



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

WEDNESDAY, OCTOBER 28, 2020 AGENDA
2300 NORTH JOG ROAD
1ST FLOOR KENNETH S. ROGERS HEARING ROOM (VC-1W-47)
FOLLOWING LDRAB/LDRC MEETING AT 2:00 P.M.

A. CALL TO ORDER

1. Roll Call
2. Additions, Substitutions, and Deletions to Agenda
3. Motion to Adopt Agenda
4. Adoption of October 13, 2020 Minutes (Exhibit A)
5. Public Comments

B. ITEMS

1. Exhibit B – Article 4: Addition of types of Community Residential Housing (CRH) to the Use Matrices and Supplementary Standards that apply to the uses;

C. ITEMS FOR NEXT MEETING

1. Article 1: Adding and modifying definitions relating to CRH;
2. Article 2: Addition of Conditional Use standards specifically for CRH; and modifications to Reasonable Accommodation for clarification related to CRH;
3. Article 3: Minor changes under our overlays and zoning districts to refer to the new uses.

D. OPEN DISCUSSION

E. RECAP/CONCLUSION

F. ADJOURN

EXHIBIT A



PZ&B DEPARTMENT **LDRAB COMMUNITY RESIDENTIAL HOUSING SUBCOMMITTEE** **MINUTES**

OCTOBER 13, 2020

On Tuesday, October 13, 2020 the LDRAB Community Residential Housing Subcommittee held a meeting at the Vista Center, Room VC-1E-60 Conference Room at 2300 North Jog Road, West Palm Beach, Florida and via Cisco Webex Events communications media technology (CMT).

LDRAB Subcommittee Members: Drew Martin, Dr. Lori Vinikoor*, Daniel J. Walesky*, Terrance Bailey*, Susan A. Kennedy, Wesley Blackman*

Not in Attendance: Glenn E. Gromann, Anna Yeskey, Frank Gulisano

County Staff: Jon MacGillis*, Wendy N. Hernández, Scott A. Stone*, Jeff Gagnon, Adam Mendenhall, Jerome Ottey, Alexander Biray, Bryan Davis*, Lorinda Goldsmith*, Zubida Persaud*

Interested Parties: Bob Berman, Steven Farnsworth*, Al Johnson*, Jeffrey Lynne*

** Present via Webex Events*

A. Call to Order

The meeting convened at 1:02 p.m.

1. Roll Call

Mr. Alexander Biray, Code Revision Site Planner I, called the roll.

Mr. Martin arrived in person at 1:04 p.m.

2. Introduce Subcommittee Members, Staff, and Interested Parties

Mrs. Hernández, Deputy Zoning Director, introduced the Subcommittee Members, County Staff and Interested Parties present in person and via CMT.

Mr. Walesky arrived via CMT at 1:05 p.m.

EXHIBIT A

3. Elections – Chair and Vice-Chair

Mrs. Hernández opened the floor to nominations for Chair and Vice-Chair. Mr. Blackman nominated Dr. Vinikoor for Chair, seconded by Mr. Martin. Dr. Vinikoor accepted. The Motion passed unanimous (5-0). Mr. Walesky nominated Mr. Blackman for Vice-Chair, seconded by Mr. Martin. The Motion passed unanimous (5-0).

4. Motion to Adopt Agenda

Motion to adopt the Agenda, by Mrs. Kennedy, seconded by Mr. Martin. The Motion passed unanimous (5-0).

5. Additions, Substitutions, and Deletions to Agenda

Mrs. Hernández there were no additions, substitutions, and deletions to the Agenda.

B. Background Summary

Mrs. Hernández informed the Subcommittee the Agenda and back-up documentation will also be on the web. She presented Attachment A, Comprehensive Plan Policies, consisting of the Plan Goals, Objectives and Policies concerning the Congregate Living Facility (CLF) use and Congregate Living Residential (CLR) Future Land Use (FLU) utilized for Type 3 CLFs or greater density by beds, and amendments to the Unified Land Development Code (ULDC) should not be in conflict. She further presented Attachment B, ULDC Congregate Living Facilities, concerning the three types of CLFs by capacity and where permitted by zoning district, as well as Reasonable Accommodation as it relates to the proposed new uses. She noted the Zoning Division hired consultant Mr. Daniel Lauber last November, who prepared a study and frequently asked questions, linked in the Agenda.

