



PALM BEACH COUNTY

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

FEBRUARY 26, 2021

SUBCOMMITTEE MEMBERS

**Dr. Lori Vinikoor, Chair (District 5)
Wesley Blackman, Vice-Chair (PBC Planning Congress)**

Anna Yeskey (League of Cities)

Terrence Bailey (Florida Engineering Society)

Susan A. Kennedy (Environmental Organization)

Frank Gulisano (Realtors Association of the Palm Beaches)

INTERESTED PARTIES

Bob Berman (Palm Beach Country Estates)

Steven Farnsworth (FARR Executive Director)

Dodi Glas (Gentile Glas Holloway O'Mahoney & Associates)

Al Johnson (Chief Assistant State Attorney)

Jeffrey Lynne (Beighley, Myrick, Udell + Lynne)

Valerie Rozzo (Palm Beach Country Estates)

Jeff Rothe (ChargePoint)

Linda Smithe (Destination Loop)

Drew Martin (Conservation Chair)

Daniel J. Walesky (Residential Builder)

Glenn E. Gromann (Land Use Consultant/Attorney)

Board of County Commissioners

**Dave Kerner
Mayor, District 3**

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Vice Mayor, District 4**

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Commissioner, District 1**

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Commissioner, District 2**

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**Mack Bernard
Commissioner, District 7**

County Administrator

Verdenia C. Baker

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

LDRAB Subcommittee Meeting February 26, 2021



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

FRIDAY, FEBRUARY 26, 2021 AGENDA

**MEDIUM HEARING ROOM (VC-1E-60)/COMMUNICATIONS MEDIA TECHNOLOGY (CMT)
2:00 P.M.**

A. CALL TO ORDER

1. Roll Call
2. Motion to Approve Remote Participation by CMT Due to Extraordinary Circumstances
3. Additions, Substitutions, and Deletions to Agenda
4. Motion to Adopt Agenda
5. Adoption of Minutes – October 13, 2020 (Exhibit A) and October 28, 2020 (Exhibit B)

B. NEW BUSINESS

PAGES

1. Unified Land Development Code (ULDC) and Community Residential Housing:
 - a. Article 1 – Definitions
 - b. Article 4
 - 1) Family Community Residential
 - 2) Transitional Community Residential
 - 3) Recovery Community
 - 4) Congregate Living Facility/Home
 - 5) Continuing Care Facility
 - 6) Nursing and Residential Treatment Facility
 - c. Article 2 – Approval Processes and Standards
 - d. Article 6 – Parking
 - e. Article 7 – Landscape
 - f. Article 5 – Generators
 - g. Article 3 – Other Modifications

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C. FUTURE MEETINGS/ANTICIPATED EXHIBITS

1. March 5, 2021 – Review of Draft ULDC Amendments – Back-Up

D. MEETING RECAP AND CONCLUSION

E. ADJOURNMENT

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.

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.

EXHIBIT A

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 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

EXHIBIT A

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



PZ&B DEPARTMENT
LDRAB COMMUNITY RESIDENTIAL HOUSING SUBCOMMITTEE
MINUTES
OCTOBER 28, 2020

On Wednesday, October 28, 2020 the LDRAB Community Residential Housing Subcommittee held a meeting at the Vista Center, 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).

LDRAB Subcommittee Members: Drew Martin, Glenn E. Gromann, Dr. Lori Vinikoor, Terrance Bailey*, Susan A. Kennedy, Frank Gulisano, Wesley Blackman

Not in Attendance: Daniel J. Walesky, Anna Yeskey

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

Interested Parties: Bob Berman, Steven Farnsworth*, Dodi Glas*, Jeffrey Lynne*, Valerie Rizzo*

* *Present via Webex Events*

A. Call to Order

Chair Dr. Vinikoor called the meeting to order at 2:21 p.m.

1. Roll Call

Mr. Biray, Code Revision Site Planner I, called the roll. Dr. Vinikoor noted any LDRAB Board members from the prior meeting who are not part of the Subcommittee may stay to listen. Ms. Hernández noted Ms. Glas, Mr. Lynne, and Mr. Farnsworth present on CMT as Interested Parties.

2. Motion to Adopt Agenda

Ms. Hernández confirmed to Dr. Vinikoor that there are no additions, substitutions, or deletions to the Agenda. Motion to adopt the Agenda, by Mr. Blackman, seconded by Mr. Gulisano. The Motion passed unanimous (7-0).

4. Adoption of October 13, 2020 Minutes (Exhibit A)

Ms. Hernández noted Mr. Lynne requested clarification regarding his comments. Mr. Lynne explained his comments on October 13th were not representative of the Palm Beach County Sober Homes Task Force. Motion to adopt the Minutes with clarification on Mr. Lynne's comments, by Mr. Gromann, seconded by Mr. Blackman. No vote was taken.

