning Staff, pursuant to the requirements of Art.
25 7.E.2.A, Pre-Application Appointment. Staff will determine whether ERM or Zoning is the
26 appropriate regulatory authority for the existing native vegetation on the subject parcel. The
27 regulatory authority for the trees shall be established prior to the sufficiency determination
28 on the Tree Disposition approved by ERM and the Zoning Division.

29 b. Any Other Application Requiring ERM Review of Vegetation

30 These applications shall follow the requirements and standards of the provisions below:

31 43. Requirements and Process

32 a. Projects involving the development of commercial projects, government projects, schools,
33 new construction of a utility, road right-of-way projects, projects requiring DRO review, and
34 agricultural operations of ten acres or greater shall apply to ERM for approval of said project
35 on forms provided by ERM. The provisions of the Art. 14.C.7, Application, Process, and
36 General Standards shall not apply on lands classified as Bona Fide Agriculture when the
37 regulatory activity is preempted by State law. The Applicant shall submit an application to
38 ERM for a PNV approval if native vegetation will be impacted by site development,
39 concurrently with a Final Site Plan or Administrative Review application. The Applicant shall
40 meet with ERM Staff prior to the submittal of the PNV application pursuant to the
41 requirements of this Chapter. Projects that are exempt from the DRO not subject to the
42 Final Site Plan or Administrative Review application processes, must make submit an
43 application for approval to remove native vegetation to ERM within 30 days of
44 making concurrently with an application for an initial Building Permit for the project. [Ord.
45 2008-040] [Ord. 2009-040] [Ord. 2014-001]

46 b. An application shall not be deemed complete until the application fee and all information
47 necessary to fully understand the extent, nature, and potential impacts of a proposed
48 project are received by ERM and approved by ERM prior to the scheduled DRO meeting
49 approval of a Zoning application or Building Permit application. Any additional information
50 for an application deemed insufficient at DRO meeting will not be approved until the next

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scheduled DRO meeting. Such information may include, but is not limited to: [Ord. 2008-040]

....

6) An incorporated vVegetation pPlan which graphically depicts the location and field tag number for each native tree-and-palmvegetation to remain undisturbed on the parcel during construction and the natural life of the vegetation. The incorporated vegetation plan may also be required to be incorporated as a feature of the site plan; [Ord. 2008-040]

7) A numbered tabular listVegetation Disposition Chart of all native vegetation surveyed, indicating the species of vegetation, the DBH or height of clear trunk if palm, and whether the parcel owner proposes to keep the vegetation in place, relocate it, offer it for surplus, remove it, or mitigate for its removal. The Vegetation Disposition Chart shall list all native Canopy trees with the DBH equal to or greater than six inches, with the exception of Dahoon Holly (Ilex cassine) that shall be measured at DBH equal to or greater than four inches, and native palms with trunk heights equal to or greater than eight feet; [Ord. 2008-040]

8) A recent certified survey overlaid with existing easements, the proposed improvements, and the native vegetation, which has been identified and certified by an Environmental Professional.

...[Renumber accordingly]

g. A pre-clearing meeting between ERM, the general contractor, and land clearing subcontractor to review the conditions within the PNV and Best Management Practices shall be required at least two business days prior to the commencement of land clearing activities unless ERM has waived the requirement in writing.

Part 6. ULDC Art. 14.C, Environmental Standards, Vegetation Preservation and Protection (page 35 of 51, Supplement 26), is hereby amended as follows:

Table with 1 row: Reason for amendments: [Zoning/ERM]
1. The purpose of this amendment is to reference an ERM PPM for the determination of donations to natural areas and to add specific language to regulate specimen sized native trees.

CHAPTER C VEGETATION PRESERVATION AND PROTECTION

....

Section 7 Protection of Native Vegetation Approval – Application, Process, and General Standards

~~BC. Approval of Development for Commercial Projects, Government Projects, Schools, New Construction of Utilities, Road Right-of-Way Projects, Projects Requiring DRO Review, and Agricultural Operations Ten Acres in Size or Greater~~Development of Other Uses and Improvements

24. Standards of Approval

No approval shall be issued unless the application demonstrates that the project: [Ord. 2008-040]

- a. Will not result in a net loss of wetland functions and values; [Ord. 2008-040]
b. Complies with water quality rules and standards set forth in Chapter 62-302, F.A.C.; [Ord. 2008-040]
c. Will not adversely affect the conservation of fish or wildlife or their habitats, or adversely affect recreational fisheries or their habitats; [Ord. 2008-040]
d. Will not adversely impact endangered or threatened species, and species of special concern, or their habitat; [Ord. 2008-040]
e. Incorporates into the design alternatives and modifications to avoid or minimize impacts to native vegetation. Existing native vegetation shall be incorporated into the site plan and protected during construction. Parcel improvement features shall be configured to minimize removal of existing native vegetation and maximize the use of areas dominated by prohibited and invasive non-native vegetation. Existing native vegetation that cannot be preserved in place shall be relocated to appropriate buffer and open space areas on the parcel. Relocatable native vegetation that cannot be incorporated into the parcel may be

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EXHIBIT C

ARTICLE 7 – LANDSCAPING ARTICLE 14 – ENVIRONMENTAL STANDARDS VEGETATION PRESERVATION AND PROTECTION

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1 considered surplus. There is no requirement to provide vegetation for surplus. Non-
2 re-locatable native vegetation with trunk diameters equal to or greater than six inches that
3 cannot be maintained on the parcel shall be mitigated in accordance with ~~Table 7.E.3.C,~~
4 ~~Vegetation Credit and Replacement~~ Table 14.C.7.B, Native Vegetation Mitigation or
5 through planting equivalent native vegetation, accepted by ERM prior to the receipt of the
6 Certificate of Occupancy for ~~s~~Single-unit Family projects or 75 percent completion of
7 construction of ~~m~~Multi-unitfamily projects, based on either total square footage or number
8 of units to be constructed. Native palms with gray wood equal to or greater than eight feet
9 that cannot be relocated must be replaced with native palms of like size. A planting plan
10 that clearly delineates proposed mitigation plantings from any required landscape plantings
11 must be approved by ERM prior to the issuance of the first Building Permit for the project.
12 **[Ord. 2008-037] [Ord. 2008-040] [Ord. 2009-040] [Ord. 2018-018]**

- 13 f. ERM shall also consider: **[Ord. 2005-002] [Ord. 2008-003]**
- 14 1) Alternative designs to limit the removal of native vegetation to the minimum necessary
15 while still allowing the Applicant to accomplish the purpose of the site plan; **[Ord. 2008-**
16 **040]**
 - 17 2) Preserving listed species in place or relocating to buffers, open space, or unimproved
18 portions of the parcel; **[Ord. 2008-040]**
 - 19 3) The likelihood of success for relocated native vegetation; **[Ord. 2008-040]**
 - 20 4) Mitigation or compensation for the loss of native vegetation; **[Ord. 2008-040]**
 - 21 5) Creation of a tree preservation area; **[Ord. 2008-040]**
 - 22 6) In lieu of replacement planting, when on-site mitigation has been exhausted or is
23 unavailable, a donation may be made to PBC for the Natural Areas Fund unless an
24 alternative plan that meets the purpose and intent of this Chapter has been approved
25 by the Director of ERM. The donation amount shall be based on the ~~average cost of~~
26 ~~the schedule provided in ERM PPM #EV-O-308 purchase, installation, and~~
27 ~~maintenance for one year of an equivalent number of replacement trees; and,~~ **[Ord.**
28 **2006-036] [Ord. 2008-037] [Ord. 2012-027]**
 - 29 7) Sabal palms may be allowed as replacement plantings for Canopy trees if approved
30 by ERM and planted at three-to-one (palms-to-required replacement trees) based on
31 ~~Table 7.E.3.C, Vegetation Credit and Replacement~~ Table 14.C.7.B, Native Vegetation
32 Mitigation, on ten-foot centers, plus or minus one foot, and grouped as shown on a
33 planting plan table approved by ERM. **[Ord. 2006-036] [Ord. 2008-040]**
- 34 g. Complies with any applicable Federal, State, or local designated preserve, conservation,
35 or mitigation area. **[Ord. 2008-040]**
- 36 h. Removes or eradicates prohibited invasive non-native vegetation, as identified in Appendix
37 5, Prohibited Invasive Non-Native Vegetation, and Appendix 6, Invasive Non-Native
38 Vegetation, shall be completed for the entire parcel or parcels of the Development Order
39 prior to receipt of the CO. Planting or installation of vegetation identified in Appendix 5,
40 Prohibited Invasive Non-Native Vegetation, and Appendix 6, Invasive Non-Native
41 Vegetation, is prohibited. The parcel owner shall maintain the parcel free of prohibited
42 vegetation. No additional permit for such maintenance of vegetation shall be required.
43 **[Ord. 2005-002] [Ord. 2006-004] [Ord. 2008-040]**

i. Specimen Tree Removal

44 Removal of any specimen tree (defined in Art. 1.H.2, Definitions) from non-exempt parcels
45 identified in Appendix 7, Specimen Tree List, is prohibited, unless the following criteria are
46 met:

- 47 1) The Applicant shall depict on the Site or Subdivision Plan any specimen tree in its
48 original location to the greatest extent possible;
 - 49 a) If there is no reasonable alternative that allows incorporation of the tree into the
50 parcel design, a specimen tree shall be relocated in a manner to ensure
51 survivability. The applicant shall provide appropriate documentation (e.g. an
52 Arborist Report), prepared by an Arborist, certified by the International Society of
53 Arboriculture, to ERM for review.
 - 54 b) If a specimen tree cannot be relocated, the parcel owner shall install mitigation
55 plantings consisting of native vegetation pursuant to Table 14.C.7.B, Native
56 Vegetation Mitigation Table. This requirement is in addition to the requirements
57 outlined in Art. 7, Landscaping, and any other Conditions of Approval.
- 58 2) Dahoon Holly (*Ilex cassine*) trees shall be replaced like size for like size for mitigation.
59

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ARTICLE 7 – LANDSCAPING
ARTICLE 14 – ENVIRONMENTAL STANDARDS
VEGETATION PRESERVATION AND PROTECTION

CR-2020-0022 and 0029
(Updated 03/17/2021)

Part 7. ULDC Art. 14.C, Environmental Standards, Vegetation Preservation and Protection (page 36 of 51, Supplement 26), is hereby amended as follows:

Table with 1 row: Reason for amendments: [ERM]
1. This amendment is to correct a spelling error.

1 CHAPTER C VEGETATION PRESERVATION AND PROTECTION

2

3 Section 7 Protection of Native Vegetation Approval – Application, Process, and General
4 Standards

5 BC Approval of Development for Commercial Projects, Government Projects, Schools, New
6 Construction of Utilities, Road Right-of-Way Projects, Projects Requiring DRO Review, and
7 Agricultural Operations Ten Acres in Size or Greater Development of Other Uses and
8 Improvements

9

10 35. Establishing Native Upland Preserves

11 All approvals for parcels equal to or greater than four acres shall be evaluated by ERM for the
12 establishment of a native upland preserve. Parcels that have significant or unique areas of
13 native upland vegetation, regardless of parcel size shall be required to designate a native
14 upland preserve equivalent to at least 25 percent of the total native upland vegetation on site
15 or otherwise comply with this Chapter. ERM encourages upland preserve areas greater than
16 one-half acre in size. New public park facilities constructed on parcels 20 acres in size or less
17 shall be exempt from the preserve requirements of this Chapter.

