



LAND DEVELOPMENT REGULATION ADVISORY BOARD (LDRAB)
COMMUNITY RESIDENTIAL HOUSING SUBCOMMITTEE

TUESDAY, OCTOBER 13, 2020 AGENDA
2300 NORTH JOG ROAD
1ST FLOOR KENNETH S. ROGERS HEARING ROOM (VC-1W-47)
1:00 P.M. – 2:00 P.M.

A. CALL TO ORDER

1. Roll Call
2. Introduction Subcommittee Members, Staff, and Interested Parties
3. Elections – Chair and Vice Chair
4. Motion to Adopt Agenda
5. Additions, Substitutions, and Deletions to Agenda

B. BACKGROUND SUMMARY

1. Comprehensive Plan Policies (**Attachment A**)
Objective 2.2 Future Land Use Provisions
Policy 2.2.1.c- Residential Uses
Policy 2.2.1-I- Congregate Living Residential FLU
2. ULDC Congregate Living Facilities (**Attachment B**)
3. Community Residential Housing Consultant Study
http://discover.pbcgov.org/pzb/zoning/AdminNewsReleases/Community_Residential_Housing.pdf

FAQs

http://discover.pbcgov.org/pzb/zoning/AdminNewsReleases/FAQ_2020.pdf

C. GOALS AND OBJECTIVES

1. Mission Statement and Objectives
 - A. They are to be providing their expertise on the Proposed Amendment;
 - B. The Scope that will presented to the Subcommittee will include modifications to the ULDC to be consistent with the findings of the Study prepared by our Consultant.
The Modifications including:
 1. Art 1: Adding and modifying definitions relating to Community residential housing (CRH)
 2. Art 2: Addition of Conditional Use standards specifically for Community Residential Housing; and Modifications to Reasonable Accommodation for clarification related to CRH
 3. Art 3: Minor changes under our overlays and zoning districts to refer to the new uses
 4. Art 4: Addition of the types of CRH to our Use matrices and the supplemental standards that apply to these uses
 5. Art 6: Modifications to parking related to the use
 6. Art 7: Modifications to Landscape buffering on the type of buffers that would be required.
 - C. The Subcommittee will ensure the drafts are consistent with the Study and the Plan.

D. ITEMS FOR NEXT MEETING

1. Next Meeting Topics
2. Establish Meeting Schedule (**Attachment C**)

E. ADJOURN

ATTACHMENT A

OBJECTIVE 2.2 Future Land Use Provisions - General

Palm Beach County shall ensure development is consistent with the County's diverse character and future land use designations. All public and private activities concerning the use, development and redevelopment of a property, and the provision of facilities and services shall be consistent with the property's future land use designation, and the applicable Goals, Objectives and Policies of this Element.

Policy 2.2-a: Future Land Use Provisions – General - All development approvals and actions within the unincorporated limits of the County shall be consistent with the provisions contained within the Comprehensive Plan, as amended. Such approvals shall also be consistent with any restrictions or special conditions attached to a Comprehensive Plan amendment, as referenced on the Future Land Use Atlas and contained within the Ordinance adopting the amendment.

Policy 2.2.b: All zoning related decisions, including revisions to the Zoning Quad Maps, shall be consistent with the Comprehensive Plan and Future Land Use Atlas. The Unified Land Development Code may limit or restrict any of the land uses allowed by the Future Land Use Element. The County may initiate a district change to the appropriate Zoning Quad Map to eliminate inconsistent land uses and further the Goals, Objectives and Policies of the Comprehensive Plan. *[See Introduction & Administration Element for additional details]*

Policy 2.2.c: The County shall ensure its Unified Land Development Code is consistent with the appropriate elements of the Comprehensive Plan. This consistency shall, at a minimum:

1. Ensure that no development permits will be issued to a development whose impact may degrade adopted levels of service, pursuant to the Concurrency Management Program contained in the Capital Improvement Element;
2. Ensure future land uses are consistent with the Future Land Use Atlas;
3. Ensure compatibility with adjacent future land uses;
4. Protect residential areas from adverse impacts and undesirable effects from adjacent land uses;
5. Regulate subdivision of land;
6. Protect areas subject to seasonal or periodic flooding, as provided in the Utility and Conservation Elements;
7. Regulate stormwater management and drainage;
8. Protect potable water wellfields and aquifer recharge areas;
9. Protect open spaces and natural resources;
10. Protect historically significant properties, as provided in the Historic Preservation Element;
11. Provide efficient service delivery systems;
12. Regulate landscaping;
13. Regulate lighting; and,
14. Incorporate the Characteristics of Livable Communities listed in the Introduction of the Future Land Use Element.

Policy 2.2-d: The County shall encourage the elimination or reduction of existing or previously approved land uses, and activities, which were lawful before the adoption of the Plan but are prohibited, regulated or restricted under the terms of this Plan. This shall be accomplished by limiting the enlargement, expansion, or extension of non-conforming future land use activity unless the action decreases the nonconformity. Non-conforming uses shall only be permitted to expand under limited circumstances, specified in the Palm Beach County Unified Development Code, which are designated to curtail any substantial investment in non-conforming uses to preserve the integrity of the Comprehensive Plan.