C. Goals and Objectives

Mrs. Hernández informed the Subcommittee the goal is to rely on their expertise as it relates the scope of modifying the ULDC to be consistent with the findings of Mr. Lauber's study. She indicated the Articles affected, including Article 1 as it relates to definitions, Article 2 for Conditional Use standards and Reasonable Accommodation, Article 3 for overlays and zoning districts, Article 4 for the Use Matrices and Supplemental Use Standards, Article 6 for parking, and Article 7 for required landscape buffers. Mrs. Hernández also noted Staff has reached out to Mr. Willie Swoope, Impact Fee Coordinator in regards to Art. 13, Impact Fees, which lists CLF as a use, and if it would be affected.

Dr. Vinikoor asked about if fire safety is being addressed. Mrs. Hernández responded it would defer to applicable fire and building codes.

Mr. Martin asked about parking requirements based on the uses being classified residential, and if the County would be allowed to turn down an application if it cannot meet parking requirements. Mrs. Hernández responded Staff will analyze on-site parking

EXHIBIT A

requirements, and look at off-site parking within proximity and on-street parking at the discretion of the Land Development Division.

Mr. Bailey arrived at 1:17 p.m.

D. Items for Next Meeting

Mrs. Hernández presented Exhibit C, delineating four different date schedules for Subcommittee meetings to Board of County Commissioners (BCC) final adoption, varying from the end of January to March. She also noted that the Consultant's contract ends in January. Mr. Blackman recommended the next meeting be back-to-back with the existing scheduled LDRAB meeting on October 28th. A discussion ensued on each Subcommittee Member's availability. A derivative of the "Date 4" option was chosen, with October 28th, November 10th, November 24th, and December 8th.

Mr. Stone noted that the October meeting will be the last meeting where CMT may be used without a physical quorum, as the Governor's Executive Order is set to expire on November 1st. Mrs. Hernández noted more Subcommittee meetings will be proposed if needed, and Mr. Biray will verify the availability of Staff and meeting room availability.

E. Adjourn

Mrs. Hernández opened the floor to any questions or discussions. Mrs. Persaud asked if Mr. Johnson of the Office of State Attorney was still on to give an update on the Sober Homes Task Force. Mr. Lynne noted he was on the task force, and briefed that there are two task forces, legislative and law enforcement. He noted currently there is a glitch bill in the works to clarify the difference between a recovery residence and "flophouse" group homes. Dr. Vinikoor, also part of the task force, added that they have been straightening out issues with the directors and licensing, and alluded to her earlier comment on fire safety in regards to State certification requirements based on use.

Mr. Lynne noted, based on the study and similar ordinances derived from other local clients of Mr. Lauber, the uses are purely residential uses and clarified the licensing requirements for recovery residences. Mrs. Hernández added Reasonable Accommodation would apply where there are no licensing requirements.

Motion to adjourn, by Mrs. Kennedy, seconded by Mr. Martin. The Motion passed unanimous (6-0).

The LDRAB Community Residential Housing Subcommittee meeting adjourned at 1:40 p.m.

EXHIBIT B

**ARTICLES 1, 2, 3, 4, 5, 6, 7, AND 13
COMMUNITY RESIDENCES**

**CR-2017-0027
(Updated 10-19-20)**

Part 11. ULDC Art. 4.B.1.A, Use Regulations, Use Classification, Residential Uses, Residential Use Matrix (page 13 of 199, Supplement 28), is hereby amended as follows:

Reason for amendments: [Zoning]
1. Add new uses related to community residences as provided by consultant in recent study conducted.
2.

1

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(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 WUPD 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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CR-2017-0027
(Updated 10-19-20)

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.
2.

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 care
8 services for persons not related to the owner or administrator by blood or marriage.

9 b. Licensing

10 Type 1 and 2 CLFs shall be licensed by one of the licensing entities referenced in F.S. § 419.001.

11 c. Approval Process

12 1) RS Zoning District

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

16 d. Maximum Occupancy

17 1) Type 1 CLF

18 Six persons, excluding staff.

19 2) Type 2 CLF

20 14 persons, excluding staff.