18
19 The Applicant shall provide an environmental assessment prepared by an environmental
20 professional for parcels with significant or unique areas of native vegetation at time of initial
21 application to determine the native upland preserve location, size, and configuration for
22 evaluation by ERM. The Applicant is encouraged to meet with ERM to determine the extent of
23 the assessment. The assessment shall include the following with photo documentation, at a
24 minimum: Florida Land Use and Cover Classification System (FLUCCS) map, a list of native
25 species, quality of the native ecosystem, overall identification and quality of the native species,
26 presence of listed species, ecosystem type, uniqueness of wildlife habitat, quality and quantity
27 of native vegetation (canopy, understory, and groundcover), compactness of the preserve, and
28 the proximity to other natural preserve areas and corridors. [Ord. 2019-034]

29 a. The preserve boundaries shall be designated in a certified survey submitted to ERM for
30 approval. No easements may be located within the boundaries of the preserve. Prior to
31 and during parcel alteration, the preserve boundaries shall be clearly marked and
32 appropriately barricaded. Permanent preserve boundary markers shall be installed and
33 proper documentation submitted to ERM prior to issuance of technical compliance or
34 monitoring release, if applicable, and shall be maintained by the parcel owner in
35 compliance with the approved Preserve Management Plan. The County may release the
36 preserve if the applicant offers to relocate the preserve to an area that meets the criteria
37 in Art. 14.C.7.B.6, Surplus Native Vegetation. [Ord. 2008-040] [Ord. 2019-034]

38[Re-number accordingly]

Part 8. ULDC Art. 14.C, Environmental Standards, Vegetation Preservation and Protection (page 38 of 51, Supplement 26), is hereby amended as follows:

Table with 1 row: Reason for amendments: [ERM]
1. The purpose of this amendment is to add a bond requirement to restore native plant communities that have been destroyed during construction or if the project is abandoned.

39 CHAPTER C VEGETATION PRESERVATION AND PROTECTION

40

41 Section 7 Protection of Native Vegetation Approval – Application, Process, and General
42 Standards

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ARTICLE 14 – ENVIRONMENTAL STANDARDS
VEGETATION PRESERVATION AND PROTECTION

CR-2020-0022 and 0029
(Updated 03/17/2021)

BC. Approval of Development for Commercial Projects, Government Projects, Schools, New Construction of Utilities, Road Right-of-Way Projects, Projects Requiring DRO Review, and Agricultural Operations Ten Acres in Size or Greater Development of Other Uses and Improvements

9. Performance Guarantee Required for Tree Mitigation or Restoration

a. Process

A performance guarantee in an amount equal to 125 percent of the replacement value of the trees listed on the approved Vegetation Disposition Chart pursuant to ERM PPM #EV-O-308.

b. Purpose and Intent

The purpose of the performance guarantee is to ensure that the obligations under the PNV are satisfied.

c. Execution

The performance guarantee shall be executed by a person with a legal interest in the parcel.

d. Form of Performance Guarantee

The performance guarantee shall be:

- 1) A cash deposit or certificate of deposit assigned to PBC; or
2) A performance bond issued by a State of Florida registered guarantee company which shall be listed on the U.S. Department of Treasury Fiscal Services, Bureau of Government Financial Operations in accordance with the performance bond PPM; or
3) A clean, irrevocable letter of credit in accordance with the letter of credit PPM.

e. Term of the Performance Guarantee Duration

- 1) The performance guarantee shall be kept in full force until all obligations there under are satisfied.
2) The performance guarantee shall remain in effect until:
a) such time that all conditions listed in the PNV are satisfied; or
b) a replacement performance guarantee for transfer of ownership of the project in conjunction with the transfer of the PNV approval issued for the project to another owner is reviewed and approved on forms provided by ERM.

f. Use of Performance Guarantee

In the event the PNV expires in advance of the completion of the conditions specified in the PNV approval, and no written request is approved by ERM for reinstatement within 30 calendar days of expiration, the Property Owner of the parcel shall be found in violation of Art. 14.C., Vegetation Preservation and Protection, and a claim against the guarantee shall be initiated consistent with the requirements outlined in ERM PPM #EV-O-308.

g. Exemptions

- 1) Palm Beach County projects are exempt from the performance guarantee for tree mitigation or restoration.
2) Projects whose total performance guarantee value would be less than \$1,000, are exempt from the performance guarantee for tree mitigation and restoration.

Part 9. ULDC Art. 14.C, Environmental Standards, Vegetation Preservation and Protection (page 38 of 51, Supplement 26), is hereby amended as follows:

Table with 1 row: Reason for amendments: [ERM]
1. The purpose of this amendment is to codify a Native Vegetation Table for ERM vegetation depicted on the tree disposition chart.

CHAPTER C VEGETATION PRESERVATION AND PROTECTION

Section 7 Protection of Native Vegetation Approval – Application, Process, and General Standards

BC. Approval of Development for Commercial Projects, Government Projects, Schools, New Construction of Utilities, Road Right-of-Way Projects, Projects Requiring DRO Review, and Agricultural Operations Ten Acres in Size or Greater Development of Other Uses and Improvements

U:\Zoning\CODEREV\Code Amendments\2021\02- LDRAB\03-Mar 24 2021\5- LDRAB-LDRC Packet\Exh. C - CR-2020-0022 and 29 Art. 1, 2, 7, and 14, Vegetation Preservation and Protection.docx

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EXHIBIT C

**ARTICLE 7 – LANDSCAPING
ARTICLE 14 – ENVIRONMENTAL STANDARDS
VEGETATION PRESERVATION AND PROTECTION**

**CR-2020-0022 and 0029
(Updated 03/17/2021)**

710. Mitigation or Restoration

- a. ~~For replacement vegetation which dies other than through a natural occurrence, the replacement value shall be that in Table 14.C.7.B, Native Vegetation Mitigation. Should replacement values not be found in the Table, the vegetation shall be replaced like size for like size.~~ When native trees are removed or damaged contrary to written approval by ERM or when trees that were to be preserved in place or relocated are damaged or destroyed during activities conducted with ERM approval, they shall be ~~replaced~~**mitigated** at double the rate shown in the Table ~~7.E.3.C, Vegetation Credit and Replacement~~**14.C.7.B, Native Vegetation Mitigation.** ~~For replacement vegetation which dies other than by damage or destruction, the replacement value shall be that in Table 7.E.3.C, Vegetation Credit and Replacement. Should replacement values not be found in the Table, the vegetation shall be replaced like size for like size.~~ The Vegetation Survey, Vegetation Disposition Chart, and Final Landscape or Final ALP shall clearly identify which vegetation is being preserved to satisfy the requirements of this Article. ERM may approve the planting of native vegetation equivalents other than the replacement values specified in Table ~~7.E.3.C, Vegetation Credit and Replacement~~**14.C.7.B, Native Vegetation Mitigation.** [Ord. 2008-040] [Ord. 2009-040] [Ord. 2012-027]

Table 14.C.7.B – Native Vegetation Mitigation

Tree or Pine Diameter at 4.5' Above Grade (1)(2)(3)	=	Quantity for Mitigation (4)
< 6"	=	0
6-8"	=	2
9-11"	=	3
12-14"	=	4
15-17"	=	5
18-20"	=	6
21-23"	=	7
24-26"	=	8
≥ 27"	=	9
Notes:		
1.	Fractional measurements shall be rounded in accordance with Art.1.C.1.A.2, Interpretation and Application.	
2.	Dahoon Holly (<i>Ilex cassine</i>) trees shall be replaced like size for like size for mitigation as pursuant to Art. 14.C.7.B.4.i, Specimen Tree Removal.	
3.	Palms mitigation shall be one for one and equivalent trunk height and subject to Art. 14.C.7.B.1.b.7) and Art 14.C.7.B.4.e.	
4.	Replacement of vegetation for sites found in violation with irreparable or irreversible harm shall be pursuant to Art. 14.C.12, Violations.	

Part 10. ULDC Art. 14.C.8.E, Environmental Standards, Vegetation Preservation and Protection, Exemptions, Landscape Plant Removal (page 39 of 51, Supplement 26), is hereby amended as follows:

Reason for amendments: [ERM]
1. The purpose of this amendment is to add native to the landscape reference indication regulated landscape material.

CHAPTER C VEGETATION PRESERVATION AND PROTECTION

Section 8 Exemption

E. Landscape Plant Removal

Removal or alteration, from an improved parcel, of native and non-native vegetation installed as landscape, provided the activity complies with the requirements of Art. 7, Landscaping, as amended, and no removal or alteration occurs from native upland vegetation buffers, preserves, or jurisdictional wetlands.

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EXHIBIT C

ARTICLE 7 – LANDSCAPING
ARTICLE 14 – ENVIRONMENTAL STANDARDS
VEGETATION PRESERVATION AND PROTECTION

CR-2020-0022 and 0029
(Updated 03/17/2021)

Part 11. ULDC Art. 14.C.12, Environmental Standards, Vegetation Preservation and Protection, Violations (page 41 and 42 of 51, Supplement 26), is hereby amended as follows:

Reason for amendments: [ERM]
1. The purpose of this amendment is to reference specimen tree violations and to address removal of native vegetation without a PNV approval.

1 CHAPTER C VEGETATION PRESERVATION AND PROTECTION

2

3 Section 12 Violations

4 A. Violations

5 A violation shall be:

- 6 1. The alteration or removal of one specimen tree, or the alteration or removal of up to 1,500
- 7 square feet of native vegetation without an approval from ERM, unless expressly exempt under
- 8 this Chapter. Alteration or removal of each additional specimen tree and alteration of each
- 9 additional 1,500 square feet of native vegetation or portion thereof in violation of this Chapter
- 10 shall constitute a separate and additional violation. [Ord. 2008-040] [Ord. 2009-040]

11

12 B. Enforcement

13 ~~1.~~—To enforce compliance with this Chapter, the County may issue a cease and desist order or

14 require that a Building Permit or CO be withheld. A violation of this Chapter shall be punishable by

15 one or more of the following: [Ord. 2008-040]

16 1. Violations involving activities conducted without a valid PNV approval that may otherwise have

17 been permitted will require the submittal of a PNV application, the appropriate application fee

18 and be subject to the remedies outlined in Art. 10, Enforcement of the Code, or other remedies

19 pursuant to this Article;

20 2. Activities conducted with a valid PNV approval that are inconsistent with the stated approval

21 conditions and result in a need to modify the existing approval will require an application to

22 modify the PNV, the appropriate application fee and be subject to the remedies outlined in

23 Article 10, Enforcement of the Code or other remedies pursuant to this Article;

24 ~~a~~3. Remedies outlined in Art. 10, Enforcement, of the Code; [Ord. 2008-003] [Ord. 2008-040]

25 ~~b~~4. Any applicable remedies under F.S. ch. 125 and F.S. ch. 162, as amended; [Ord. 2008-003]

26 ~~e~~5. PBC may take any other appropriate legal action, including but not limited to, administrative

27 action, and requests for temporary and permanent injunctions to enforce the provisions of this

28 Chapter; and, [Ord. 2008-003] [Ord. 2008-040]

29 ~~e~~6. ERM Wetlands Alteration Permits issued prior to, and with obligations beyond the effective

30 date of this Chapter, shall remain in full force and effect. Accordingly, the enforcement

31 provisions herein shall apply to any violation of an ERM Wetlands Alteration Permit issued prior

32 to, and with obligations beyond, the effective date of this Chapter, except that violations of

33 Single Family dock permits issued pursuant to the agreement between PBC and the USACOE

34 (adopted as Resolution No. R-89-120 and dated January 24, 1989), shall be referred to the

35 USACOE, and ERM Mangrove Trimming Permit violations shall be referred to the DEP. In the

36 event the DEP directs ERM to enforce a violation of a permit issued under the mangrove

37 delegation agreement between PBC and the DEP, dated January 21, 1997, the enforcement

38 provisions herein, in addition to any State-mandated enforcement provisions, shall apply.