5. Public Comments

There were no public comments. Dr. Vinikoor noted members of the public and Interested Parties will be allowed to speak during discussion on the Item.

EXHIBIT B

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**

Ms. Hernández explained the Exhibit is language from the consultant incorporated by Staff into Unified Land Development Code (ULDC) format, including definition, intent, approval process, licensing and revocation, maximum occupancy, separation, and emergency generator requirements. She explained the three new uses: Family Community Residence, Recovery Community, and Transitional Community Residence, and the similarities and differences between each. The existing language for Congregate Living Facilities (CLFs) was provided for reference.

Mr. Gromann asked about court challenges with similar ordinances by Mr. Daniel Lauber, the consultant, and if the Board can receive full copies of the court decision. He also asked about where the separation measurements came from, if license revocations would include failure to pay the business tax or Secretary of State, and how issues related to pending investigations would be mitigated. He asked about Community Residence uses in regards to rezoning. Ms. Hernández responded that the rezoning process would ensure the proposed district is consistent with the Comprehensive Plan. If not, Mr. Banks and Mr. Stone clarified a Comprehensive Plan amendment would also be required, and Staff can look further into it.

Mr. Blackman asked for clarification to the Board on the Oxford House model. Mr. Martin asked if there is a definition. Ms. Hernández responded that definitions will be provided in an Exhibit for the next meeting. Mr. Blackman also asked about inspection issues and disconnect in regards to the use (e.g. an assisted living facility inspected as a hospital). He stressed the importance to consider the “chicken and egg” situation for permitting and licensing issues in the approval process. Ms. Hernández responded licensing is proposed to be requested first. He asked if certain uses were included as Community Residences, such as “subacute care” (drive-by doctor), medical treatment, or detox. Mr. Stone responded that medical treatment is incidental to the uses per the working definition subject to change, but may not contemplate formal medical care.

Ms. Kennedy asked for clarification on “conditional site reservations” versus a Conditional Use. Ms. Hernández explained capacity determined by whether the new Conditional Use process and criteria are triggered, and the Article 4 Use Matrices will denote the worst case scenario.

Mr. Martin asked about distance requirements and how HOAs may be able to limit Community Residences. Ms. Hernández responded it would be prohibited by the Fair Housing Act. He further asked about how the impact of relapse and potential crime would be taken into consideration. Mr. Stone responded that case law exists for legal basis on the spacing. He asked about the distance requirements being large. Ms. Hernández responded that is existing language. He further asked about fire department requirements conflicting with other codes. Mr. Blackman added that building code also pose conflicts. Mr. Martin asked about parking requirements. Ms. Hernández responded that it would be discussed in an Exhibit at a later meeting.

Mr. Gulisano inquired about the measurements in existing language and where they are measured from. Ms. Hernández responded it is pursuant to Florida Statutes, and graphics will be drawn for clarification.

Dr. Vinikoor noted Interested Parties and the public will be provided five minutes to speak.

Mr. Lauber responded to Board member comments. The spacing distance is explained in the study and FAQ in relation to lot width and normalization with

EXHIBIT B

interaction between residents. He further noted the Cities of Delray Beach and Pompano Beach have only had one or two applications for operators to exist within the required distance. He noted existing referenced language is subject to change.

Mr. Gromann asked if the lot size measurements are applicable to Florida or one size fits all, and how it would be taken into account. Mr. Lauber responded the language takes into account larger lots as a unit of measurement where applicable dimensions are greater.

Mr. Martin asked who determines how overcrowding is prevented. Mr. Lauber responded per U.S. Supreme Court decision, housing codes are applicable to Community Residences, and therefore pursuant to the PBC Housing Code. He further noted a provision has been added in the first draft of the amendment that Community Residences shall be treated as the same as the type of residential property is occupies, and dispute exists regarding Florida Statute requirements such as fire sprinkler system requirements as they relate to court decisions. Mr. Stone stated the County will follow Federal codes.

Dr. Vinikoor asked if Mr. Lauber saw the Exhibit. Ms. Hernández responded that he has. She also asked about question marks in the Use Matrices. Ms. Hernández responded decisions are yet to be made on those approval processes.

Mr. Farnsworth introduced himself as the Florida Association of Recovery Residences (FARR) Executive Director and noted Mr. Lauber explained what he had raised his hand for on Webex. He also offered to answer any questions.

Mr. Lynne expressed gratitude to everybody for their time on the topic, and cautioned about vernacular used on the record in regards to disabled persons. He responded to Mr. Gromann's question on the court challenge, that it was regarding the Sailboat Bend neighborhood in Fort Lauderdale on application of fire codes.

Ms. Glas noted the differences between facility operations and that they should not be treated the same based on residents (e.g. adults versus children). She also cautioned timing restraints as it relates to FARR certification, licensing, and the Zoning approval process.