2.2.1 Residential

Policy 2.2.1-a: Coastal High Hazard Area - The County shall coordinate with coastal municipalities to control population densities in coastal high-hazard areas, in accordance with Coastal Management Objective 2.3. The County shall not increase the density in unincorporated areas located within the coastal high-hazard areas.

Policy 2.2.1-b: Areas designated for Residential use shall be protected from encroachment of incompatible future land uses and regulations shall be maintain to protect residential areas from adverse impacts of adjacent land uses. Non-residential future land uses shall be permitted only when compatible with residential areas, and when the use furthers the Goals, Objectives, and Policies of the Plan.

Policy 2.2.1-c: Residential Uses – A residential use consists of the use of land that is predominately for the purposes of housing. The following uses are defined as residential uses:

1. Residential housing uses typically utilize density (dwelling units per acre) to calculate the maximum development potential. Each residence is considered one dwelling unit. Residential housing uses include, but are not limited to, the following:
 - Single Family, Zero Lot Line, Townhomes, and Multi-Family.
 - Community Residential Homes defined in F.S. ch. 419.
 - Congregate Living Facilities defined as a type of housing with individual or shared housing units that typically share a common dining room, recreational room, or other facilities. Congregate Living Facilities provide housing, meals, and one or more personal services for a period exceeding 24 hours to one or more persons who are not relatives of the owner or administration. “Personal services” means direct physical assistance with or supervision of the activities of daily living (such as bathing, dressing, grooming and meal preparation) and the self-administration of medication as defined by § 400.402(6), Florida Statutes. Examples of Congregate Living Facilities include, but are not limited to, group homes, assisted living, independent living, and memory care.
2. Residential living quarters are typically associated with or accessory to a residential or non-residential use and typically do not utilize density to calculate maximum development potential. The number of beds or residents allowed is typically established in the Unified Land Development Code. Examples of residential living quarters include dormitories, caretaker quarters, and farmworker quarters.

Policy 2.2.1-d: Density > HR-12 - The County may allow an increase in density greater than the HR-12 Future Land Use category in appropriate areas within the County to direct growth away from natural resources and to use infrastructure more efficiently if the proposed development applies one of the following:

1. The Workforce Housing Program or the Affordable Housing Program, which allow an opportunity to set aside a certain percentage of units for workforce or affordable housing, as described in the policies in Housing Element Objective 1.1 and 1.5 and within the ULDC;
2. The Transfer of Development Rights (TDR) Program as described in Objective 2.4;
3. The provisions of a Special Overlay; or
4. The Traditional Neighborhood Development, Traditional Marketplace Development, Traditional Town Development, Mixed-use Planned Development districts, or Transit Oriented Development option.

Policy 2.2.1-e: *Deleted in Amendment Round 19-A2*

Policy 2.2.1-f: Density. The County shall establish and maintain maximum densities, as specified in Table 2.2.1-g.1, in the residential future land use designations. The following applies to the assignment of density within a residential development as applied during the development review process:

1. **Density Transfers.** Densities may be transferred within a parcel covered by more than one Urban Residential category except where the transfer results in a net negative impact on a roadway shown on the County's Thoroughfare-Right-of-Way Identification Map. The total number of units allowed for the entire parcel shall not exceed the total number of units allowed by each future land use category.
2. **Arrangement of Dwelling Units.** Any arrangement of dwelling units on a parcel of land is allowed, as long as the maximum number of dwelling units designated for the parcel is not exceeded, the list of permitted land uses is not violated and the arrangement is allowed by the ULDC.

Policy 2.2.1-g: Density Calculations. The number of units permitted by the Plan for any parcel of land can be obtained by multiplying the gross acreage of the parcel by the density permitted by the residential category, as indicated in Table 2.2.1-g.1. The number of units permitted shall always be rounded down to the nearest dwelling unit when the fractional remainder resulting from this calculation is less than 0.50. The number of units shall be rounded up to the nearest dwelling unit when the fractional remainder is 0.50 or greater provided the rounding up would not introduce multi-family development in an existing exclusively single family subdivision. That portion of a property dedicated for right-of-way in exchange for compensation may not subsequently be included with the parent property or another property for the purpose of a density or intensity calculation.

Table 2.2.1-g.1

Residential Future Land Use Designation Maximum Density

Future Land Use Designation		Dwelling Units per Gross Acre ⁵
Agricultural Reserve	AGR	0.20 / 1 ³
Agricultural Enclave ²	AGE	---
Rural Residential, 1 unit per 20 acres	RR-20	0.05
Rural Residential, 1 unit per 10 acres	RR-10	0.10
Rural Residential, 1 unit per 5 acres	RR-5	0.20
Rural Residential, 1 unit per 2.5 acres	RR-2.5	0.40
Western Communities Residential	WCR	0.80
Low Residential, 1 unit per acre	LR-1	1
Low Residential, 2 unit per acre	LR-2	2
Low Residential, 3 unit per acre	LR-3	3
Medium Residential, 5 unit per acre	MR-5	5
High Residential, 8 unit per acre	HR-8	8
High Residential, 12 unit per acre	HR-12	12
High Residential, 18 unit per acre	HR-18	18
Congregate Living Residential	CLR	12 ⁴