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EXHIBIT D

ARTICLE 2 – APPLICATION PROCESSES AND PROCEDURES
ADMINISTRATIVE DEVELOPMENT ORDER APPEALS TO HEARING
OFFICERS

CR-2020-0025
(Updated 03/17/21)

Part 1. ULDC Art. 2.A.14.C.2.b, Application Processes and Procedures, General, Appeal, Non-Judicial Relief, Processes, Administrative DO (pages 23 and 24 of 101, Supplement 28), is hereby amended as follows:

Reason for amendments: [Zoning]
1. Clarify any Development Review Officer (DRO) condition(s) in addition to decision, may also be subject to appeal, and change terminology of “the ULDC” to “this Code” when referencing in itself.

1 CHAPTER A GENERAL

2

3 Section 14 Appeal

4

5 C. Non-Judicial Relief

6

7 2. Processes

8

9 b. Administrative DO

10 Any Person seeking a DO approval from the DRO, except for Type 1 Waivers, may appeal
11 that decision or condition(s) to the Hearing Officer according to the following: [Ord. 2005-
12 002] [Ord. 2011-016] [Ord. 2012-027] [Ord. 2018-002]

- 13 1) The Hearing Officer shall consider the appeal petition within 60 days of its filing or a
14 date agreed upon by the Applicant and the DRO. The Zoning Division shall coordinate
15 and establish the date for the ~~DRAB~~ hearing. [Ord. 2011-016]
- 16 2) The Hearing Officer may reverse or affirm or modify the decision or condition(s) of the
17 DRO. [Ord. 2011-016] [Ord. 2018-002]
- 18 3) At the hearing, the Hearing Officer shall only consider testimony and argument relating
19 to the application, supporting documentation, and any staff report or documentation
20 presented at the time of the DRO decision or condition(s). [Ord. 2011-016] [Ord. 2018-
21 002]
- 22 4) The decision or condition(s) of the DRO shall be presumed correct and the Person
23 seeking the appeal shall have the burden of demonstrating error. The Hearing Officer
24 shall defer to the discretion of the DRO in interpreting ~~the ULDC~~ this Code and shall
25 not modify or reject the interpretation if it is supported by substantial competent
26 evidence, unless the interpretation is found to be contrary to the Plan, this Code, or the
27 Official Zoning Map. [Ord. 2011-016] [Ord. 2018-002]

28

Part 2. ULDC Art. 2.G.3.G.2, Decision Making Bodies, Appointed Bodies (pages 82 and 84 of 101, Supplement 28), is hereby amended as follows:

Reason for amendments: [Zoning]
1. Exhibit B, Part 10 of Ordinance No. 2018-002 removed under the Powers and Duties subject of the Development Review Appeals Board (DRAB) "to hear and decide appeals from, decisions of, and conditions imposed by the DRO with regard to action taken on an application for a final development permit" as this had been diverted to Hearing Officers, but was not carried forward to the appropriate Subsection. Furthermore, this subparagraph was not removed during codification of Supplement 23, instead inadvertently removing the preceding subparagraph enumerating "to hear, consider and decide appeals from decisions of the Planning Director on applications for Entitlement Density, and WHP." This amendment corrects these glitches accordingly.

29 CHAPTER G DECISION MAKING BODIES

30

31 Section 3 Appointed Bodies

32

33 C. Development Review Appeals Board

34 1. Establishment

35 There is hereby established a Development Review Appeals Board (DRAB).

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EXHIBIT D

ARTICLE 2 – APPLICATION PROCESSES AND PROCEDURES
ADMINISTRATIVE DEVELOPMENT ORDER APPEALS TO HEARING
OFFICERS

CR-2020-0025
(Updated 03/17/21)

2. Powers and Duties

The DRAB shall have the following powers and duties under the provisions of this Code:
a. to hear, consider, and decide appeals, decisions of the Zoning Director on applications for Certificates of Concurrency Reservation and Concurrency Exemption Extension; and
~~b. to hear and decide appeals from, decisions of, and conditions imposed by the DRO with regard to action taken on an application for a final Development Permit.~~
b. to hear, consider, and decide appeals from decisions of the Planning Director on applications for Entitlement Density and WHP. [Ord. 2007-013] [Ord. 2018-002]

....
G. Hearing Officers

1. Creation and Appointment

The County Administrator may, from a pool selected by the BCC, appoint one or more ~~h~~Hearing ~~e~~Officers to hear and consider such matters as may be required under any provision of this Code or under any provision of any other ~~Palm Beach County~~PBC Ordinance as may be determined to be appropriate by the BCC from time to time. Such ~~h~~Hearing ~~e~~Officers shall be selected pursuant to the procedures and minimum qualifications provided for in Art. 2.G.3.B, Code Enforcement Special Master, and shall serve at the pleasure of the BCC for such period as is determined by the Board. Code Enforcement Special Masters may serve ex officio as Hearing Officers as set forth in this Section. [Ord. 2010-022] [Ord. 2015-006]

2. Powers and Duties

A ~~h~~Hearing ~~e~~Officer shall have the following powers and duties under the provisions of this Code:
a. to conduct hearings and issue administrative orders on such matters as may be requested by the BCC;
b. to issue subpoenas to compel the attendance of witnesses and production of documents, and to administer oaths to witnesses appearing at the hearing; ~~and~~;
c. to perform such other tasks and duties as the BCC may assign; ~~and~~;
d. to hear and decide appeals of the DRO’s decision or specific DRO condition(s), unless stated otherwise.

Part 3. ULDC Art. 2.G.4.G.4.g, Decision Making Bodies, Staff Official, Development Review Officer (DRO), Procedures, Appeal (page 93 of 101, Supplement 28), is hereby amended as follows:

Reason for amendments: [Zoning]
1. Correct that appeals to decisions, and clarify condition(s), by the DRO are subject to the Hearing Officer since Ordinance No. 2018-002.

CHAPTER G DECISION MAKING BODIES

Section 4 Staff Officials

....
G. Development Review Officer (DRO)

....
4. Procedures

....
g. Appeal

Appeal of any decision or condition(s) of the DRO shall be ~~made to scheduled before~~ the ~~DRAB~~Hearing Officer based on the requirements in Art. 2.A.14.C.2.b, Administrative DO, unless stated otherwise. [Ord. 2011-016]

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EXHIBIT E

ARTICLE 5 – SUPPLEMENTARY STANDARDS DUMPSTER SETBACKS

CR-2020-0019
(Updated 03/17/21)

1 Part 1. ULDC Art. 5.B.1.A.8, Supplementary Standards, Accessory Uses and Structures,
2 Supplementary Regulations, Accessory Uses and Structures, Dumpsters (page 21 of
3 106, Supplement 28), is hereby amended as follows:

Reason for amendments: [Zoning]
1. Industry believes that the current dumpster setback requirement of 25 feet from all property lines and zoning districts is too restrictive, as it causes dumpsters to be located towards the interior of new developments, causing site design conflicts especially for new residential uses. Most recently, Ordinance No. 2018-002 amended this Subsection causing dumpsters to be set back a minimum of 25 feet from property lines in all zoning districts. Previously, Ordinance No. 91-15 (of the 1973 Zoning Code) required a 25-foot setback only from adjacent residential districts and uses. Staff research has determined that the 2018 amendment was contrary to previous Code interpretations (see the Interpretation Meeting Minutes of August 10, 2012 and June 23, 2017), where it was determined no underlying setbacks should be applied to dumpsters, however, must be setback 25 feet from residential, not encroach into landscape buffers or easements, and not interfere with site circulation. This amendment would revert back to requiring a 25-foot setback only from residential zoning districts and uses, and also clarify required landscape screening and buffer design for dumpster enclosures.
2. Clarify that the setback requirement shall be measured from required storage areas, as outdoor receptacles such as dumpsters are not in a fixed, static location when picked up and dropped off by garbage trucks. Instances of “container,” “refuse containers,” and “dumpsters” have been removed to avoid redundancy and confusion, or changed to “outdoor receptacles” as verbiage consistent with the Subsection paragraph to clarify all containers, for the “storage and disposal of refuse, vegetation, and recyclable material” shall follow these requirements.
3. Clarify that if the required storage area enclosure abuts a landscape buffer, the more restrictive landscaping requirement, whether in this Subsection or Art. 7, Landscaping, shall apply along the extent of the enclosure.

4 CHAPTER B ACCESSORY USES AND STRUCTURES

5 Section 1 Supplementary Regulations

6 A. Accessory Uses and Structures

7 8 8. Dumpsters

9 Each use shall provide a method for the removal of refuse when individual collection, from a
10 licensed solid waste hauler is not provided. All outdoor receptacles for the storage and disposal
11 of refuse, vegetation, and recyclable material, such as dumpsters, trash compactors, and
12 recycling containers, shall meet the following standards:

13 a. Storage Area

14 A minimum of one refuse container and one recycling container shall be provided for each
15 non-residential project and ~~per~~ Multifamily projects with 16 units or more. All ~~refuse~~
16 ~~containers~~outdoor receptacles shall be stored in a storage area. Storage areas shall have
17 a minimum dimension of ten feet by ten feet. [Ord. 2018-002]

18 b. Location

19 ~~Containers s~~shall be located to minimize turning and back-up movements by pick-up and
20 removal vehicles, ~~and Dumpster~~ shall not encroach into easements ~~or~~ landscape buffers,
21 ~~or parking spaces~~. [Ord. 2018-002]

22 c. Setback

- 23 1) ~~Dumpsters located in a Commercial Pod of a PUD s~~shall comply with Art. 3.E.2.E.2.b,
24 Design when located in a Commercial Pod of a PUD. [Ord. 2018-002]
25 2) ~~In all other zoning districts, dumpsters s~~shall be set back a minimum of 25 feet from
26 all property lines adjacent to residential zoning districts and uses. If adjacent to a non-
27 residential zoning district or use, the landscape buffer width shall serve as the setback.
28 [Ord. 2018-002]

29 d. Screening

30 ~~Containers s~~shall be screened from view by a solid opaque enclosure. The open end of
31 the enclosure shall have an opaque gate which provides a minimum of ten feet of clearance
32 when open for service. All exposed exterior sides of the enclosure, other than the open
33 end, shall be landscaped with one 36-inch-high shrub planted 24 inches on center. If
34 improvements are proposed for previously approved ~~containers~~storage areas, screening
35 shall be provided to the greatest extent possible. Enclosure vegetation planting shall not
36 be required in any location where the planting overlaps a buffer. [Ord. 2018-002]