21 3) Type 3 CLF

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

25 e. Separation

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

28 1) Type 1 CLF

29 A Type 1 CLF, shall not be located within a radius of 1,000 feet of another Type 1 CLF regulated
30 by F.S. § 419.001 and within a radius of 1,200 feet of a Type 2 CLF.

31 2) Type 2 CLF– RM Zoning District

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

34 f. Location

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

37 1) A Type 3 CLF having 25 residents or less may have frontage and access from a Local Street.

38 2) A Type 3 CLF having 250 or fewer residents may be located in a Multifamily, Commercial, or
39 Civic Pod with access to a Local Street or a parking tract in a PDD.

40 g. Lot Size

41 1) The minimum lot dimension for a Type 2 or Type 3 CLF shall be 8,000 square feet or the zoning
42 district minimum lot requirement, whichever is greater.

43 2) The required minimum acreage for a PDD may be reduced by 50 percent if it consists
44 exclusively of a CLF.

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

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

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

48

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CR-2017-0027
(Updated 10-19-20)

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

2 **j. Accessory Commercial Uses**

3 A limited amount of commercial uses may be Permitted by Right as accessory uses in a Type 3
4 CLF. Such uses shall be limited to Retail Sales and Personal Services uses designed exclusively
5 to serve the residents of the facility, such as a barber or beauty shop, convenience retail sales, and
6 banking services. No more than ten percent of the GFA of the facility shall be used for accessory
7 commercial uses. There shall be no exterior signage or other indication of the existence of these
8 uses in the facility that may attract nonresidents.

9 **k. Signage**

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

12 **l. Congregate Living, Assistive Care Services**

13 Assistance with activities of daily living and limited nursing services.

14 **m. Emergency Generators**

15 A permanent emergency generator shall be required for all facilities with six or more residents.
16 Type 2 and Type 3 CLFs, and shall meet the standards of Art. 5.B.1.A.19, Permanent Generators.

17 **n. Cooking Facilities**

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

21
22 **XX. Family Community Residence (FCR)**

23 **a. Definition**

24 A community residence that provides a relatively permanent living arrangement for five to ten
25 people with disabilities which, in practice and/or under its rules, charter, or other governing
26 document, does not limit how long a resident may live there.

27 **b. Intent**

28 The intent is for residents to live in a Family Community Residence on a long-term basis, typically
29 a year or longer. Oxford House is an example of a Family Community Residence. A Family
30 Community Residence seeks to emulate a biological family to foster normalization of its residents
31 and integrate them into the surrounding community. Its primary purpose is to provide shelter in a
32 family-like environment. Medical treatment is incidental as in any home. Supportive inter-
33 relationships between residents are an essential component. A Family Community Residence
34 include, but are not limited to, those residences that comport with this definition that are licensed
35 by the Florida Agency for Persons with Disabilities, the Florida Department of Elderly Affairs, the
36 Florida Agency for Health Care Administration, and the Florida Department of Children and
37 Families, and sober homes and recovery communities certified by the state's designated
38 credentialing entity established under Section 397.487 of the Florida Statutes.

39 **c. Approval Process**

40 Family Community Residence for 5 to 10 residents must submit application for a Conditional Site
41 Reservation valid for one year and must submit proof of licensure within 10 working days of the
42 annual anniversary of being granted a Family Community Residence Zoning Site Reservation.
43 Applicant must meet separation and licensing requirements as stated in FS 419, except as stated
44 below:

- 45 1) Family Community Residence is permitted by right in residential zoning districts if meeting
46 separation and licensing requirement in accordance with FS 419.
- 47 2) May request a reasonable accommodation if less than 10 persons, and does not meet
48 separation or licensing requirement;
- 49 3) Conditional Use approval is required if Family Community Residence does not meet the
50 separation, licensing or exceeding the 10 persons occupancy, in accordance with Art.2.B.7.F.,
51 Conditional Use approval for Community Residence.

52 **d. Licensing**

53 A Family Community Residence shall be licensed by one of the licensing entities referenced in F.S.
54 § 419.001, when:

- 55 1) The appropriate available license or certification that the State of Florida offers or requires to
56 operate the proposed Family Community Residence, including any provisional license or
57 certification issued prior to granting a full license or certification; FS 419.001, or

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1 2) A “conditional” Oxford House Charter within 30 days of the date on which the first individual
2 occupies the Oxford House and a “permanent” Oxford House Charter within 180 days after the
3 “conditional” charter was issued.