1. The Entitlement density is 1 unit per lot or as follows: Rural Residential 0.05 du/acre; Western Communities Residential 0.05 du/acre; Low Residential 0.10 du/acre; Medium Residential 0.20 du/acre; and High Residential 0.40 du/acre, whichever is greater.
2. The density of an Agricultural Enclave shall be determined utilizing the provisions of s. 163.3162(5), Florida Statutes, and shall be clearly indicated in the Site Data of the adopted Conceptual Plan for each Agricultural Enclave.
3. See Agricultural Reserve Policy 1.5-h.
4. The CLR future land use designation allows a maximum density for a Congregate Living Facility Type 3 of up to 12 units per acre in the Urban/Suburban Tier. See Congregate Living Residential Policy 2.2.1-l.
5. For the purposes of calculating the percentage of Workforce Housing Program units, the following units per acre are considered 'standard density' for each future land use designation: 1.5 for LR-2; 2 for LR-3; 4 for MR-5; 6 for HR-8; and 8 for HR-12 and HR-18. The remaining density shall be considered planned unit development density.

Policy 2.2.1-h: Standard and Maximum Density Exemptions. Densities greater than those indicated in Table 2.2.1-g.1 may be granted as follows:

1. Urban/Suburban Tier

- a. Pursuant to FLUE Infill Policy 2.2.1-i;
- b. Pursuant to provisions for mobile home parks under Policy 2.2.1-t;
- c. Pursuant to the Transfer of Development Rights Program, Workforce Housing Program, Affordable Housing Program, and/or a Special Overlay outlined in this Element;
- d. Within Traditional Town Developments.

2. Exurban and Rural Tiers

- a. Pursuant to the 85% Rule detailed in the Lot Combination Requirements in Policy 2.2.1-r.

Policy 2.2.1-i: Infill Density Exemption - The County shall encourage infill development within the Urban Suburban Tier through the Infill Density Exemption. A legally approved residential development or subdivision in existence at the time of Plan's August 31, 1989 adoption shall be considered in conformance with the Plan, regardless of whether the density exceeds the maximum permitted by the applicable Future Land Use designation. In addition, parcels within such subdivisions may be allowed to develop at a density consistent with the subdivision density provided that the parcel is less than 3 acres in size and the proposed development does not introduce multi-family housing into a subdivision that is exclusively single family. Property owners may seek the Infill Density Exemption through a Planning Division Letter of Determination or through the Development Review Process.

Policy 2.2.1-j: Table 2.2.1-j.1 establishes the consistent residential zoning and planned development district for the Residential Future Land Use Designations. In addition, within the Urban/Suburban Tier of the Glades Tier, the Agricultural Residential and Agricultural Production zoning districts are consistent with all residential future land use designations.

**Table 2.2.1-j.1
Residential Future Land Use - Zoning Consistency¹**

Future Land Use Designation	Consistent Zoning	
	Zoning District	Planned Development
Agricultural Reserve	AGR	AGR-PUD
Rural Residential	AR, RE	RR-PUD, MHPD, RVPD
Western Communities Residential	AR	PUD
Low Residential	RE, RT, RTS, RS	PUD, TND, MHPD
Medium Residential	RE, RT, RS, RTU, RM/RH ²	PUD, TND, MHPD
High Residential	RE, RT, RS, RM, RH	PUD, TND, MHPD
Congregate Living Residential	RM	PUD, TND, TMD, MUPD, MXP ³

Notes:

1. The RTS, RTU, and RH zoning districts and the Special Exception for a PUD have been discontinued. Properties with these districts shall not be required to rezone and shall utilize the property development regulations of their equivalent districts which are as follows: RTS equals RT; RTU equals RS; RH equals RM, Special Exception for a PUD equals a PUD.
2. The RM District is consistent with the MR-5 designation only for those areas zoned RM or RH prior to the Plan's August 31, 1989 adoption.
3. The CLR designation is consistent with the TND, TMD, MUPD and MXPD when applied as an underlying designation for a mixed or multiple use project. Such planned developments shall utilize the ULDC property development regulations for Institutional and Public Facilities future land use MUPD and the uses allowed shall be those allowed by the RM zoning district.

Policy 2.2.1-k: High Residential 12. High Residential 12 is the maximum future land use designation allowed by the Comprehensive Plan except for parcels which were assigned a High Residential 18 future land use designation as part of the adoption of the Comprehensive Plan in 1989 or for those properties which were built at a density greater than 12 units per acre prior to the 1989 adoption of the Comprehensive Plan and subsequently assigned through a corrective amendment.

Policy 2.2.1-l: Congregate Living Residential. The purpose of the Congregate Living Residential (CLR) future land use designation is to facilitate the review of proposed Congregate Living Facilities (CLF) Type 3 that require a future land use amendment to increase residential density. The CLR designation is subject to the following:

1. Proposed future land use amendments requesting an increase in density for the purposes of developing a CLF Type 3 shall apply for the CLR designation unless the site is proposed within a project that has multiple or mixed land uses. Amendments requesting to be co-located non-residential uses may apply for a non-residential future land use designation with an underlying CLR and be subject to the location requirements of the non-residential designation.
2. Proposed future land use amendments to the CLR designation shall retain the original residential future land use designation as an underlying residential density to be used if the site is developed with residential uses other than a CLF Type 3.
3. Proposed future land use amendments to the CLR designation for a CLF Type 3 are subject to the maximum density depicted in FLUE Table 2.2.1-g.1. The maximum density for individual sites may be limited through the future land use amendment process to ensure compatibility with surrounding land uses. In order to determine the compatible maximum density and design of the site, proposed CLR amendments require a zoning application to be submitted within the amendment review process.