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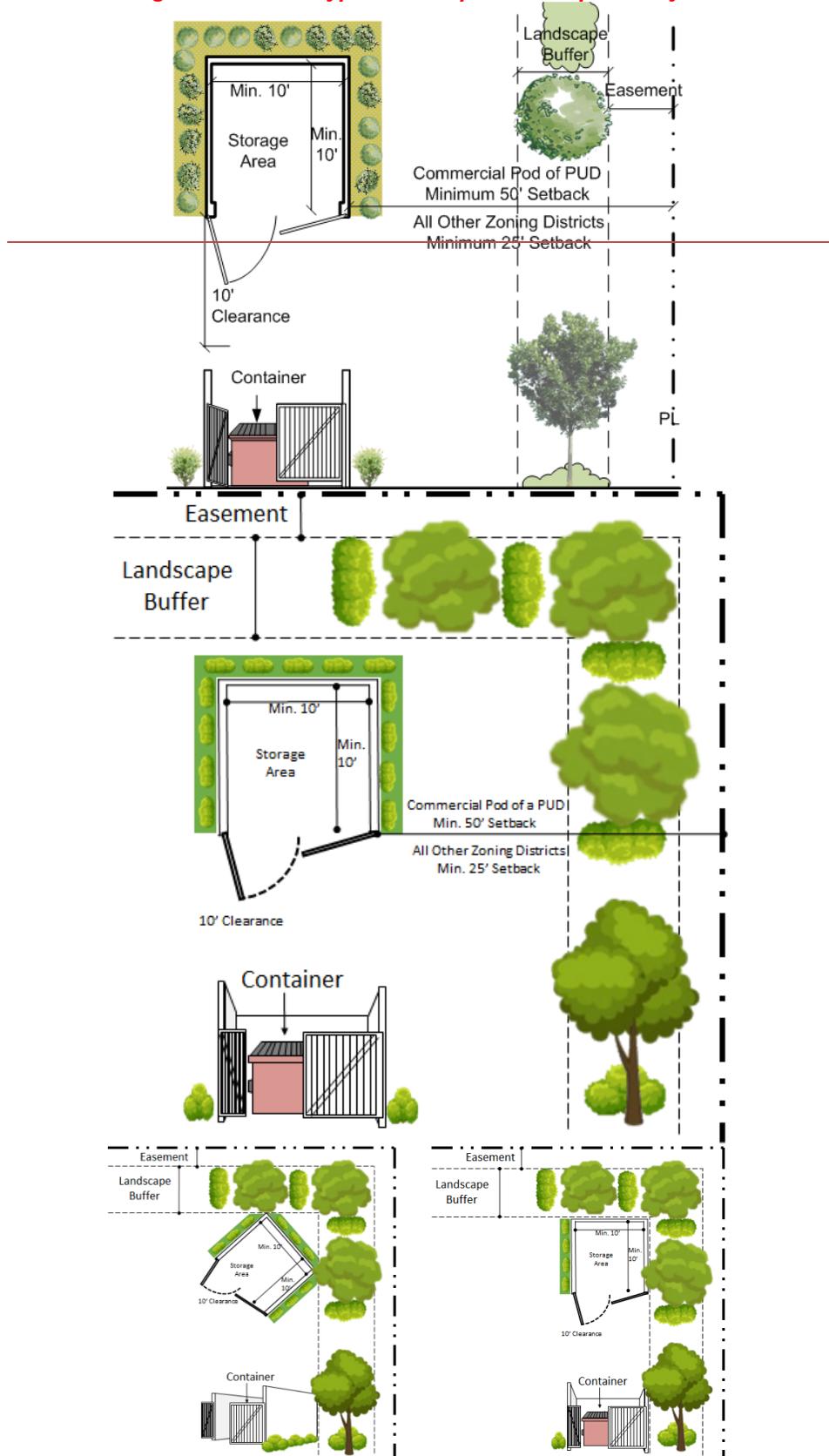
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EXHIBIT E

ARTICLE 5 – SUPPLEMENTARY STANDARDS
DUMPSTER SETBACKS

CR-2020-0019
(Updated 03/17/21)

Figure 5.B.1.A – Typical Example of Dumpster Layout



[Ord. 2018-002] [Relocated from Art. 5.B.1.A.8.e, Retrofitting of Existing Developments below]

1
2
3
4
5
6

e. Retrofitting of Existing Developments

The retrofitting of existing developments to comply with the standards of this Section is permitted at a ratio of deletion of one parking space for each outdoor receptacle, not to exceed ten percent of the total required parking spaces.

....

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**CONSISTENCY DETERMINATION
FOR EXHIBIT B TO BE PROVIDED
WITH ADD/DELETE**

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ATTACHMENT 1

USEFUL INTERNET LINKS FOR LDRAB/LDRC MEMBERS

The following provides a few helpful links to web pages containing information applicable to Land Development Regulation Advisory Board (LDRAB) and Land Development Regulation Commission (LDRC) members:

**Palm Beach County (PBC) Planning, Zoning and Building (PZB) Department
Zoning Division – Code Revision Section:**

<https://discover.pbcgov.org/pzb/zoning/Sections/Code-Revision.aspx>

PBC Unified Land Development Code (ULDC) Article 2.G.2, General Provisions:

<http://www.pbcgov.com/uldc/pdf/Article2.pdf>

PBC ULDC Article 2.G.3.A, Land Development Regulation Advisory Board (LDRAB):

<http://www.pbcgov.com/uldc/pdf/Article2.pdf>

LDRAB Rules of Procedure: <https://discover.pbcgov.org/pzb/zoning/ULDCPDF/LDRAB-LDRC-rulesofprocedure.pdf>

LDRAB Subcommittees: <https://discover.pbcgov.org/pzb/zoning/Pages/LDRAB-Subcommittees.aspx>

Palm Beach County Charter: <https://discover.pbcgov.org/PDF/Publications/Charter.pdf>

Palm Beach County Commission on Ethics: <http://www.palmbeachcountyethics.com/>

- Palm Beach County Code of Ethics (Effective September 22, 2015):
http://www.palmbeachcountyethics.com/pdf/Code_of_Ethics_Ordinance-effective_9-22-2015.pdf
- Palm Beach County Code of Ethics – Guide for Elected Officials and Advisory Board Members:
http://www.palmbeachcountyethics.com/pdf/Training_Guide_for_Elected_Officials_and_Advisory_Board_Members.pdf
- Quick Reference to Advisory Board Conflicts, Disclosures and Waivers:
http://www.palmbeachcountyethics.com/pdf/Advisory_Boards_Reference_Guide.pdf

Government-in-the-Sunshine Manual: [http://myfloridalegal.com/webfiles.nsf/WF/MNOS-B9QQ79/\\$file/SunshineManual.pdf](http://myfloridalegal.com/webfiles.nsf/WF/MNOS-B9QQ79/$file/SunshineManual.pdf)

Voting Conflict Form:

[https://discover.pbcgov.org/pzb/zoning/ULDCPDF/Voting %20Conflict Form 8b.pdf](https://discover.pbcgov.org/pzb/zoning/ULDCPDF/Voting_%20Conflict_Form_8b.pdf)

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LAND DEVELOPMENT REGULATION ADVISORY BOARD

"Rules of Procedure"



March 27, 2013*

ATTACHMENT 2
LDRAB RULES FOR PROCEDURE

Article I
Introduction

- A. The Palm Beach County Unified Land Development Code, hereinafter referred to as the ULDC, authorizes the Land Development Regulation Advisory Board and Land Development Regulation Commission, herein after referred to as the LDRAB and LDRC to Rules of Procedures for the transaction of business.
- B. The within Rules of Procedure have been adopted by the LDRAB and LDRC, and all previously adopted Bylaws or Rules of Procedure are deemed repealed.

Article II
Powers and Duties

- A. The LDRAB shall have the powers and duties as outlined in ULDC Art. 2.G.3.A.2, Powers and Duties, as amended. **[2/23/2011]**

Article III
Membership, Officers and Staff

- A. The LDRAB shall be composed of members as outlined in ULDC Art. 2.G.3.A.3, Board Membership, as amended. **[2/23/2011]**
- B. The Zoning Director shall serve as the Secretary and the professional staff of the LDRAB as outlined in ULDC Art. 2.G.3.A.4, Staff, as amended. **[2/23/2011]**

Article IV
Meetings

- A. General meetings and special meetings of the LDRAB shall be governed as outlined in ULDC Art. 2.G.2.E, Rules of Procedure, as amended. **[2/23/2011]**
- B. A member of the LDRAB shall be permitted to participate in a general or special meeting via telephone or teleconference if the following conditions are met:
 - 1. That the quorum necessary to take action and transact business is physically present at the meeting; and
 - 2. That the LDRAB, by a majority vote of the quorum present, determines that the extraordinary circumstances justify the members' absence.

Article V
Subcommittees

ATTACHMENT 2
LDRAB RULES FOR PROCEDURE

- A. The LDRAB may create subcommittees, which will be governed by the regulations in Art. 2.G.3.A.5.b, Subcommittees, as amended, as well as the following regulations:
1. At a minimum, the subcommittee shall be composed of two members. Membership shall include at least one LDRAB member. Interested parties who *have the necessary expertise on the specific Code amendment* may be appointed by a majority vote of the LDRAB; **[2/23/2011]**
 2. The subcommittee shall meet as often as determined necessary by the LDRAB;
 3. The presence of at least two members of the subcommittee, one of whom must be an LDRAB member, shall constitute a quorum necessary to take action and transact business;
 4. The location of all meetings shall be in PBC, Florida and all meetings shall be open to the public;
 5. The Zoning Director shall serve as the Secretary and the professional staff of the subcommittee;
 6. The County Attorney's Office shall provide counsel and interpretation on legal issues; and
 7. The subcommittee shall submit their findings at the next scheduled LDRAB meeting.

Article VI
Amendments to the Rules of Procedures

- A. The LDRAB may amend these rules at a regular meeting by a majority vote of the quorum present.
- B. The LDRAB Secretary shall maintain a copy of the "Rules of Procedures" in the Zoning Division for the Public to view.

Article VII
Rules of Debate

This section sets forth the rules of debate to maintain decorum, the various motions available for use by the Board, and related matters.

- A. Decorum. A motion must be made and seconded before the Board votes on a matter. Every member of the Board has a right to speak in the debate and shall always be recognized by the Chair. Non-member recognition shall be at the Chair's discretion. The member who made the motion shall be entitled to speak first. A member shall be deemed to have yielded the floor when she/he has finished speaking. The discussion shall be related to the motion on the floor. All questions are to be directed through the Chair.

ATTACHMENT 2
LDRAB RULES FOR PROCEDURE

- B. As to the Chair. Upon passing the gavel, the Chair or other presiding member of the Board may move or second a motion.
- C. Point of Order. Any member who believes that a breach of the rules has occurred has a right to call immediate attention to the matter by raising a "point of order." A point of order (1) may interrupt a speaker who has the floor; (2) does not need to be seconded; (3) is not debatable; and (4) is decided by the Chair. By motion and second, a decision of the Chair on a point of order may be appealed to the Board and, without debate, the Chair shall submit to the Board the question, "Shall the decision of the Chair be sustained?" and the Board shall decide by a majority vote.
- D. Motion to Reconsider. A recommendation of the Board may be reconsidered at the same meeting or at the very next meeting. A motion to reconsider can only be made by a member who voted on the prevailing side of the question, and is debatable. Such motion shall not be entertained if the Board of County Commissioners has already acted on the recommendation, or if the vote has otherwise caused something to be done that is impossible to undo. Adoption of a motion to reconsider shall rescind the original action; therefore a new motion, second, and vote is required to take formal action on the item, if desired, and may take place at a future meeting.
- E. Substitute Motion. A member may make a substitute motion if he/she is not in agreement with the motion on the floor. This motion requires a second and is debatable. The substitute motion must be disposed of before returning to the original motion. No more than two motions, the original and one substitute, shall be on the floor at any given time.
- F. Motion to Postpone. If a member would like to defer consideration of a matter, a motion to postpone is in order, which may include a time and date to continue the discussion. When postponing an advertised public hearing of the Land Development Regulation Commission, a time and date certain must be included in the motion. This motion is debatable.
- G. Motion to Close Debate/Call the Question. Any Board member may move to close debate/call the question on the motion being considered. This motion is not debatable and requires a two-thirds vote of the members. If the motion passes, all discussion ends and a vote is taken on the motion on the floor.
- H. Adjournment. No motion is required to end the meeting. The Chair declares the meeting adjourned without objection.