Mr. Gromann addressed that Subcommittee members come from varying backgrounds and are not necessarily versed in U.S. Constitutional law, and what is stated in the meeting is not prejudicial to any rights. He further noted Mr. Lynne's comments were problematic in addressing an information-gathering body. Mr. Stone affirmed the purpose of the Subcommittee is to avoid formulating discriminatory policy, and that debate is encouraged, but voting as LDRAB members for the finalized amendments may cause conflict. Mr. Martin concurred, stating that the Subcommittee is exploratory in nature.

Dr. Vinikoor suggested that more should be looked into regarding Ms. Glas' comments on licensure and timing. Ms. Hernández responded there will be further discussion with Mr. Lauber and Staff to finalize the Exhibit language.

C. Items for Next Meeting

1. Article 1: Adding and modifying definitions relating to CRH

Ms. Hernández noted the definition of Oxford Housing and broad category of Community Residential will be brought to the next Subcommittee meeting.

2. Article 2: Article 2: Addition of Conditional Use standards specifically for CRH; and modifications to Reasonable Accommodation for clarification related to CRH

Ms. Hernández noted the Conditional Use criteria, for when Art. 4, Use Regulations requirements cannot be met, will be brought to the next Subcommittee meeting.

EXHIBIT B

3. **Article 3: Minor changes under our overlays and zoning districts to refer to the new uses**

Ms. Hernández noted language in Article 3 related to CLFs will be changed to reflect Community Residences, and will be brought to the next Subcommittee meeting.

D. Open Discussion

Mr. Blackman commended Dr. Vinikoor as Chair. Mr. Gromann welcomed Mr. Gagnon, commended Staff for their correspondence, and Mr. Lauber on his expertise. Mr. Stone noted Mr. Lauber will be available for later Subcommittee meetings.

E. Recap/Conclusion

Ms. Hernández noted Staff will get copies of the court cases, noted Mr. Lynne's comments, and will follow up on licensing issues, the order of approval processes, incidental uses, distances and spacing, and community residence operation types.

Mr. Martin asked if the differences between adults and children will be differentiated in the Code. Ms. Hernández responded it would currently not, but will be discussed further. Mr. Gulisano asked when the next Subcommittee meeting is scheduled. Ms. Hernández and Dr. Vinikoor responded it will be on Tuesday, November 10th at 1:00 p.m. Mr. Blackman asked if the meeting would use Webex. Ms. Hernández responded a physical quorum may be required if the Governor does not extend the Executive Order after November 1st.

F. Adjourn

Motion to adjourn, by Mr. Gulisano, seconded by Mr. Gromann. The Motion passed unanimous (7-0).

The LDRAB Community Residential Housing Subcommittee meeting adjourned at 3:45 p.m.

EXHIBIT A
COMMUNITY RESIDENCES, CONGREGATE LIVING, AND
NURSING & TREATMENT FACILITIES

CR-2017-0027
(Updated 2/23/2021)

The proposed amendment will incorporate new uses and modify existing uses. The new language clarifies the allowance of housing for persons with disabilities as described under Florida Statutes 419 and 397 and in accordance with Federal Fair Housing Act, American's with Disabilities Act, and other Florida Statutes.

<< These first 2 pages are just a cheat sheet summary and will not be in the ORD >>

1. **Community Residence - will defined in Article 1 with there be two types of Community Residences:**
 - a. Family Community Residence
 - b. Transitional Community Residence.
2. **Article 4 will be modified to include the two new types of Community Residences, along with Recovery Communities, modifications to existing uses Congregate Living Facility and Nursing/Convalescent Home.**
3. **In terms of intensity the following is to assist with understanding of the uses:**
 - a. **Family Community Residence**
 - 1) For persons with disabilities listed under F.S. 419 and 397, but may be others such as persons with eating disorders;
 - 2) Must emulate a family;
 - 3) Permanent residency, not temporary;
 - 4) Medical Treatment is incidental;
 - 5) All Districts where residential use is allowed;
 - a) Permitted by right if:
 - i. Maximum 10 residents, including staff whom reside onsite, for persons certified/licensed pursuant to F.S. 397 or other persons (example: persons with eating disorders);
 - ii. Maximum 14 residents, including staff whom reside onsite, for persons licensed pursuant to F.S. 419;
 - iii. Must be Licensed/Certified by the State;
 - iv. Must meet distance requirements of 660 or 7 lots whichever is greater or 1200 from a Recovery Community;
 - b) DRO, ZC or BCC
For the Family Community Residence to be located in new housing that requires a specific approval process for that housing type, it will follow the same review process for the specific housing type;
 - c) Type 2 Waiver if:
 - i. Greater than 10 residents, including staff whom reside onsite, for persons certified/licensed pursuant to F.S. 397 or other persons (example: persons with eating disorders) (Note not available to F.S. 419 residents);
 - ii. No license/certification is available from the State;
 - iii. Does not meet distance requirements of 660 or 7 lots whichever is greater or 1200 from a Recovery Community;
 - b. **Transitional Community Residence**
 - 1) For persons with disabilities listed under F.S. 419 and 397, but may be others such as persons with eating disorders;
 - 2) Must emulate a family;