Policy 2.2.1-m: Non-Residential Uses Allowed in Residential Future Land Use Designations. Limited non-residential uses are allowed in residential future land use designations through the associated zoning districts as identified in the Unified Land Development Code. Non-residential uses are limited to those that serve the residential area, and may be further limited through the development review process to ensure that the individual projects are appropriate in size, scale, and character with the surrounding residential area. The following land uses may be permitted within areas designated Residential on the Future Land Use Atlas (FLUA), but are further restricted by the Unified Land Development Code (ULDC).

1. Park and Recreation uses designed to serve the residential area;

2. Institutional uses designed to serve the residential area such as schools, child care facilities and adult day care facilities, houses of worship, governmental administration, law enforcement substations, fire protection facilities, libraries, civic centers, community service centers and similar uses. Some uses may be appropriate in residential areas if limited, such as: nursing homes subject to special criteria;
3. Utility and communication facilities designed to serve the residential area and subject to special criteria;
4. Limited commercial uses within a Planned Development District designed for the convenience of the residents;
5. Agricultural uses compatible with the residential area. In the Rural land use categories, limited agricultural uses are expected to co-exist with residential uses, while in the Urban land use categories, agricultural uses are expected to convert to other uses consistent with the Plan when those agricultural uses are no longer economically viable. Agricultural uses permitted by the Residential land use category must be compatible with the protection of the lifestyle and quality of life of the residents. and,
6. Limited excavation operations.

Policy 2.2.1-n: Non-Residential Uses Criteria. In areas with a Residential future land use designation, the County may allow non-residential uses allowed in the Parks and Recreation, Institutional and Public Facilities, or Utilities and Transportation future land use designations. Non-residential uses permitted in residential areas shall only be allowed if they meet the criteria below. The ULDC adopted pursuant to this Comprehensive Plan shall ensure that non-residential uses allowed by residential zoning districts shall satisfy the Goals, Objectives and Policies of the Comprehensive Plan. All decisions of the Board of County Commissioners that implement the provisions of the ULDC which allow a non-residential use in a residential area must be based on a determination that:

1. The residential neighborhood is protected from the undesirable impacts of adjacent and surrounding development;
2. The non-residential use is consistent with the Goals, Objectives, and Policies of the Comprehensive Plan;
3. The non-residential use satisfies any special siting criteria adopted by the Board of County Commissioners; and,
4. The density or intensity is comparable to and compatible with the density of the residential development within areas designated Residential on the FLUA.

Policy 2.2.1-o: Uses Discouraged in Residential Future Land Use Categories. Large-scale Park and Recreation uses, Institutional and Public Facility uses, and Utilities and Transportation uses designed to serve regional needs, including regional parks, regional water and wastewater treatment plants, power transmission facilities not related to Renewable Energy, Electrical Power Facilities (utilizing any fuel, process, or resources other than solar, wind, or hydroelectric power), correctional facilities, solid waste transfer stations and disposal sites are discouraged in residentially designated areas and may be permitted only subject to the siting criteria of the appropriate regulatory authority(ies) as well as any special review and siting criteria adopted by the Board of County Commissioners.

Policy 2.2.1-p: Application of Rural Standards. In the Urban/Suburban Tier, the County may apply the ULDC standards for rural residential development as follows:

1. in low density areas in Urban Residential future land use categories;
2. on parcels presently used for agricultural purposes; or
3. on parcels with a Special Agricultural future land use category.

Policy 2.2.1-q: Lot Requirements. The County shall apply the following criteria to determine if a parcel may be developed for residential purposes:

1. The lot is described and identified in a deed or agreement for deed, dated prior to February 5, 1973, and has the same boundaries as shown on that deed; or,
2. The lot is delineated on the current plat of record for that property, or in a duly approved affidavit of exemption or affidavit of waiver; or,
3. It is demonstrated that the lot in its current configuration resulted from a division of land on or subsequent to February 5, 1973, and prior to June 16, 1992, and complied with the density requirements of the Plan in effect at the time the lot was created.

Policy 2.2.1-r: Lot Combination Requirements. The County shall require all contiguous lots, which were owned by the same person or entity and which do not qualify for an administrative order exempting a single lot as provided below to comply with the density requirements of the Comprehensive Plan adopted in 1989, as amended. If contiguous lots owned by the same person or entity do not meet the density requirements, then the lots shall be combined to either comply with the density requirements or to reduce the density inconsistency, if there are not sufficient lots to fully comply with the density requirements. The following criteria shall be applied to determine if a parcel may be exempt from the consolidation requirements:

1. A lot that was not contiguous to any other lot owned by the same person or entity as of December 1, 1989; or
2. A lot for which a building permit application has been filed with the County on or before December 1, 1990; or
3. A lot(s) that is contiguous to a lot owned by the same person or entity and that has an existing dwelling unit as of December 1, 1989; such contiguous lot(s) shall be allowed one additional dwelling unit; or,
4. A lot(s) that is contiguous to a lot owned by the same person or entity for which a building permit has been granted on or before October 1, 1990; such contiguous lot(s) shall be allowed one additional dwelling unit; or,
5. A lot located in an approved Planned Residential Development; or,
6. A lot located in a properly recorded subdivision within the Urban/Suburban Tier; or
7. **85% Rule** - A lot located in a recorded and/or unrecorded subdivision or contained within, or subject to the control of a special district, provided that:
 - a) The Planning Division determines the number of single lots of record exempt from the density requirements of the 1989 Plan, as determined by criteria 1-4 above is equal to or exceeds 85% of the total lots in the subdivision or area controlled by the special district; and/or,

- b) The subdivision is determined by the Planning Division to contain existing residences on a minimum of 85% of the existing lots of record in the subdivision.
- c) The County has determined that the following antiquated subdivisions, pursuant to FLUE Policy 1.3-e and FLUE Policy 1.4-e, the following areas meet the provisions of the 85% rule exemption:
 - 1) Jupiter Farms;
 - 2) Palm Beach Country Estates;
 - 3) Royal Palm Beach Acreage;
 - 4) Fox Trail;
 - 5) Caloosa;
 - 6) Homeland;
 - 7) Tierra Del Ray Estates;
 - 8) Tierra Del Ray South;
 - 9) Deer Run;
 - 10) Deer Run Plat 2;
 - 11) Kramer's Unrecorded Subdivision: Located on the south side of Northlake Boulevard, adjacent to the west side of Ibis Golf and Country Club, and four miles west of Beeline Highway (State Road 710); and,
 - 12) Mandell's Unrecorded Subdivision: Located in the southeast half of Section 9, Township 43, Range 40, and adjacent to the east right-of-way line of the M Canal Cut-off (L-8 Spur Canal.)

Policy 2.2.1-s: Entitlement density. Within the time frame provided by 163.3202(1), F.S., Palm Beach County will ensure that development orders for residential development will be based on the County's ability to maintain minimum levels of service as provided by the Concurrency Management System contained in the Capital Improvement Element. The County may grant a development order at entitlement densities as described in Table 2.2.1-g.1, Residential Future Land Use Designation Maximum Density, if a parcel cannot be developed in accordance with its future land use designation and zoning category because concurrency requirements cannot be satisfied, provided that the levels of service for drainage can be met. The maximum number of units for a project at entitlement density is either the number of units calculated at the entitlement density or one dwelling unit, whichever is greater.

A proposed residential development proceeding at entitlement densities will be required, at the time the development order is granted, to demonstrate:

- 1. How the proposed development, will achieve at least a minimum density for the applicable land use category when services and facilities become available, at the adopted levels of service; and
- 2. How, within two years of the services and facilities becoming available, the proposed development will commence and proceed in good faith toward achieving at least the minimum urban density. A proposed development, which does not proceed in good faith shall be subject to revocation of the "entitlement" development order.

Policy 2.2.1-t: Recreational Vehicle Parks and Mobile Home Parks. The density for a Recreational Vehicle Park shall be described in the ULDC. Mobile home parks in existence at the time of Plan adoption are considered in conformance with the Plan, regardless of the Future Land Use Atlas density. Some existing mobile home parks are shown on the Future Land Use Atlas within residential land use categories that allow fewer units than currently permitted. If the mobile home park is removed to allow an alternative type of residential development, the new development must conform to the density provisions of the Future Land Use Atlas.

1. To the extent required by law, mobile home parks will be allowed in all urban residential future land use categories and associated zoning districts utilizing up to the number of units allowed in the “maximum” in Table 2.2.1-g.1, Residential Future Land Use Maximum Density. A mobile home shall be the equivalent of one dwelling unit. The replacement or relocation of a unit in a mobile home park shall not cause the total number of units approved, at the time of Plan adoption, to be exceeded.
2. Land development regulations shall require mobile home parks to include a permanent structure adequate for an emergency shelter. The size of this shelter shall be established in the Unified Land Development Code pursuant to the square footage per person shelter requirements contained in the Comprehensive Emergency Management Plan.

Policy 2.2.1-u: The Planning, Zoning, and Building Department shall monitor previously committed residential developments in order to:

1. Identify and analyze residential developments and corresponding totals of previously committed dwelling units retained in the unbuilt inventory used to determine infrastructure needs; and,
2. Recommend the redesignation of those projects which are built out, but which have not fully utilized their inventory of approved units.

Upon direction by a majority vote of the Board of County Commissioners, the Department of Planning, Zoning, and Building shall initiate an amendment to the Future Land Use Atlas to amend the future land use category of any residential development which has substantially developed at a density less than the permitted density of the applicable future land use category to more closely reflect the actual density. A residential development is considered substantially developed when it is built to an extent that the ultimate character and density are established.

B. General Residential Standards

1. Accessory Affordable Housing

Multifamily, Single Family, Townhouse, or Zero Lot Line Home may be allowed in the IPF Zoning District as Affordable Housing in the same development of institutional, public, and civic uses such as Place of Worship. The dwelling units shall not be for sale and shall be subject to DRO approval. As part of the submittal requirement, the Applicant shall demonstrate that residential development will be under the direct supervision of a sponsoring non-profit organization or community-based group.