**Original document issued on May 14, 2004, amended on: February 23, 2011; March 27, 2013.*

**ATTACHMENT 3
2020 LDRAB ATTENDANCE**

**LAND DEVELOPMENT REGULATION ADVISORY BOARD (LDRAB)
LAND DEVELOPMENT REGULATION COMMISSION (LDRC)
2020 ATTENDANCE MATRIX**
(Updated December 16, 2020)

Seat	Member	District or Organization	Term Expires	2020 Meeting Dates														
				1/29 Canceled	2/26	3/25 Canceled	4/22 Canceled	5/27 Canceled	6/24 Canceled	7/22 Canceled	8/26	9/23	10/28	11/17 Canceled	12/16	Reserved		
1	Joanne Davis	District 1, Commissioner Marino	February 08, 2022	-	P	-	-	P*	-	-	P*	-	-	P*	-	-	P*	-
2	Drew Martin	District 2, Commissioner Weiss	February 02, 2021	-	P	-	-	P	-	-	P	-	-	P	-	-	P	-
3	Ari Tokar	District 3, Commissioner Kerner	February 08, 2022	-	P	-	-	P*	-	-	A	-	-	P*	-	-	A	-
4	Jim Knight	District 4, Commissioner Weinroth	February 02, 2021	-	P	-	-	P	-	-	P	-	-	P	-	-	P*	-
5	Lori Vinikoor	District 5, Commissioner Sachs	February 08, 2022	-	P	-	-	P	-	-	P	-	-	P	-	-	P	-
6	Myles Basore	District 6, Commissioner McKinlay	February 02, 2021	-	P	-	-	P*	-	-	A	-	-	P*	-	-	A	-
7	Robert J. Harvey	District 7, Commissioner Bernard	February 08, 2022	-	P	-	-	P*	-	-	P*	-	-	P*	-	-	A	-
8	Daniel J. Walesky	Gold Coast Builders Association	February 02, 2021	-	P	-	-	P*	-	-	P*	-	-	P*	-	-	P	-
9	Anna Yeskey	League of Cities	February 02, 2021	-	A	-	-	P*	-	-	P*	-	-	P*	-	-	P*	-
10	Terrence Bailey	Florida Engineering Society	February 08, 2022	-	P	-	-	P*	-	-	A	-	-	P*	-	-	P*	-
11	Jaime M. Plana	American Institute of Architects	February 02, 2021	-	P	-	-	A	-	-	P*	-	-	P*	-	-	P*	-
12	Susan A Kennedy	Environmental Organization	February 08, 2022	-	P	-	-	P*	-	-	P*	-	-	P*	-	-	P	-
13	Frank Gulisano	Realtors Association of the Palm Beaches	February 02, 2021	-	P	-	-	P*	-	-	P*	-	-	P*	-	-	P	-
14	Jim Sullivan	Florida Surveying and Mapping Society	February 08, 2022	-	P	-	-	P*	-	-	P*	-	-	P*	-	-	P	-
15	Charles D. Drawdy	Assoc. General Contractors of America	February 08, 2022	-	A	-	-	P*	-	-	P*	-	-	P*	-	-	P	-
16	Wesley Blackman	PBC Planning Congress	February 02, 2021	-	P	-	-	P	-	-	P	-	-	P	-	-	P	-
17	Tommy B. Strowd	Alternate At-Large #1	February 08, 2022	-	P	-	-	P*	-	-	A	-	-	P*	-	-	A	-
18	Abraham Wien	Alternate At-Large #2	February 02, 2021	-	P	-	-	P*	-	-	A	-	-	P*	-	-	A	-

Legend/Notes:

P Present | **P*** Present (Participated via teleconference with quorum physically present and Board approval)
A Absent | **A*** Absent (Attended less than ¾ of meeting)

1 Joanne Davis replaced Michael Peragine. Eligible for first meeting on May 23, 2018. Term ends February 8, 2022.
2 Drew Martin replaced David Carpenter. Eligible for first meeting on February 7, 2018. Term ends February 2, 2021.
3 Philip L. Barlage replaced Barbara Katz. Eligible for first meeting on February 22, 2017. Ari Tokar replaced Philip L. Barlage. Eligible for first meeting on September 25, 2019. Term February 6, 2019 to February 8, 2022.
4 Jim Knight reappointed on December 16, 2014 for new term February 4, 2015 to February 2, 2021. Glenn E. Gromann replaced Jim Knight. Eligible for first meeting on September 25, 2019. Jim Knight reappointed on November 17, 2020.
5 Lori Vinikoor reappointed on January 26, 2016 for new term February 6, 2019 to February 8, 2022.
6 Myles Basore replaced Rena Borkhataria. Eligible for first meeting on July 25, 2018. Term ends February 2, 2021.
7 Robert J. Harvey replaced Henry Studstill. Eligible for first meeting on May 24, 2017. Reappointed March xx, 2019. Term February 6, 2019 to February 8, 2022.
8 Daniel J. Walesky replaced Raymond Puzitiello on January 13, 2015. Term February 5, 2013 to February 2, 2016. Raymond Puzitiello resigned in November 2014. Term wrong in appointment February 4, 2015 to February 2, 2018. Term February 3, 2018 to February 2, 2021.
9 Anna Yeskey appointed on August 15, 2018. Term February 3, 2018 to February 2, 2021.
10 Terrence N. Bailey reappointed on March 1, 2016 for new term February 6, 2019 to February 8, 2022.
11 Jaime M. Plana replaced Xavier Salas on March 12, 2019. Eligible for first meeting on March 27, 2019. Term ends February 8, 2021.
12 Susan A. Kennedy appointed on May 7, 2019. Eligible for first meeting on May 22, 2019. Term ends February 8, 2022.
13 Frank Gulisano reappointed January 2018 for new term February 7, 2018 to February 2, 2021.
14 Derek G. Zeman appointed on March 1, 2016. Eligible for first meeting on March 23, 2016. Term February 6, 2019 to February 8, 2022. Derek G. Zeman resigned in August 2019. Jim Sullivan replaced Derek G. Zeman.
16 Wesley Blackman reappointed on January 13, 2015 for new term which expires February 2, 2021.
17 Tommy B. Strowd replaced Winifred P. Said on June 4, 2019, eligible for first meeting on June 26, 2019 (canceled). Term ends February 8, 2022.
18 Abraham Wien replaced Leo Plevy. Eligible for first meeting on May 24, 2017. Term ends February 2, 2021.
* **Special meetings will not be a factor in calculating total attendance.**
** Attendance reflects previous LDRAB member.
ULDC Art. 2.G.2.B.1.c. Attendance: **Members of boards shall be automatically removed for lack of attendance. Lack of attendance is defined as a failure to attend three consecutive meetings or a failure to attend at least two-thirds of the meetings scheduled during a calendar year. Participation for less than three-fourths of a meeting shall be the same as a failure to attend a meeting. Only regular meetings shall be counted towards the attendance requirements.**

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ATTACHMENT 4
AMENDMENT ROUND 2020-01



UNIFIED LAND DEVELOPMENT CODE (ULDC)
AMENDMENT ROUND 2020-01
SUMMARY OF PROPOSED AMENDMENTS – SHORT FORM
(UPDATED 8/12/2020)

BCC PUBLIC HEARINGS
JUNE 25, 2020 – REQUEST FOR PERMISSION TO ADVERTISE
JULY 30, 2020 – FIRST READING
AUGUST 27, 2020 – ADOPTION

LAND DEVELOPMENT REGULATION ADVISORY BOARD (LDRAB) MEETINGS
FEBRUARY 26, 2020 (ALSO INCLUDES LDRC)
MAY 27, 2020 (ALSO INCLUDES LDRC)

(9 EXHIBITS)

Exhibit A Art. 2, Administrative Modifications

- Staff reached out to Industry, Agents, staff to continue to refine the Admin Review process. This process works hand in hand with permitting process so we try to expedite minor amendments as quickly and efficiently as possible these amendments were reviewed by everyone and help foster this goal.
- **Create criteria to exempt Development Review Officer Expedited (DROE)** applications from sufficiency (I.e. the DROE are to address conditions of approval required to be resolved prior to final DRO approval or to include direction by the Board at the hearing that require modifications to plans or documents; and, the plans are required to be amended to reflect changes resulting from the BCC or ZC's approval of Type 2 Waivers or Type 2 Variances).
- **Exclude from sufficiency** those applications approved by the BCC or ZC that do not need further changes other than labeling the plans from Preliminary to Final;
- **Allow Type 1 Waivers** for Property Development Regulations (PDRs) of developments in the Native Ecosystem Overlay (NEO), and five percent or less setback reduction of detached housing types to be processed through the ZAR instead of Full DRO.
- **Clarify** how staff makes determination on the number of agencies involved in ZAR applications review is based on the application request.
- **Clarify that** the original Final DRO plan that follows the BCC or ZC approval is the one that staff will be using as reference for administrative modification and to determine if the thresholds that allow those changes through the ZAR or DRO are not triggered. Staff proposed a definition in Art. 1 to clarify "Original Final DRO" is the plans approved by the DRO that followed the BCC or ZC approval.
- The changes proposed to the Administrative Modification table include:
- Relocation of Workforce Housing Program (WHP) units between pods within a development or to relocate them to another residential development to allow tracking of such units; and,
- Add Note #5 to allow sites with one single use and multiple buildings owned by a single entity to combined relocation and increase of square footage, and exempt them from the 25% relocation.
- Codify DRO abandonment regulations that were contained in a PPM related to status of DRO conditions.
- Relocate all Applications not issuing a Development Order such as Administrative Inquiries, Reasonable Accommodation, and Zoning Confirmation letters.

Exhibit B Art. 2, Residential Type 1 Variances- Article 2.B and 2.C

- Part 1- Clarify the Type 1 process for lots with 3 or fewer residential units and nonresidential project what can qualify as an administrative variance. Delete duplicative language on generators for residential lots
- Part 2- Clarifying that those requests that exceed the thresholds of a Type 1 variance, would request a Type 2 variance.(Residential deviations over 5% or non-residential over 15%)

Exhibit C Art. 3, Palm Beach International Airport Overlay Landscaping, Notification, and Noise

- Zoning Staff worked with Staff from the Department of Airports to add language from the Comprehensive Plan that requires developers of residential developments within the PBAO

ATTACHMENT 4

AMENDMENT ROUND 2020-01

to provide notification to the potential buyers of the overlay and potential noise, fumes, vibration, etc. Copies of the notification is sent to DOA-Planning Section

- Deleted language for landscape requirements in the Overlay as it conflicted with Article 7.
- Removed language for noise and abatement as it was modified in 2019 during the modifications to Article 16- Airport Regs.

Exhibit D Art. 3, Zero Lot Line Residential Uses

- Modifications to Article 3 to codify Policy and Procedure memorandum we had for ZLL homes. We consolidated sections of the code, added new graphics and clarified regulations based on input from industry. The proposed changes have support from Gold Coast Builders Association.