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CR-2017-0027
(Updated 2/23/2021)

- 3) Temporary residency;
- 4) Medical Treatment is incidental;
- 5) RM zoning District, or wherever Multi-family residential use is allowed;
 - a) Permitted by right if:
 - i Maximum 10 residents, including staff whom reside onsite, for persons certified/licensed pursuant to F.S. 397 or other persons (example: persons with eating disorders);
 - ii Maximum 14 residents, including staff whom reside onsite, for persons licensed pursuant to F.S. 419;
 - iii Must be Licensed/Certified by the State;
 - iv Must meet distance requirements of 660 or 7 lots whichever is greater or 1200 from a Recovery Community;
 - b) Type 2 Waiver if:
 - i Greater than 10 residents, including staff whom reside onsite, for persons certified/licensed pursuant to F.S. 397 or other persons (example: persons with eating disorders) (Note not available to F.S. 419 residents);
 - ii No license/certification is available from the State;
 - iii Does not meet distance requirements of 660 or 7 lots whichever is greater or 1200 from a Recovery Community;
 - c) DRO, ZC, BCC if:
For the Transitional Community Residence to be located in new housing that requires a specific approval process for that housing type, it will follow the same review process for the specific housing type;
- 6) Single Family Zoning Districts/ Detached unit Residential Pods
 - a) Permitted by right if:
 - i Maximum 6 residents, including staff whom reside onsite, for persons certified/licensed pursuant to F.S. 397 or other persons (example: persons with eating disorders);
 - ii Maximum 6 residents, including staff whom reside onsite, for persons licensed pursuant to F.S. 419.
 - iii Must be Licensed/Certified by the State;
 - iv Must meet distance requirements of 660 or 7 lots whichever is greater or 1200 from a Recovery Community. Note: There is no waiver to be less than this distance for this use in these Districts/Pods, and the use would not be allowed.
 - b) Type 2 Waiver if:
 - i Greater than 6 residents and no more than 10, including staff whom reside onsite, for persons certified/licensed pursuant to F.S. 397 or other persons (example: persons with eating disorders);
 - ii Greater than 6 residents and no more than 14, including staff whom reside onsite, for persons licensed pursuant to F.S. 419;
 - iii No license/certification is available from the State;
 - c) DRO, ZC, BCC if:
For the Transitional Community Residence to be located in new housing that requires a specific approval process for that housing type, it will follow the same review process for the specific housing type;

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CR-2017-0027
(Updated 2/23/2021)

c. Recovery Community

- 1) Only for persons with drug and alcohol addictions pursuant to F.S. 397.
- 2) Does not emulate a family
- 3) Temporary or permanent residency
- 4) Medical Treatment is incidental
- 5) RM zoning District, or wherever Multi-family residential use is allowed;
 - a) Permitted by right if:
 - i. Maximum residents in a unit is based on the Palm Beach County Housing Code.
 - ii. Must be certified/licensed by the State. Note: There is no waiver from the license/certification for this use, and therefore the use would not be allowed;
 - iii. Must meet distance requirements of 1200 feet or 10 lots whichever is greater from other Recovery Communities or Community Residences;
 - b) Type 2 Waiver if:
 - i Does not meet distance requirements of 1200 or 10 lots whichever is greater from Community Residences or Recovery Communities;
 - c) DRO, ZC, BCC if:
For the Recovery Community to be located in new housing that requires a specific approval process for that housing type, it will follow the same process for the specific housing type;
- 9) Single Family Zoning Districts
An existing Recovery Community may be considered a legal non-conforming use if they are certified by the State (FARR).

d) Congregate Living Facility

- 1) For persons with disabilities listed under F.S. 419 and 397; or for persons that do not have disabilities
- 2) Does not emulate a family
- 3) Temporary or permanent residency
- 4) Medical Treatment is incidental
- 5) Type 1 and Type 2 removed as they are replaced with the FCR and TCR
- 6) Permitted wherever multi-family residential use is allowed, or in the RM zoning District. Allowed in RS with specific FLU (no change from existing code)
- 7) Congregate Living Facility must meet the FLU calculation of 2.39 residents per acre.
- 8) Access and Frontage is modified

e) Skilled Nursing or Residential Treatment Home

- 1) For persons listed under F.S. 400 and 397;
- 2) Do not emulate a family
- 3) Medical Treatment is more than incidental. Treatment is an essential service provided to the residence of the home/facility. Care is 24 hours.
- 5) This use is modified to remove outdated terminology of Convalescent Facility and include Residential Treatment.
- 6) Maximum residents for the Nursing/Treatment Facility is based on 1/1000 square feet of lot area-no change.
- 7) Removal of lot size to default to the zoning and lot in which the site is located.
- 8) Access and Frontage is modified