C. Definitions and Supplementary Use Standards for Specific Uses

1. Congregate Living Facility (CLF)

a. Definition

A facility which provides long-term care, housing, food service, and one or more assistive care services for persons not related to the owner or administrator by blood or marriage.

b. Licensing

Type 1 and 2 CLFs shall be licensed by one of the licensing entities referenced in [F.S. § 419.001](#).

c. Approval Process

1) RS Zoning District

A Type 3 CLF may be allowed in the RS Zoning District with an MR-5, HR-8, HR-12, or HR-18 FLU designation subject to a Class A Conditional Use approval. A Type 3 CLF in the RS Zoning District with an LR-1, LR-2, and LR-3 shall be prohibited. **[Ord. 2019-005]**

d. Maximum Occupancy

1) Type 1 CLF

Six persons, excluding staff.

2) Type 2 CLF

14 persons, excluding staff.

3) Type 3 CLF

The maximum occupancy shall be determined by FLUE Table 2.2.1-g.1 of the Plan and multiplying the maximum allowable density by 2.39. A dwelling unit is equivalent to 2.39 residents/beds. **[Ord. 2019-005]**

e. Separation

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

1) Type 1 CLF

A Type 1 CLF, shall not be located within a radius of 1,000 feet of another Type 1 CLF regulated by [F.S. § 419.001](#) and within a radius of 1,200 feet of a Type 2 CLF.

2) Type 2 CLF – RM Zoning District

A Type 2 CLF located in the RM Zoning District shall not be located within a radius of 1,200 feet of another CLF.

f. Location

A Type 3 CLF shall have frontage and access from a Collector or an Arterial Street, except for the following:

- 1) A Type 3 CLF having 25 residents or less may have frontage and access from a Local Street.
- 2) A Type 3 CLF having 250 or fewer residents may be located in a Multifamily, Commercial, or Civic Pod with access to a Local Street or a parking tract in a PDD.

g. Lot Size

- 1) The minimum lot dimension for a Type 2 or Type 3 CLF shall be 8,000 square feet or the zoning district minimum lot requirement, whichever is greater.
- 2) The required minimum acreage for a PDD may be reduced by 50 percent if it consists exclusively of a CLF.

h. Type 2 or Type 3 CLFs – Fire-Rescue Station

A Type 2 or Type 3 CLF shall be located within five miles of a full-service fire-rescue station.

i. Drop-off Area, for Type 2 and Type 3, CLFs

A drop-off area shall be provided for group transportation, such as vans or similar vehicles.

j. Accessory Commercial Uses

A limited amount of commercial uses may be Permitted by Right as accessory uses in a Type 3 CLF. Such uses shall be limited to Retail Sales and Personal Services uses designed exclusively to serve the residents of the facility, such as a barber or beauty shop, convenience retail sales, and banking services. No more than ten percent of the GFA of the facility shall be used for accessory

commercial uses. There shall be no exterior signage or other indication of the existence of these uses in the facility that may attract nonresidents.

k. Signage

Signage for a Type 1 or Type 2 CLF shall be limited to one freestanding sign no more than four square feet in sign face area and six feet in height.

l. Congregate Living, Assistive Care Services

Assistance with activities of daily living and limited nursing services.

m. Emergency Generators

A permanent emergency generator shall be required for all Type 2 and Type 3 CLFs, and shall meet the standards of [Art. 5.B.1.A.19, Permanent Generators](#).

n. Cooking Facilities

A CLF shall provide and continuously maintain a central dining facility. Food preparation shall be prohibited in sleeping areas or in individual quarters in Types 1 and 2 CLFs. Individual kitchen facilities may be provided in the living quarters of a Type 3 CLF.

2. Cottage Home

a. Definition for Cottage Homes

The use of a lot or a structure for one detached dwelling unit with reduced property development regulations. [Ord. 2018-018] [Ord. 2019-034]

b. Cottage Home Size

A maximum of 1,000 square feet per unit.

c. Cottage Homes in RS Zoning District

May be allowed in the RS Zoning District with an MR-5 or higher FLU designation, subject to Full DRO approval. [Ord. 2019-034]

d. Cottage Homes in MF Pod or Lot

If Cottage Homes are developed in an MF Pod or Lot, they shall be developed in a cluster with open space that is commonly shared by the individual tenants or owners, subject to the following: [Ord. 2019-034]

1) Rear Garage

May have garage and driveways located in the rear of each unit. [Ord. 2019-034]

2) Open Space

The units shall front on a commonly owned open space with a minimum width of 75 feet, measuring from the front façade of each unit or front porch, whichever is applicable. [Ord. 2019-034]

3. Mobile Home Dwelling

a. Definition

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

b. Principal Use

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

c. Accessory Use – Bona Fide Agriculture

One mobile home structure may be allowed accessory to a principal Bona Fide Agriculture use.

1) Lot Size

a) AR (USA) and AGR Districts

A minimum of five acres.

b) RR-2.5, RR-5, RR-10, and AP FLU Designation

A minimum of ten acres.

c) RR-20 FLU Designation

A minimum of 20 acres.

2) Setbacks

A minimum of 200 feet from a public street; 100 feet from all other property lines

3) Mobile Home Removal Agreement

A removal agreement shall be executed and notarized between the Building Division and Property Owner and recorded on the property in the official records of the PBC Clerk prior to issuance of any Building Permit. The agreement shall be recorded against the property stating that the mobile home shall be removed within 30 days in the event the property is sold or the Bona Fide Agriculture operation ceases to exist.