Exhibit E Art. 3 and 4, Plan Requirements for Planned Development Districts

- Added language that requires and Administrative approval of a final site plan and subdivision plan for uses within Planned Development Districts. This language was suppose to be relocated in a previous amendment, however was inadvertently deleted.

Exhibit F Art. 4, Commercial Recreation Zoning District with Rural Residential Future Land Use Designation

- In 2019, The code was modified to remove language related to the CR Zoning District and the RR FLUs as being vested for those that have that combination. Staff found that there were no more properties in the County with CR and and RR FLU and thus removed from the code. This is an additional clean up to removed language for uses that would have been allowed with that combination.

Exhibit G Art. 4, Mobile Retail Sales

- Clarifying the requirements for Mobile Retail sales, includes food, and an exception for setback when the use adjacent to an 80 R/W, and we added clarification on setbacks for temporary parking when adjacent to residential.

Exhibit H Art. 5, Workforce Housing Program Low-Income Category Rental Requests

- Some projects with Workforce Housing Program (WHP) rental units are reporting that the market conditions in their areas do not support charging rents in even the lowest rent category permissible in the WHP. This change will permit those Property Owners to request approval to rent to households with incomes that fall below the Low-Income category, at rents below the minimum in the Low-Income category.

Exhibit I Art. 1, 3, 4, and 6, Parking Reference Glitch Corrections

- Minor changes to fix references that were modified under 2019-02 in January.

ATTACHMENT 5
AMENDMENT ROUND 2020-02



UNIFIED LAND DEVELOPMENT CODE (ULDC)
AMENDMENT ROUND 2020-02
SUMMARY OF PROPOSED AMENDMENTS – SHORT FORM
(UPDATED 12/10/2020)

BCC PUBLIC HEARINGS

NOVEMBER 23, 2020 REQUEST FOR PERMISSION TO ADVERTISE- POSTPONED
DECEMBER 22, 2020 – REQUEST FOR PERMISSION TO ADVERTISE
JANUARY 28, 2020 – FIRST READING
FEBRUARY 25, 2020 – ADOPTION

LAND DEVELOPMENT REGULATION ADVISORY BOARD (LDRAB) MEETINGS

AUGUST 26, 2020
SEPTEMBER 23, 2020
OCTOBER 28, 2020 (ALSO INCLUDES LDRC)
DECEMBER 16, 2020 (ALSO INCLUDES LDRC)

(13 12 EXHIBITS)

Exhibit A Article 2, Waiver Summary Tables

- Proposed are amendments to Article 2. B and 2.C, related to the processes and procedures for Waivers. The proposed amendment updates the Summary Tables for the Type 2 Waiver and the Administrative Type 1 Waiver to clarify which sections of the Code allow for waivers and include existing allowed waivers that were missing from these tables.

Exhibit B Articles 1 and 2, Release of Unity of Title

- Proposed amendment is to codify a Policy and Procedures memorandum Zoning Division had for application requirements and procedures for the Release of a Unity of Title. The original Unity of Title may have listed different authorities, i.e. Zoning Director, Zoning Commission or Board of County Commissioners, to release the unity.

Exhibit C Article 2, Monitoring Development Phases

- The proposed amendment is to modify and add language related to the phasing of development

Exhibit D Article 2 Removal of the Building Division from the DRO Agency Review

- The proposed amendment removes the Building Division from the review of applications processed by the Zoning Division. After discussion with the Directors it was determined that the building division has a more comprehensive review at time of permitting. They have processes in place that allow pre-review of permits in order for applicants to discuss project to ensure compliance.

Exhibit E Articles 1, 2, 3, and 4 Property Development and Density Bonus Regulations and Review procedures for the WCRAO

- Clarify the procedures for Applicants who development in the Westgate Overlay to provide Westgate/Belvedere Homes Redevelopment Agency's recommendation on a proposed application that will be submitted to Zoning and Building Divisions.
- Modify the Use Regulations Chart to add uses, and describe where the uses are allowed and prohibited within the subareas of the Overlay.
- Modify the Non-residential and mixed use Property Development Regulations table, to include more flexibility in the regulations, and in some cases make less restrictive that the standards zoning district in order to provide incentives for redevelopment, reduce needs for variances and address the existing construction and lot dimensions.
- Remove requirements for Sky Exposure Planes, setbacks and heights, in order to default to the height standards and setbacks of the specific sub area.
- Modify the requirements for the Westgate Density Bonus Programs to be consistent with Article 5.G, Workforce Housing Program, recently modified that includes design compliance and enforcement procedures. These modifications allowed for it to be monitored consistent with the WHP. Clarify that the pool may be allowed for both rental or for-sale projects.

ATTACHMENT 5

AMENDMENT ROUND 2020-02

- Revise the Westgate recommendation for density bonus procedures and provide standards an applicant must comply with to get the bonus.
- Correct the reference that the waivers for landscaping related density bonus are an administrative waiver, rather than a waiver approved by the BCC.

Exhibit F Articles 2, 3 and 5, Unity of Control

- Delete the requirements for Unified Control located under Article 3 for a Planned Development and relocate the requirements under Article 5, Chapter F, Legal Documents. Relocation consolidates the Unity of Control Requirements in one locations. It also provides clarification on the application documents that are required, the information that must be provided, and the forms that must be provided.

Exhibit G Articles 3 and 4, Multiple Use Planned Development Freestanding Buildings

- The proposed amendment deletes a performance standard for Multiple Use Planned Developments that had restrictions on the number of Freestanding Buildings that were allowed. The language was introduced in 1992 with the intention of ensuring visibility of the developments primary inline stores. The language was revised in 2003 to provide more criteria on what is a freestanding structure. The language has been ineffective in achieving the goals and has an impact on the design and circulation of these shopping centers, therefore it is proposed to be stricken from the Code.

Exhibit H Articles 4, Planning Determination for Infill Density Exemption

- The proposed modifications removes the requirement for a written letter of determination of density from the Planning Director. The determination impacted the density potential of smaller parcels and was changed in 2015. The amount of density for the RM/MR-5 would be determined by the Future Land Use and any applicable Density Bonus allowances implemented by the Plan and described in Article 5 Density Bonus Programs.

Exhibit I Articles 5, WCRA Workforce Housing Program Exemption

- Modify Article 5.G to clarify that residential development over 10 units in the WCRAO is not subject to the WHP, if density pool units are used in accordance with the Overlay requirements.

Exhibit J ~~Articles 1, 2, 7 and 14~~ Vegetation Preservation and Protection

- ~~Modify definitions to add a definition for naturalized vegetation.~~
- ~~Add acronym for the Protection of Native Vegetation application (PNV).~~
- ~~Modify Article 2.A to include the required Pre-application Appointment to discuss status of existing vegetation for a proposed Development Order.~~
- ~~Modify Article 7 to clarify the Pre-application Appointment procedures for the preservation of native vegetation.~~
- ~~Clarify the procedures for the Protection of Native Vegetation Approval, pursuant to Article 14, for both Residential Non-residential development, or other types of site improvements.~~
- ~~Add language related to the application and procedures for requests to remove Specimen Trees.~~
- ~~Add Performance Guarantees for Tree mitigation and restoration.~~
- ~~Add Native Vegetation Mitigation Table which describes the quantity of material to replace an existing tree, based on the size of the existing canopy tree or pine.~~
- ~~Clarify the enforcement procedures.~~

Exhibit K Articles 3 and 5, Recreation Areas and Amenities

- Add a cross reference from the PUD Table to Article 5 for Recreation Amenities to clarify the setbacks.
- Modify the setbacks for Recreation Amenities based on the lot size and the proximity to property lines that are adjacent to Residential or non-residential uses.

Exhibit L Article 4 Commercial Communication Tower Collocation Procedures

- Modify the Commercial Communication Tower procedures for Collocation.
- Clarify that the Applicant is responsible to send notice to potential users, and provide the results of that communication at time of application for a Tower.

Exhibit M Articles 1 and 4, Minimum Frontage, Access and Roads

- Proposed Amendment is Phase 1, to clarify the requirements for frontage, access, and location criteria for specific uses. Modifications were based on an analysis of each use, its history, allowance of the use in the zoning or FLU designations, and impacts on surrounding residential development.

U:\Zoning\CODEREV\Code Amendments\2021\02- LDRAB\03-Mar 24 2021\5- LDRAB-LDRC Packet\Attachment 5 - Amendment Round 2020-02.docx

ATTACHMENT 5

AMENDMENT ROUND 2020-02

- Modify the definitions for streets to remove language that is specific for Article 11, as streets apply to other sections of the ULDC.
- Modify 4 Commercial Uses: Green Market, Type 2 Kennel, Commercial Parking Lot and Vehicles Sales and Rental, Light, to remove or clarify the requirements or restrictions on access.
- Modify 2 Recreation uses- Arena, Stadium or Amphitheater and outdoor Entertainment to requiring access on a Major street, or prohibition on a residential type street.
- Modify 3 Institutional uses- Animal Shelter, Cemetery, College or University, to include language that prohibits access onto residential type streets and for cemetery and college to include location criteria for adjacency of a property line on Commercial or higher type roadway.
- Modify 4 Industrial uses- Equestrian Waste, Recycling Center, Recycling Plant, and Truck Stop to include location criteria for the adjacency of the use on Arterial or Collector streets and to prohibit access onto residential type roadways.

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**2021
PALM BEACH COUNTY ZONING DIVISION
LAND DEVELOPMENT REGULATION ADVISORY BOARD (LDRAB)
LAND DEVELOPMENT REGULATION COMMISSION (LDRC)
CURRENT MEMBER LIST**

(Updated February 2, 2021)

SEAT	MEMBER (OCCUPATION)	DISTRICT OR ORGANIZATION
1	Joanne Davis (Environmentalist)	District 1, Commissioner Marino
2	Ned Kerr (State Certified General Real Estate Appraiser)	District 2, Commissioner Weiss
3	Ari Tokar (Mortgage Loan Officer)	District 3, Commissioner Kerner
4	Jim Knight (Business Owner of "The Knight Group"/Licensed Broker)	District 4, Commissioner Weinroth
5	Lori Vinikoor (Community Activist)	District 5, Commissioner Sachs
6	Ben Morris (Training and Development Specialist)	District 6, Commissioner McKinlay
7	Robert J. Harvey (Attorney)	District 7, Commissioner Bernard
8	Donald R. Barnes (Residential Builder)	Gold Coast Builders Association
9	Anna Yeskey (PBC Intergovernmental Coordination Program Director)	League of Cities
10	Terrence Bailey (Engineer)	Florida Engineering Society
11	Lucille Hinners (Registered Architect/Project Designer)	American Institute of Architects
12	Susan A. Kennedy (Community Activist)	Environmental Organization
13	Frank Gulisano (Realtor)	Realtors Association of the Palm Beaches
14	Jim Sullivan (Surveyor)	Florida Surveying and Mapping Society
15	Charles D. Drawdy (Commercial Builder)	Assoc. General Contractors of America
16	Wesley Blackman (AICP Planner)	PBC Planning Congress
17	Tommy B. Strowd (Lake Worth Drainage District Executive Director)	Alternate At-Large #1
18	Abraham Wien (Environmental Architect)	Alternate At-Large #2

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ATTACHMENT 7

2021 MEETING SCHEDULE

LAND DEVELOPMENT REGULATION ADVISORY BOARD (LDRAB) LAND DEVELOPMENT REGULATION COMMISSION (LDRC)

2021 MEETING DATES

(Updated 08/17/2020)

DATE	DAY
January 27, 2021	Wednesday (4 th)
February 24, 2021	Wednesday (4 th)
March 24, 2021	Wednesday (4 th)
April 28, 2021	Wednesday (4 th)
May 26, 2021	Wednesday (4 th)
June 23, 2021*	Wednesday (4 th)
July 28, 2021	Wednesday (4 th)
August 25, 2021	Wednesday (4 th)
September 22, 2021	Wednesday (4 th)
October 27, 2021*	Wednesday (4 th)
November 18, 2021*	Thursday (3 rd)
December 15, 2021*	Thursday (3 rd)
January 26, 2022	Wednesday (4 th)
Notes:	
* <i>Back-up dates to be used if necessary.</i>	

Meeting location and start times are typically as follows:

Planning, Zoning and Building Department
Vista Center
2300 North Jog Road
West Palm Beach, Florida 33411
Kenneth S. Rogers Hearing Room (VC-1W-47)
Meetings typically commence at 2:00 p.m.