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CR-2017-0027
(Updated 2/23/2021)

4. Procedures- Article 2

a) **Permitted by Right**

- 1) Family Community Residents are allowed where SF or MF is allowed
- 2) Transitional Community Residents are allowed where MF is allowed
- 3) A Recovery Community are allowed where MF is allowed
- 4) Where a MF or TH exists and has approval, a Transitional or Recovery Community is allowed

b) **Type 2 Waiver**

The allowance of specific Waivers is described above under the Family Community Residence, Transitional Community Residence or the Recovery Community.

- 1) Family Community Residents does not meet location, licensing or number;
- 2) Transitional Community Residents does not meet location, licensing or number. The Transitional Community Residence in the RS or Single Family Zoning Districts limits the waiver to just the location;
- 3) A Recovery Community does not meet Location.

5. Generators- Article 5

6. Parking Article 6

7. Landscaping- Article 7

8. PDD/TDD- Article 3

9. Definitions – Article 1

END of Cheat Sheet

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**COMMUNITY RESIDENCES, CONGREGATE LIVING, AND
NURSING & TREATMENT FACILITIES**

**CR-2017-0027
(Updated 2/23/2021)**

Part 1. ULDC Art. 1.H, General Provisions, Definitions and Acronyms, Definitions (pages 39, 44, 46, 50-51, 57, ___ of 111, Supplement 28), is hereby amended as follows:

Reason for amendments: [Zoning]
1. Boarding House: Delete the definition for Boarding house as a home with 4 unrelated people is allowed in a home pursuant to definition of family.
2. Community Residence: Add new definition for a housing based on 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. The use is to protect individuals with disabilities and alcohol and drug addictions in accordance with Federal Fair Housing, Americans with Disabilities and Florida Statutes.
3. 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.
4. Continuing Care Facility- add new definition of collocated uses that include a mix of living arrangements for independent living, assisted living, congregare living, nursing homes, or memory care, or similar type uses. The use allows for persons to continuing to live and age in place.
5. Disabled – updated definition to clarify disabled person or individuals as disabled in now referenced beyond Reasonable Accommodation within new uses for Community Residences, Family Community Residence, Recovery Community and Transition Community Residence.
6. Dwelling Unit – modified definition to match definition of dwelling unit described in the Comprehensive Plan.
Family: No change to definition, within the draft exhibit for context only.
7. Greater Weight of Evidence- New definition included relating to the standards for Type 2 Waivers that must be met, and provided to determine support of the waivers for location, licensing and number of residents for Family Community Residence, Transitional Community Residence and a Recovery Community.
8. Incidental- added new definition for the purposes of describing medical treatment for Community Residences and Recovery Communities.
9. Oxford House: Add new definition for a type of Family Community Residence.
10. Rooming House: Delete the definition for Rooming house as a home with 4 unrelated people is allowed in a home pursuant to definition of family.
Single Room Occupancy: No change to definition, within the draft exhibit for context only.
Unit: No change to definition, within the draft exhibit for context only.

1 **CHAPTER H DEFINITIONS AND ACRONYMS**

2 **Section 2 Definitions**

3

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

5

6 38. ~~**Boarding House – a dwelling, or part thereof, in which lodging is provided by the owner or operation**~~
7 ~~**to three or more boarders.**~~

8 **[Renumber accordingly]**

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EXHIBIT A
COMMUNITY RESIDENCES, CONGREGATE LIVING, AND
NURSING & TREATMENT FACILITIES

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(Updated 2/23/2021)

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

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

A Community Residence shall be considered a residential use of property for purposes of the ULDC. The term does not include any other group living arrangement for unrelated individuals who are not disabled nor any recovery community, Congregate Living Facility, institutional or medical use, shelter, lodging or boarding house, extended stay hotel, nursing home, or other use as defined in this Code. Upon termination, revocation, or suspension of its license or certification, a Community Residence must be closed within 30 calendar days, and residents must be relocated safely to a licensed/certified residence.

Community Residences include, but are not limited to, those residences that comport with this definition that are licensed by the Florida Agency for Persons with Disabilities, the Florida Department of Elderly Affairs, the Florida Agency for Health Care Administration, and the Florida Department of Children and Families, pursuant to F.S. 419, Community Residential Homes, and sober homes and recovery communities certified by the state's designated credentialing entity established under F.S. 397.487 Substance Abuse Services.