B. Administrative Inquiry (AI)

1. Purpose

To establish procedures for PBC Officials when submitting inquiries to the BCC asking for direction on procedural matters or to resolve an inconsistency in a DO. [Ord. 2011-016] [Ord. 2018-002] [Ord. 2020-020]

2. Applicability

An inquiry is not a public hearing, but is subject to the notice requirements of [Table 2.B.5.A, Notification Applicability](#). The decision of the BCC shall be final. [Ord. 2011-016] [Ord. 2018-002]

3. Procedures

An AI may be made by a public agency through the Zoning Director using forms and procedures established by the Zoning Division. The AI shall be placed on the BCC agenda by the Zoning Division for the date the inquiry is intended to be presented. Courtesy Notice pursuant to [Art. 2.B.5, Notifications](#), is required for an AI applicable to a parcel for a specific inquiry or to provide development status not monitored by the provisions in [Art. 2.E, Monitoring of Development Orders \(DOs\) and Conditions of Approval](#). [Ord. 2011-016] [Ord. 2017-002] [Ord. 2018-002]

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. [Ord. 2015-006] [Ord. 2018-002]

3. Notice to the Public of Availability of Accommodation

The County shall endeavor to provide notice to the public, advising that disabled individuals or qualifying entities may request a reasonable accommodation. [Ord. 2011-016] [Ord. 2018-002]

4. Application Procedures

The application forms and requirements for submitting a request for reasonable accommodation shall be on forms specified by the County Administrator or designee. [Ord. 2011-016] [Ord. 2018-002]

a. Application Contents

The following considerations shall be applicable for any application information or documentation required: [Ord. 2011-016] [Ord. 2018-002]

1) Confidential Information

Upon submittal of any medical information or records, including but not limited to condition, diagnosis, or history related to a disabled individual, an Applicant may request that the County, to the extent allowed by law, treat the information or records as confidential. The County shall thereafter endeavor to provide notice to the disabled individual, or their representative, of any request received by the County for disclosure of the medical information or documentation previously requested to be treated as confidential. The County will cooperate with the disabled individual, to the extent allowed by law, in actions initiated by such individual to oppose the disclosure of such medical information or documentation, but the County shall have no obligation to initiate, prosecute, or pursue any such action, or to incur any legal or other expenses, whether by retention of outside counselor, or allocation of internal resources in connection therewith, and may comply with any judicial order without prior notice to the disabled individual. [Ord. 2011-016] [Ord. 2018-002]

2) Address of Applicant

Address of the Applicant is requested, unless governed by [42 U.S.C. 290dd](#), in which case the address shall not be required, but the Applicant may be requested to provide documentation to substantiate a claim verifying applicability. [Ord. 2011-016] [Ord. 2015-006] [Ord. 2018-002]

3) Address of Housing

Address of housing or other location at which accommodation is requested unless governed by [42 U.S.C. 290dd](#), in which case address shall not be required, but the Applicant may be requested to provide documentation to substantiate a claim verifying applicability. [Ord. 2011-016] [Ord. 2018-002]

b. Sufficiency Determination

The County Administrator or designee shall determine whether the application is sufficient or insufficient within ten days of submittal by reviewing the information required in the application. If Staff determines the application is not sufficient, a written notice shall be sent to the Applicant specifying the deficiencies within the ten-day determination timeframe set forth herein. [Ord. 2015-006] [Ord. 2018-002]

c. Fee

There shall be no fee imposed by the County for a request for reasonable accommodation under this Section or an appeal of a determination on such request, and the County shall have no obligation to pay an Applicant's, or an appealing party as applicable, attorneys' fees or costs in connection with the request, or an appeal. [Ord. 2011-016] [Ord. 2015-006] [Ord. 2018-002]

d. County Assistance

The County shall provide such assistance and accommodation as is required pursuant to FHA and ADA in connection with a disabled person's request for reasonable accommodation, including assistance with reading application questions, and responding to questions related to completing application or appeal forms, among others, to ensure the process is accessible. [Ord. 2011-016] [Ord. 2018-002]

e. Findings for Reasonable Accommodation

In determining whether the reasonable accommodation request shall be granted or denied, the Applicant shall be required to establish that they are protected under the FHA or ADA by demonstrating that they are handicapped or disabled, as defined in the FHA or ADA. Although the definition of disability is subject to judicial interpretation, for purposes of this Ordinance the disabled individual must show: [Ord. 2011-016] [Ord. 2015-006] [Ord. 2018-002]

- 1) a physical or mental impairment which substantially limits one or more major life activities; [Ord. 2011-016] [Ord. 2018-002]
- 2) a record of having such impairment; or, [Ord. 2011-016] [Ord. 2018-002]
- 3) that they are regarded as having such impairment. [Ord. 2011-016] [Ord. 2018-002]