(1) DISCLAIMER: Meetings are subject to change, cancellation, or may be continued, rescheduled, relocated, or commenced at a different time as necessary. (Reasons for the change include but not limited to length of agenda, as needed to respond to Hurricanes or other similar natural disasters, etc.).

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**ATTACHMENT 8
DEADLINES/SCHEDULING FOR 2021 AMENDMENTS**



**INTER-OFFICE COMMUNICATION
DEPARTMENT OF PLANNING, ZONING AND BUILDING
ZONING DIVISION**

TO: Interested County Staff, Related Agencies, and Public in General
FROM: Jon MacGillis, ASLA, Zoning Director *JPM*
DATE: October 30, 2020
RE: **Deadlines/Scheduling for Proposed 2020 Unified Land Development Code (ULDC) Amendment Rounds: County Agencies and Privately Initiated Amendments**

Department of Planning,
Zoning & Building
 2300 North Jog Road
 West Palm Beach, FL 33411-2741
 (561) 233-5000
 Planning Division 233-5300
 Zoning Division 233-5200
 Building Division 233-5100
 Code Enforcement 233-5500
 Contractors Certification 233-5525
 Administration Office 233-5005
 Executive Office 233-5228
 www.pbcgov.com/pzb

This memo serves to notify County Agencies and individuals seeking Privately Initiated Amendments (PIA) of the scheduling for 2021 ULDC Amendment Rounds. To minimize redundancy and staffing needs, County Agencies are required to submit amendments in accordance with the timeframes and deadlines indicated below. Applicants proposing to submit PIAs are encouraged to utilize the County submittal dates but may also seek to proceed under a separate timeline; however, this may incur additional expenses to cover required legal advertisements. It is critical that all applicants coordinate with Zoning Division Staff to meet the established schedules and deadlines for any amendments.

ULDC Amendment Rounds:

The following lists the tentative deadlines, and Land Development Regulation Advisory Board (LDRAB) and Board of County Commission (BCC) Zoning Hearing dates for the two ULDC Amendment Rounds scheduled for 2021.

Dates may be subject to change. See the Zoning Division 2021 ULDC Amendment Schedule webpage at:

- <https://discover.pbcgov.org/pzb/zoning/Pages/ULDC-Amendments-Schedule.aspx>

**Palm Beach County
Board of County
Commissioners**

Dave Kerner, Mayor
 Robert S. Weinroth, Vice Mayor
 Hal R. Valeche
 Gregg K. Weiss
 Mary Lou Berger
 Melissa McKinlay
 Mack Bernard

County Administrator

Verdenia C. Baker

*"An Equal Opportunity
Affirmative Action Employer"*

Official Electronic Letterhead

ACTIVITY	ROUND 2021-01	ROUND 2021-02
Deadline to submit amendment requests to the Zoning Division	November 25, 2020	May 5, 2020
LDRAB Update	December 16, 2020	May 26, 2020
BCC Initiation	December 22, 2020	May 27, 2020
LDRAB Meetings (1)(2)	Exhibits due to Zoning Code Staff 11/24	Exhibits due to Zoning Code Staff 4/29
	Round Table (RT) 12/17 and 12/18	Round Table (RT) 5/20 and 5/21
	January 27, 2021(3)	June 23, 2021
	Exhibits due to Zoning Code Staff 12/30	Exhibits due to Zoning Code Staff 5/27
	RT 1/21 and 1/22	RT 6/17 and 6/18
	February 24, 2021	July 28, 2021
	Exhibits due to Zoning Code Staff 1/28	Exhibits due to Zoning Code Staff 6/23
	RT 2/18 and 2/19	RT 7/15 and 7/16
	March 24, 2021	August 25, 2021
	Exhibits due to Zoning Code Staff 2/25	Exhibits due to Zoning Code Staff 7/29
	RT 3/18 and 3/19	RT 8/19 and 8/20
	April 28, 2021	September 22, 2021
Exhibits due to Zoning Code Staff 3/25	Exhibits due to Zoning Code Staff 8/25	
RT 4/15 and 4/16	RT 9/16 and 9/17	

**ATTACHMENT 8
DEADLINES/SCHEDULING FOR 2021 AMENDMENTS**



	May 26, 2021	October 27, 2021
BCC Hearing – Request for Permission to Advertise	June 24, 2021	November 22, 2021
BCC Public Hearing – 1 st Reading (4)	July 22, 2021	December 16, 2021
BCC Public Hearing – 2 nd Reading and Adoption (4)	August 26, 2021	January 27, 2022
NOTES:		
(1)	LDRAB Agenda's will be scheduled by the Zoning Division.	
(2)	On the last meetings of the Round, or as otherwise required, the LDRAB will also serve as the Land Development Regulation Commission (LDRC).	
(3)	Tentative LDRAB Annual Meeting.	
(4)	Some amendments may only require one public hearing.	

Application Requirements

Initial submittal of amendment requests must include the following:

- 1) Cover letter from Department or Division Director, or other authorized staff;
- 2) Name, title, and contact information of primary contact person (will be required to attend LDRAB, LDRC, and BCC Hearings to answer any questions);
- 3) Location in ULDC of proposed amendment(s), to include exact article citation and title (or nearest relevant title), and page number(s); and,
- 4) A detailed summary of each proposed amendment.

Backup documentation must include the following for each proposed amendment:

- 1) Verification that any interested or affected persons or organizations have been consulted during the initiation of amendments, and are being updated where applicable;
- 2) A detailed background and summary; and,
- 3) Preparation of amendment exhibits using the file template provided by Zoning, providing citation and title, a concise "reason for amendment," and text, tables, or images to be deleted, relocated, or added.

Privately Initiated Amendments (PIA):

In 2012 the BCC adopted the Privately Initiated Amendment (PIA) process to assist the public and specific provisions were codified in January 2018. The County will coordinate with interested parties who choose to submit a PIA and ensure it follows the newly established process. For a copy of the flow chart process for a PIA, please visit the Zoning Web Page at:

- <https://discover.pbcgov.org/pzb/zoning/PDF/FlowchartsProcesses/ULDC%20Privately%20Initiated%20Amendment.pdf>

Pre application Meeting:

A pre-application meeting is required prior to submittal of a County or Privately Initiated Amendment. Please contact Code Revision staff at (561) 233-5243 to schedule an appointment.

If you have any questions or require additional information regarding the proposed schedules, please contact me at (561) 233-5234.

JPM/WH/wh

- C. Patrick W. Rutter, Assistant County Administrator
Ramsay Bulkeley, Executive Director PZB
Electronic Copy to: Distribution List (attached)

**ATTACHMENT 8
DEADLINES/SCHEDULING FOR 2021 AMENDMENTS**



DISTRIBUTION LIST

Honorable Dave Kerner, Mayor, and Members of the Board of County Commissioners
Verdenia C. Baker, County Administrator
Jon Van Arnam, Deputy County Administrator
Todd J. Bonlarron, Assistant County Administrator
Patrick W. Rutter, Assistant County Administrator
Laura Beebe, Director Airports, Department of Airports
Houston L. Tate, Director Office of Community Revitalization
James E. Green, Director, Community Services
Ronald W. Rice, Director, Cooperative Extension Service
Robert P. Banks, Chief Land Use County Attorney
Shannon Fox, Assistant County Attorney III
Chelsea Koester, Assistant County Attorney I
Scott Stone, Assistant County Attorney I
David L. Ricks, P.E., County Engineer
Tanya N. McConnell, P.E., Deputy County Engineer
Steve Carrier, P.E. Assistant County Engineer
Joanne Keller P.E., Director Land Development
Scott B. Cantor, Assistant Director Land Development
Motasem Al-Turk, PhD, P.E Director Land Development
Deborah Drum, Director Environmental Resources Management
Bonnie Finneran, Director Environmental
Robert Kraus, Senior Site Planner, Environmental Resources Management
Audrey Wolf, Director Facilities Development and Operations
Eric McClellan, Director, Facilities Development and Operations Strategic Planning
Willie Swoope, Impact Fee Manager, Financial Management and Budget
Jonathan B. Brown, Director Housing and Economic Sustainability
Sherry Howard, Deputy Director Housing and Economic Sustainability
Madison Andrews P., Legislative Affairs Department
Kevin Fischer, Deputy Director, Transportation Planning Agency
Clinton B. Forbes, Executive Director Palm Tran
Eric Call, Director Parks and Recreation
Bob A. Hamilton, Director Park Planning, Research, and Development Division, Parks and Recreation
Jean Matthews, Senior Planner, Parks and Recreation
Ramsay Bulkeley, Esq, Executive Director PZB
Doug B. Wise, Director, Building Division
Patricia Behn, Director, Planning Division
Robert Santos-Alborná, Director of Code Enforcement
Wendy Hernandez, Deputy Director, Zoning Division
Bryan Davis, Principal Planner, Planning Division
Lisa Amara, Principal Planner, Planning Division
Lisa De La Rionda, Director Public Affairs
John Jamason, Deputy Director Public Affairs
Dr. Alina Alonso, M.D., Director, Health Department
Stephanie Sejnoha, Director Public Safety
Dianne Sauve, Director Animal Care and Control, Public Safety
Megan S. Houston, Director Office of Resilience
James C. Stiles, Director Water Utilities
Ali Bayat, Utilities Deputy Director Operations and Maintenance, Water Utilities
Richard C. Radcliffe, Executive Director, League of Cities
Kristin Garrison, Director, Planning and Real Estate, School District of Palm Beach County
Arthur Kirstein, IV, Agricultural Economic Development Coordinator, PBC Coop. Ext. Service
Elizee Michel, Executive Director, Westgate Community Redevelopment Area
Denise Pennel, Senior Planner, Westgate Community Redevelopment Area

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ATTACHMENT 9
INITIATION OF THE 2021-01 ROUND OF CODE AMENDMENTS



MEMORANDUM

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

FROM: Jon P. MacGillis, ASLA, Zoning Director 

THRU: Ramsay J. Bulkeley, Esq., Executive Director PZB

DATE: January 29, 2021

RE: **Initiation of Unified Land Development Code (ULDC)
Amendment Round 2021-01**

Department of Planning,
Zoning & Building
2300 North Jog Road
West Palm Beach, FL 33411-2741
(561) 233-5000

Planning Division 233-5300
Zoning Division 233-5200
Building Division 233-5100
Code Enforcement 233-5500
Contractors Certification 233-5525
Administration Office 233-5005
Executive Office 233-5228
www.pbcgov.com/pzb

This memo serves to request feedback from the Board of County Commissioners (BCC) on scheduling ULDC amendments that have been prioritized for inclusion in Round 2021-01.