4 **e. Maximum Occupancy**

5 1) Ten persons, excluding staff.

6 2) Occupancy shall be determined by the standards of the Florida Building Code and the Fire &
7 Life Safety Codes;

8 **f. Separation**

9 The separation requirement in this Section shall be measured in linear feet from the property line
10 to property line and shall be located at minimum of 660 feet or seven lots whichever is greater, from
11 the nearest existing community residence or recovery community or CLF Type 1 or 2.

12 **1) Exemption**

13 Per state law, Family Community Residence for people with developmental disabilities located
14 in a “planned residential community” as defined by Section 419.001(1)(d) of the Florida
15 Statutes, are exempt from the spacing requirements between Family Community Residences
16 established in this Code.

17 **g. Congregate Living, Assistive Care Services**

18 Assistance with activities of daily living and limited nursing services. No treatment offered on
19 premises, except for medical treatment incidental to residential use.

20 **h. Emergency Generators**

21 A permanent emergency generator shall be required and shall meet the standards of Art.
22 5.B.1.A.19, Permanent Generators.

23 **i. Revocation**

24 An operator must provide evidence of license, certificate, or Charter prior to the expiration of the
25 12 month conditional Family Community Residence Zoning approval, as issued. An operator who
26 is unable to provide licensure, certification or Charter or where a license, certification, or Charter
27 was denied, revoked, or suspended, shall not be allowed to operate in PBC and the conditional
28 Family Community Residence zoning approval becomes null and void. Such an operator must
29 cease operation and vacate premises within 30 days of denial, revocation, or suspension of license,
30 certificate or Charter.

31
32 **XX. Transitional Community Residence (TCR)**

33 **a. Definition**

34 A Transitional Community Residence provides a temporary living arrangement for five to ten
35 unrelated people with disabilities with a limit on length of tenancy less than a year that is measured
36 in weeks or months as determined either in practice or by the rules, charter, or other governing
37 document of the community residence. A community residence for people with addictions while
38 undergoing detoxification at another location is an example of a Transitional Community
39 Residence. Transitional Community Residence include, but are not limited to, those residences
40 that comport with this definition that are licensed by the Florida Agency for Persons with Disabilities,
41 the Florida Department of Elderly Affairs, the Florida Agency for Health Care Administration, and
42 the Florida Department of Children and Families, and sober homes and recovery communities
43 certified by the state’s designated credentialing entity established under Section 397.487 of the
44 Florida Statutes.

45 **c. Approval Process**

46 Transitional Community Residence for 5 – 10 residents must submit application for a conditional
47 Transitional Community Residence Zoning Approval valid for one year and must submit proof of
48 licensure within 10 working days of the annual anniversary of being granted a Transitional
49 Community Residence Zoning Approval. Applicant must meet separation and licensing
50 requirements as stated in FS 419, and zoning approval granted as stated below:

51 1) Transitional Community Residence is permitted by right in multifamily zoning district when
52 meeting separation and licensing requirement in accordance with FS 419.

53 2) May request a reasonable accommodation if less than 10 persons, and does not meet
54 separation or licensing requirement;

55 3) Conditional Use approval is required if Transitional Community Residence does not meet the
56 separation, licensing or exceeding the 10 persons occupancy, in accordance with Art.2.B.7.F.,
57 Conditional Use approval for Community Residence.

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1 **d. Licensing**

2 A Transitional Community Residence shall be licensed by one of the licensing entities referenced
3 in F.S. § 419.001, where:

- 4 1) The appropriate available license or certification that the State of Florida offers or requires to
5 operate the proposed Transitional Community Residence, including any provisional license or
6 certification issued prior to granting a full license or certification; FS 419.001, or
7 2) A “conditional” Oxford House Charter within 30 days of the date on which the first individual
8 occupies the Oxford House and a “permanent” Oxford House Charter within 180 days after the
9 “conditional” charter was issued.

10 **e. Separation**

11 The separation requirement in this section shall be measured in linear feet from property line to
12 property line and shall be located at minimum of 660 feet or seven lots whichever is greater, from
13 the nearest existing community residence or recovery community or CLF Type 1 or 2.