.... **[RENUMBER ACCORDINGLY]**

~~7978~~. **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 described in F.S. 429.02,(12), (14), and (18) Assisted Care Communities.

....
XX. Continuing Care Facility- A facility that provides a continuum of congregate living arrangements ranging from less restrictive to more restrictive congregate living arrangements. It shall include a building or 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.

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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 FHA or ADA. [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 Regulation, Division of Hotels and Restaurants, as apartments, rental condominiums and Retirement Housing.~~ Specialized residences, such as accessory ~~apartments quarters, caretaker quarters, for the elderly or handicapped,~~ congregate living ~~facility, quarters,~~ groom's quarters, farm worker quarters, 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.

....

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

....

2. **Family** – either a single person occupying a dwelling unit and maintaining a household, including not more than one boarder, roomer, or lodger as herein described; or two or more persons related by blood, marriage, or adoption occupying a dwelling, living together, and maintaining a common household, including not more than one such boarder, roomer, or lodger; or, not more than four unrelated persons occupying a dwelling, living together, and maintaining a non-profit housekeeping unit as distinguished from a group occupying a boarding or lodging house, hotel, club, or similar dwelling for group use. A common household shall be deemed to exist if all members thereof have access to all parts of the dwelling.

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

....

XX. Greater Weight of Evidence - the more persuasive and convincing force and effect of the entire evidence in the case.

.... [RENUMBER ACCORDINGLY]

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

....

XX. Incidental – occurring merely by chance or without intention or calculation, minor in importance or significance of a use of a property.

.... [RENUMBER ACCORDINGLY]

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

....

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1 26. Oxford House – A self-governed Community Residence, Family Community Residence type, for
2 recovering substance abusers that has been issued a “Conditional Charter” or “Permanent Charter” by
3 Oxford House World Services, or any successor organization providing oversight, where there is no
4 limit on length of residency, and where the use of alcohol or any illegal drug is prohibited; where any
5 resident who violates this prohibition is expelled from the dwelling; where the residents pay the costs
6 of the dwelling, including rent and utilities; and where through a majority vote, the residents establish
7 policies governing living in the Oxford House, including the manner in which applications for residence
8 are approved. Upon termination, revocation, or suspension of its Charter, an Oxford House must be
9 closed within 30 calendar days and residents must be relocated safely to a licensed/certified residence.

10 [RENUMBER ACCORDINGLY]

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

12

13 ~~34. Rooming House – see Boarding House~~

14 [RENUMBER ACCORDINGLY]

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

16

17 45. **Single Room Occupancy** – A residential property that includes multiple single room dwelling units.
18 Each unit is for occupancy by a single individual. The unit need not, but may, contain food preparation
19 or sanitary facilities, or both. [Ord. 2007-013]

20

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

22

23 6. **Unit** - building or portion of a building, or a mobile home used primarily for human habitation purposes
24 with separate bathing, cooking and/or dining facilities. In the case of a hotel or motel, or a congregate
25 living facility, it shall mean the room and bathrooms.

26

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EXHIBIT A

**COMMUNITY RESIDENCES, CONGREGATE LIVING, AND
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Part 2. ULDC Art. 2.A.2.C Application Processes and Procedures, General, Zoning Applications, Application Types and Authorities (pages 13-14 of 101, Supplement 28), is hereby amended as follows:

Reason for amendments: [Zoning]
1. This part is here for context only, BCC reviews the Class A and Type 2 Waivers
2.

1 **CHAPTER A GENERAL**

2

3 **Section 2 Zoning Applications**

4 Chapters A through D address application processes of the Zoning Division. These processes are generally
5 classified as legislative, quasi-judicial, and administrative, and are reviewed by various County agencies and
6 presented to the applicable decision making bodies or person for consideration. Both legislative and quasi-judicial
7 processes are subject to the public hearing procedures. For the purpose of this Article, the term “public hearing”
8 refers to the legislative and quasi-judicial processes. **[Ord. 2018-002] [Ord. 2020-001]**

9
10 **A. Applicability**

11 The provisions in this Article shall apply to all Zoning applications unless otherwise specified. Quasi-judicial
12 and Administrative Approvals of applications will result in the issuance of DOs. DOs run with the land and
13 may be transferred to new owners unless otherwise stipulated. **[Ord. 2018-002]**

14 **B. Definitions**

15 See Art. 1.H, Definitions and Acronyms.

16 **C. Application Types and Authorities**

17 For the purposes of this Article, the authority of the Board of County Commissioners, Zoning Commission
18 and Development Review Officer shall be limited to the powers and duties pursuant to Art. 2.G, Decision
19 Making Bodies on those applications specified below. **[Ord. 2006-036] [Ord. 2018-002]**

20 **1. Board of County Commissioners (BCC)**

21 The BCC shall make a final decision on the following types of applications: **[Ord. 2018-002]**

22

Table 2.A.2.C – Board of County Commissioners, Legislative and Quasi-Judicial Processes