This memo will be presented at the February 25, 2021 BCC Zoning Hearing for discussion under "ULDC Amendments". In addition, Staff has scheduled briefings with each Commissioner in advance of the Hearing to discuss the proposed amendments.

If you should have any questions or require additional information, please contact me at (561) 233-5234.

JM/jg

Attachment 1 - Initiation of ULDC Amendment Round 2021-01

C: Hard Copy: 2021-01 Amendment Round File

Email Copy: Patrick W. Rutter, Assistant County Administrator
Ramsay J. Bulkeley, PZ&B Executive Director
Wes Blackman, Chair and Members of the LDRAB
Robert Banks, Chief Land Use County Attorney
Scott A. Stone, Assistant County Attorney
Patricia Behn, Planning Director
Wendy N. Hernández, Deputy Director, Zoning
Jeff Gagnon, Principal Site Planner
Zoning Division Staff

■

**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

*"An Equal Opportunity
Affirmative Action Employer"*

Official Electronic Letterhead

ULDC Round 2021-01 Round Initiation Memo 01.29.2021 Final

**ATTACHMENT 1
INITIATION – ULDC AMENDMENT ROUND 2021-01**
(Updated 01/29/2021)

SUMMARY OF KEY MEETINGS AND PUBLIC HEARINGS	
<p>Land Development Regulation Advisory Board (LDRAB) and Land Development Regulation Commission (LDRC) Meetings:</p> <ul style="list-style-type: none"> January 27, 2021 February 24, 2021 March 24, 2021 April 28, 2021 May 26, 2021 	<p>BCC Zoning Hearings:</p> <ul style="list-style-type: none"> June 24, 2021: Request for Permission to Advertise July 22, 2021: 1st Reading August 26, 2021: 2nd Reading, Final Adoption

AMENDMENT / TASK	LEAD AGENCY	SUMMARY OF TASK REQUIREMENTS
ARTICLE 1, GENERAL PROVISIONS		
1.F Nonconformities	Zoning	<ul style="list-style-type: none"> Amend thresholds to provide additional opportunities for expansion, maintenance, renovation and repair.
ARTICLE 2, APPLICATION PROCESSES AND PROCEDURES		
2.G Decision Making Bodies	Zoning	<ul style="list-style-type: none"> Clarify powers and duties of the Development Review Appeals Board (DRAB) related to appeals from DRO decisions.
ARTICLE 3, OVERLAYS AND ZONING DISTRICTS		
3.B.14 Westgate Community Redevelopment Area Overlay (WCRAO)	Westgate	<ul style="list-style-type: none"> Amend the WCRAO Zoning Map. Revise Supplementary Standards; Density Bonus Provisions; Parking and Streets; Development Review Procedures; Special Event Requirements.
3.C Standard Districts	Zoning	<ul style="list-style-type: none"> Comprehensive review of provisions that apply to the AR district to address existing lots smaller than the required minimum property development regulations (primarily in the Acreage, less than 2.5 ac).
3.E Codification of Planning ORD-2020-011, Revision of Policies and Provisions for Non-Residential FLU Designations	Zoning/ Planning	<ul style="list-style-type: none"> Providing for consistency of text and tables associated with FLU Designation and corresponding Zoning District. Add language clarifying the minimum lot size for Multiple Use Planned Development (MUPD) with two FLU designations utilized. Expand the purpose and intent of MUPD. Delete reference to Mixed Use Planned Development (MXPDP).
ARTICLE 4, USE REGULATIONS		
4.B Use Classification: Electric Vehicle Charging Stations (EVCS)	Zoning/ Office of Resilience	<ul style="list-style-type: none"> Modify Supplementary Standards for Retail Gas and Fuel and other possible uses (Office, Multifamily Residential, Retail) to require EVCS spaces if certain conditions are met.
4.B Use Classification: Accessory Dwellings	Zoning	<ul style="list-style-type: none"> Further define and clarify requirements associated with integrated and freestanding accessory dwellings and estate kitchens.

**ATTACHMENT 1
INITIATION – ULDC AMENDMENT ROUND 2021-01**
(Updated 01/29/2021)

AMENDMENT / TASK		LEAD AGENCY	SUMMARY OF TASK REQUIREMENTS
4.B Use Classification: Frontage, Phase II (Phase I occurred in Round 2020-02)	Zoning		<ul style="list-style-type: none"> Ensure consistency with uses proposed and frontage requirements.
4.B Codification of Planning ORD-2020-022, Reach Estates Office on Pratt-Whitney Road	Zoning/ Planning		<ul style="list-style-type: none"> Incorporating the provisions within ORD-2020-022; property and design requirements, residential scale and appearance for transitional commercial uses.
4.B Use Classification: Wholesale Nursery/Retail Nursery Use	Zoning/ Planning		<ul style="list-style-type: none"> Clarify Wholesale Nursery use and that a Retail Nursery is not a customary accessory use. Provide new use definitions to further define nursery operations.
4.B Codification of Planning ORD-2018-031, Residential FLU Designations and Rural Residential Neighborhoods	Zoning/ Planning		<ul style="list-style-type: none"> Incorporating ORD-2018-031; providing consistency between residential FLU and AR Zoning as well as agricultural uses within residential zoning districts.
ARTICLE 5, SUPPLEMENTARY STANDARDS			
5.B.1.A.8, Dumpsters	Zoning		<ul style="list-style-type: none"> Identify setbacks from adjacent residential districts. Clarify dumpster enclosure requirements and landscape placement.
ARTICLE 7, LANDSCAPING			
Implementation of SFWMD Irrigation Model Code	Zoning/ Admin.		<ul style="list-style-type: none"> Incorporating amendments to Art. 7, to ensure compliance with best management practices and standards provided by SFWMD's Irrigation Code.
7.C Landscape Buffer...	Zoning		<ul style="list-style-type: none"> As requested by industry professionals (DRAC), amending buffer requirements and wall placement standards to provide for more harmonious development patterns and transitions between sites.
ARTICLE 14 ENVIRONMENTAL STANDARDS			
14.C Vegetation Preservation and Protection	ERM		<ul style="list-style-type: none"> Clarify the approval process and requirements for the review of Development Orders that may impact existing native vegetation. (This item carried over from Round 2020-02).
PRIVATELY INITIATED AMENDMENTS (PIA) (MAY BE PROCESSED OUT OF ROUND)*			
PIA-2020-01201 Boca Lago, Hotel Use	Planning/ Zoning		<ul style="list-style-type: none"> Modifications to Article 4 proposing to permit a hotel use within a Commercial Pod of a PUD.
PIA-2020-02168 Dog Friendly Dining	Zoning		<ul style="list-style-type: none"> Modifications to Article 4 related to F.S. 509.233, local exemption for dogs in designated outdoor dining areas of restaurants.
OTHER			
2021 Comprehensive Plan Text Amendments	Zoning/ Planning		<ul style="list-style-type: none"> Future Comprehensive Plan amendments may require ULDC amendments to ensure consistency.
2021 Legislative Changes that may affect the ULDC	Zoning		<ul style="list-style-type: none"> Monitor amendments presented by Senate and House that impact ULDC.

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Land Development Regulation Advisory Board (LDRAB) Community Residential Housing (Updated 02/02/2021)		
Subcommittee Members	Interested Parties	
Dr. Lori Vinikoor	District 5, Commissioner Sachs	Bob Berman
Anna Yeskey	League of Cities	Steven Farnsworth
Terrence Bailey	Florida Engineering Society	Dodi Glas
Susan A. Kennedy	Environmental Organization	Al Johnson
Frank Gulisano	Realtors Association of the Palm Beaches	Jeffrey Lynne
Wesley Blackman	PBC Planning Congress	Valerie Rozzo
CURRENTLY NO LONGER SERVING AS A LDRAB MEMBER		
Drew Martin	District 2, Commissioner Weiss	
Daniel J. Walesky	Gold Coast Builders Association	
Glenn E. Gromann	District 4, Commissioner Weinroth	
		Palm Beach Country Estates FARR Executive Director Gentile Glas Holloway O'Mahoney & Associates Chief Assistant State Attorney Beighley, Myrick, Udell + Lynne Palm Beach Country Estates

Land Development Regulation Advisory Board (LDRAB) Electric Vehicle Charging Stations (EVCSs) (Updated 02/02/2021)		
Subcommittee Members		Interested Parties
Dr. Lori Vinikoor	District 5, Commissioner Sachs	Brickell Energy
Terrence Bailey	Florida Engineering Society	2GHO & Associates, Inc.
Frank Gulisano	Realtors Association of the Palm Beaches	ChargePoint
Abraham Wien	Alternative At-Large #2	Pebb Enterprises
CURRENTLY NO LONGER SERVING AS A LDRAB MEMBER		
Drew Martin	District 2, Commissioner Weiss	PlugIn Stations Online
Daniel J. Walesky	Gold Coast Builders Association	Destination Loop
Jaime M. Plana	American Institute of Architects	

ATTACHMENT 11

SUNSHINE LAW PRIMER

Florida's Government in the Sunshine Law

The Sunshine Law applies to all meetings of any governmental board at which official acts are to be taken. It also applies to discussions and gatherings of two or more members of the same board regarding issues or matters that may foreseeably come before the board for action in the future.

- The Sunshine Law requires all meetings to be held in the public.
- Advisory boards that recommend action to the ultimate decision-making body as well as final decision-making bodies must meet in public or the sunshine.
- All meetings must be reasonably noticed prior to the meeting. Notice may be made by posting on a website, publicizing the meeting in a newspaper and posting the notice at the place where the meeting will be held.
- All meetings must be held in a facility that does not discriminate on the basis of sex, age, race, creed, color, origin or economic status.
- All meetings must be conducted in a facility that is open to the public and does not unreasonably restrict public access.
- Written minutes must be taken at every meeting, prepared promptly, and be accessible upon request.
- Members of the public must be given a reasonable opportunity to be heard on a proposition before the board.

Improper Communications

- The Sunshine Law prohibits two or more members of the same board from privately discussing any matter that might come before the board in the future.
- Secret ballots or voting is not allowed. Staff may not poll the board in advance of a meeting.
- Board members may not have private discussions during a meeting. All discussions must be heard by everyone. Board members should avoid the appearance of impropriety.
- Staff members (and others) are prohibited from serving as a go-between for board members or passing messages from one board member to another. Members should not text or pass messages to each other during a meeting about a matter that is being or will be discussed. (Board members may not attempt to circumvent the Sunshine Law.)

ATTACHMENT 11

SUNSHINE LAW PRIMER

Quorum for Meetings & Voting

- A quorum of the board must be physically present at the meeting for official action to take place.
- If a quorum of the board is physically present, the participation of an absent member by telephone conference or other interactive electronic technology is permissible when such absence is due to extraordinary circumstances such as illness. A scheduling conflict generally does not constitute extraordinary circumstances.
- A member who is present at a meeting must cast a vote. Members may not abstain unless there is or appears to be an impermissible conflict of interest. In such case, a member must state the conflict on the record and file a memorandum of voting conflict.

Penalties for violating the Sunshine Law

- Any communication that occurred outside of the public meeting regarding a matter that may come before the board (*i.e.*, foreseeable action by a board), will void the action taken by the board regarding the matter.
- A member who is found guilty of a non-criminal violation of the Sunshine Law may be punished by a fine not to exceed \$500. A member who knowingly violates the Sunshine Law is guilty of a second degree misdemeanor, punishable by a term of up to 60 days in jail, a fine of up to \$500 or both. A board member may also be removed from office.