The Applicant shall demonstrate that the proposed accommodations being sought are reasonable and necessary to afford disabled persons equal opportunity to use and enjoy housing. The foregoing, as interpreted by the Courts, shall be the basis for a decision upon a reasonable accommodation request made by the appropriate PBC Official. [Ord. 2011-016] [Ord. 2015-006] [Ord. 2018-002]

f. Authority

The determination of which appropriate PBC Official has the authority to consider and act on requests, or appeals of a decision for reasonable accommodation, shall be consistent with [Art. 1.B.1.A, Authority](#). [Ord. 2011-016] [Ord. 2018-002]

g. Action by Appropriate PBC Official

A written response shall be issued within 45 days of the date of sufficiency advising the Applicant of the PBC Official's action. [Ord. 2011-016] [Ord. 2015-006] [Ord. 2018-002]

1) Request for Additional Information Timeframes

If additional information is required to make a final decision, the following shall apply: [Ord. 2011-016] [Ord. 2015-006] [Ord. 2018-002]

- a) Within 45 days of Sufficiency determination, a written notice requesting additional information may be requested, specifying what information is required. [Ord. 2011-016] [Ord. 2015-006] [Ord. 2018-002]
- b) The Applicant shall have 15 days from the date of the written notice to respond to the request for additional information not to exceed 60 days from the date of the Sufficiency determination. [Ord. 2011-016] [Ord. 2015-006] [Ord. 2018-002]
 - (1) If the additional information provided by the Applicant satisfies Staffs' request, a written determination shall be issued within 30 days. [Ord. 2011-016] [Ord. 2015-006] [Ord. 2018-002]
 - (2) If the Applicant fails to provide the requested additional information within the 15-day period, a notification shall be issued to the Applicant advising the Applicant that the

application is considered withdrawn. [Ord. 2011-016] [Ord. 2015-006] [Ord. 2018-002] [Ord. 2020-020]

2) Determination

In accordance with Federal law, the appropriate PBC Official, shall: [Ord. 2011-016] [Ord. 2018-002]

- a) grant the accommodation request; [Ord. 2011-016] [Ord. 2018-002]
- b) grant a portion of the request and deny a portion of the request; [Ord. 2011-016] [Ord. 2018-002]
- c) impose conditions upon the grant of the request; or, [Ord. 2011-016]
- d) deny the request. Any such denial shall be in writing and shall state the grounds therefore. [Ord. 2011-016] [Ord. 2018-002]

3) Notice of Proposed Decision

All written determinations shall give notice of the right to appeal. The notice of determination shall be sent to the requesting party (i.e. the disabled individual or his/her representative) by certified mail, return receipt requested. [Ord. 2011-016] [Ord. 2018-002]

h. Appeal

Within 30 days after the appropriate PBC Official has rendered a decision on a reasonable accommodation, the Applicant may appeal the decision. This timeframe shall be based upon the date of the letter mailed to the requesting party. All appeals shall contain a statement containing sufficient detail of the grounds for the appeal. Appeals shall be to a Hearing Officer as set forth in this Code. The Hearing Officer shall, after duly noticing the Applicant of the public hearing for appeal, render a determination as soon as reasonably practicable, but in no event later than 60 days after an appeal has been filed. Such hearing shall be de novo. A Hearing Officer's decision may be appealed to the 15th Judicial Circuit Court by Petition for Writ of Certiorari. [Ord. 2011-016] [Ord. 2018-002]

i. Stay of Enforcement

While an application for reasonable accommodation, or appeal of a determination of same, is pending before the County, the County will not enforce the subject ULDC requirement, or related rules, policies, practices or procedures, against the Applicant. [Ord. 2011-016] [Ord. 2018-002]

j. Time Limitation

A determination granting, partially granting, or granting with conditions, a reasonable accommodation, may remain valid either for one year from the date of issuance, or by the date specified in a DO or associated Condition of Approval, otherwise it shall become null and void. This provision shall retroactively apply to all prior determinations for a reasonable accommodation prior to the effective date of this Ordinance. [Ord. 2017-002] [Ord. 2018-002] [Ord. 2020-020]

k. Change of Owner/Operator

When a facility that has received a Reasonable Accommodation Approval changes ownership, the new owner/operator must apply for new reasonable accommodation. The County will review the request and make a new case-by-case determination based on an individualized assessment. [Ord. 2019-034]

ATTACHMENT C

FOR DISCUSSION

	Dates 1	Dates 2	Dates 3	Date 4
Sub comm	10/13/2020	10/13/2020	10/13/2020	10/13/2020
Sub comm	10/27/2020	10/27/2020	10/27/2020	10/27/2020
Sub comm		11/10/2020	11/10/2020	11/10/2020
Sub comm			11/20/2020	11/20/2020
Sub comm				12/8/2020
Packet due	11/2/2020	12/2/2020	12/2/2020	1/6/2021
LDRAB/LDRC	11/17/2020	12/16/2020	12/16/2020	1/27/2021
Request for PA	11/23/2020	12/22/2020	1/28/2021	1/28/2021
First Reading	12/22/2020	1/28/2021	2/24/2021	2/24/2021
Final Adoption	1/28/2021	2/24/2021	3/25/2021	3/25/2021
<p>* Other than Date 3, all of the date options for LDRAB/LDRC are in the same month as a BCC RPA.</p> <p>* Does not include Workshop with BCC</p> <p>* Turnaround is fast on drafts</p> <p>* Date in red is LDRC day before BCC</p> <p>* Dates in gold have not been confirmed with Subcomm.</p>				