Legislative
Privately Initiated Unified Land Development Code (ULDC) Amendment (PIA)
County Initiated Official Zoning Map Amendment (Rezoning)
Quasi-Judicial
Official Zoning Map Amendment (Rezoning) (1)
Class A Conditional Use (2)
Development Order Amendment (DOA) of a prior DO approved by the BCC
DOA – Expedited Application Consideration (EAC) of a prior DO approved by the BCC
Development Order Abandonment (ABN) of a prior DO approved by the BCC
Status Report of a prior DO approved by the BCC (3)
Public Ownership (PO) Deviations (4)

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Type 2 Waiver
Unique Structure
Release of Agreement (3)
Administrative Inquiry (AI) (3)
Corrective Resolution for prior DO approved by the BCC
[Ord. 2007-013] [Ord. 2008-003] [Ord. 2009-040] [Ord. 2012-027] [Ord. 2017-007] [Ord. 2018-002] [Ord. 2019-005]
Notes:
1. Only rezoning to a PDD or TDD will issue a DO. A rezoning to a Standard District with a COZ may result in the issuance of a DO.
2. Includes where it specifies the process is subject to the BCC in Table 4.A.9.B, Thresholds for Projects Requiring Board of County Commissioners Approval, Art. 4.B, Use Classification, 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.
3. This is not considered as quasi-judicial process, however, it is subject to the Public Hearing process.
4. PO Deviations reviewed by the BCC do not include those PO Deviations described in Art. 11, Subdivision, Platting, and Required Improvements that are reviewed and approved or denied by the County Engineer. [Ord. 2019-005]

1

Part XX. ULDC Art. 2.B.7.D., Application Processes and Procedures, Public Hearing Processes, Types of Applications, Type 2 Waiver, (pages 35 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 Waivers for Family Community Residence, Transitional Community Residence, and a Recovery Community is allowed to argue financial hardship as it is a judicially-mandated standard.

2 **CHAPTER B PUBLIC HEARING PROCESSES**

3

4 **Section 7 Types of Applications**

5

6 **D. Type 2 Waiver**

7 **1. Purpose**

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

14 **2. Applicability**

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

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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
Family Community Residence, Transitional Community Residence and Recovery Community	Art. 4.B.1.X Family Community Residence - Location, Licensing and Occupancy Art. 4.B.1.X Recovery Community - Location, Licensing and Occupancy Art. 4.B.1.X Transitional Community Residence - Location, Licensing and Occupancy
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]	

3. Standards for a Type 2 Waiver

When considering a DO application for a Type 2 Waiver, the BCC shall utilize the Standards a-c indicated below and any other standards specific to a Type 2 Waiver. For a Unique Structure, refer to the Standards listed in [Art. 2.B.7.D.4](#) below; ~~and~~ for a Commercial Communication Tower, refer to [Art. 4.B.9.H.5.d, Criteria for Granting a Type 2 Waiver](#); ~~For~~ Minimum Legal Access for Collocated Landscape Service, refer to [Art. 11, Subdivision, Platting, and Required Improvements](#); ~~Medical Marijuana Dispensing Facility, pursuant to Art. 4.B.2.C.25.k, refer to the Standards a-d indicated below; and, for Family Community Residence, Transitional Community Residence and Recovery Community refer to Art. 2.B.7.D.5 below.~~ A Type 2 Waiver, which fails to meet any of the Standards, shall be deemed adverse to the public interest and shall not be approved. [Ord. 2011-016] [Ord. 2012-027] [Ord. 2018-002] [Ord. 2020-007]

- a. The Waiver does not create additional conflicts with other requirements of the ULDC, and is consistent with the stated purpose and intent for the zoning district or overlay; [Ord. 2010-022] [Ord. 2011-016] [Ord. 2012-027] [Ord. 2018-002]
- b. The Waiver will not cause a detrimental effect on the overall design and development standards of the project, and will be in harmony with the general site layout and design details of the development; and, [Ord. 2010-022] [Ord. 2012-027] [Ord. 2018-002]
- c. The alternative design option recommended as part of the Waiver approval, if granted, will not adversely impact adjacent properties. [Ord. 2010-022] [Ord. 2012-027] [Ord. 2018-002]
- d. For the purpose of Medical Marijuana Dispensing Facility in [Art. 4.B.2.C.35.i](#), the BCC shall make the determination that the location of a medical marijuana dispensing facility promotes the health, safety, and welfare of the community. [Ord. 2017-028] [Ord. 2018-002]