14 **Exemption:**

15 Per state law, Transitional Community Residence for people with developmental disabilities located
16 in a “planned residential community” as defined by Section 419.001(1)(d) of the Florida Statutes,
17 are exempt from the spacing requirements between Transitional Community Residences
18 established in this Code.

19 **f. Maximum Occupancy**

20 Occupancy shall be determined by the standards of the Florida Building Code and Fire & Life Safety
21 Codes of Palm Beach County; Cty code says (50 sf of sleeping area per resident and 70 sf living
22 area per resident)

23 **g. Emergency Generators**

24 A permanent emergency generator shall be required and shall meet the standards of Art.
25 5.B.1.A.19, Permanent Generators.

26 **h. Revocation**

27 An operator must provide evidence of license, certificate, or Charter within the 12 month conditional
28 Transitional Community Residence approval. An operator, who is unable to provide licensure,
29 certification or Charter or where a license, certification, or Charter was denied, revoked, or
30 suspended, shall not be allowed to operate in PBC and the conditional Transitional Community
31 Residence zoning approval becomes null and void. Such an operator must cease operation and
32 vacate premises within 30 days of denial, revocation, or suspension of license, certificate or
33 Charter.

34
35 **XX. Recovery Community**

36 **a. Definition**

37 Multiple dwelling units in multifamily housing that are not held out to the general public for rent or
38 occupancy, that provide a drug-free and alcohol-free living arrangement for people in recovery from
39 drug and/or alcohol addiction, which, taken together, do not emulate a single biological family and
40 are under the auspices of a single entity or group of related entities. Recovery communities include
41 land uses for which the operator is eligible to apply for certification or license from the State of
42 Florida. When located in a multifamily district, a recovery community shall be treated as a
43 multifamily structure under housing and fire safety codes applicable in Palm Beach County. The
44 term does not include any other group living arrangement for unrelated individuals who are not
45 disabled nor any shelter or halfway house, community residence, rooming house, boarding house,
46 transient occupancy, or other use as defined in this Code.

47 [May need to adjust definition of recovery community to include townhomes and maybe zero lot line homes]

48 **b. Approval Process**

49 1) RM Zoning District

50 Except as required by Chapter 419 of state law, a recovery community maybe permitted by
51 right, when:

52 (a) located at least 1,200 linear feet or ten lots, whichever is greater, from the nearest existing
53 community residence or recovery community; and

54 (b) The proposed recovery community or its operator is granted the appropriate available
55 license or certification that the State of Florida offers or requires to operate the proposed
56 recovery community, including any provisional license or certification issued prior to
57 granting a full license or certification.

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- 1 2) May request a reasonable accommodation if less than 10 persons, and does not meet
2 separation or licensing requirement;
3 3) Conditional Use approval is required if the Recovery Community does not meet the separation,
4 licensing or is exceeding the 10 persons occupancy, in accordance with Art.2.B.7.F.,
5 Conditional Use approval for Community Residence.

6 **c. Licensing and Certification**

7 FS 397-.487 requires voluntary certification of recovery communities and be actively managed by
8 a certified recovery residence administrator. Certificate of Compliance and/or renewal shall be
9 provided for application review.

10 **d. Separation**

11 The separation requirement in this Section shall be measured in linear feet from property line to
12 property line and shall be located at minimum of 1200 feet or ten lots whichever is greater, from
13 the nearest existing community residence or recovery community or CLF Type 1, 2 or 3.

14 **e. Signage**

15 Signage for a recovery community shall be limited to one freestanding sign no more than four
16 square feet in sign face area and six feet in height.

17 **f. Emergency Generators**

18 A permanent emergency generator shall be required and shall meet the standards of Art.
19 5.B.1.A.19, Permanent Generators.

20 **g. Revocation**

21 A recovery community that is denied a license or certification that the State of Florida requires or
22 had its license or certification suspended or revoked, or been denied voluntary certification from
23 the State of Florida or had its voluntary certification suspended or revoked, is not allowed in Palm
24 Beach County and must cease operation and vacate the premises within 30 days of the date on
25 which its license or certification was denied, suspended, or revoked. Each recovery community
26 must provide evidence to the Director of the Zoning Division that it has been granted a license or
27 certification within ten days of the annual anniversary of being granted zoning approval.
28
29
30

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