4. Standards for a Unique Structure

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1 When considering a DO application for a Unique Structure, the BCC and ZC shall utilize the standards
2 a-e indicated below in addition to the requirements as stated in [Art. 5.C.1.E.2](#), Design Standards,
3 Unique Structure. A request for a Unique Structure which fails to meet any of these Standards shall be
4 deemed adverse to the public interest and shall not be approved. [Ord. 2009-040] [Ord. 2018-002]

5 **a. Consistency with the Plan**

6 The proposed architectural composition is consistent with the purposes, goals, objectives and
7 policies of the Plan, including standards for building and structural intensities and densities. [Ord.
8 2009-040] [Ord. 2018-002]

9 **b. Complies with Other Standards of Code**

10 The proposed architectural composition complies with all standards imposed on it by all other
11 applicable provisions of this Code for use, layout, function, and general development
12 characteristics. [Ord. 2009-040] [Ord. 2018-002]

13 **c. Architectural Compatibility**

14 The proposed architectural composition is consistent with the Architectural Style, (see Technical
15 Manual for examples) and generally consistent with the: scale, proportion, unity, harmony, and
16 context of the architecture in the surrounding area. [Ord. 2009-040] [Ord. 2018-002]

17 **d. Design Minimizes Environmental Impact**

18 The proposed architectural composition minimizes environmental impacts, including but not limited
19 to water, air, stormwater management, wildlife, vegetation, wetlands, and the natural functioning of
20 the environment. [Ord. 2009-040] [Ord. 2018-002]

21 **e. Circumstances**

22 Whether and to what extent it can be demonstrated that there are any circumstances that support
23 the designation. [Ord. 2009-040] [Ord. 2018-002]

24 **5. Standards for a Family Community Residence, Transitional Community Residence and**
25 **Recovery Community**

26 When considering a DO application for a Family Community Residence, Transitional Community
27 Residence and Recovery Community, the BCC and ZC shall make a finding of approval, approval with
28 conditions or denial, based on the standards indicated below. The requested Type 2 Waiver by an
29 Applicant is the procedure by which an Applicant shall apply for a reasonable the additional reasonable
30 accommodation for Family Community Residence, Transitional Community Residence, and Recovery
31 Community. A request for a Family Community Residence, Transitional Community Residence and
32 Recovery Community, which fails to meet any of these Standards shall be deemed adverse to public
33 interest and shall not be approved.

34 **a) Family Community Residence or Transitional Community Residence**

35 **1) When a proposed Community Residence is located less than 660 feet or seven lots, whichever**
36 **is greater, of the nearest existing Community Residence or Recovery Community, the Applicant**
37 **shall demonstrate by the greater weight of evidence that:**

38 **a) The proposed Community Residence will not interfere with the normalization and**
39 **community integration of the residents of any existing Community Residence or Recovery**
40 **Community and that the presence of other Community Residences or Recovery**
41 **Community will not interfere with the normalization and community integration of the**
42 **residents of the proposed Community Residence; and,**

43 **b) The proposed Community Residence in combination with any existing Community**
44 **Residences and/or Recovery Communities will not alter the residential character of the**

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1 surrounding neighborhood by creating an institutional atmosphere or by creating or
2 intensifying an institutional atmosphere or *de facto* social service district by clustering
3 Community Residences and/or recovery communities on a block face or concentrating
4 them in a neighborhood.

5 2) When the State of Florida does not offer a license or certification, or the proposed Community
6 Residence is not eligible to be granted an Oxford House Charter for a type of Community
7 Residence and the population it would serve, the Applicant shall demonstrate by the greater
8 weight of evidence that:

9 a) The proposed Community Residence will be operated in a manner effectively similar to
10 that of a licensed or certified Community Residence;

11 b) Staff who reside and/or work in the Community Residence will be adequately trained in
12 accordance with standards typically required by licensing or state certification for a
13 Community Residence;

14 c) The Community Residence will emulate a biological family and be operated to achieve
15 normalization and community integration; and,

16 d) The rules and practices governing the Community Residence will be operated to protect
17 residents from abuse, exploitation, fraud, theft, neglect, insufficient support, use of illegal
18 drugs or alcohol, and misuse of prescription medications.

19 3) When an Applicant seeks to provide housing for more than ten unrelated individuals, in a
20 Community Residence, the BCC shall not approve a Type 2 Waiver, unless and until it finds
21 that the Applicant has:

22 a) Specified by how many individuals it wishes to exceed the as of right maximum residents
23 and demonstrate by the greater weight of evidence that housing more residents is required
24 to ensure the financial and/or therapeutic viability of the Community Residence;

25 b) Demonstrated by the greater weight of evidence that the primary function of the proposed
26 Community Residence is residential where any medical treatment is merely incidental to
27 the residential use of the property;

28 c) Demonstrated by the greater weight of evidence that the proposed Community Residence
29 will emulate a biological family and operate as a functional family rather than as a boarding
30 or rooming house, nursing home, short term rental, continuing care facility, motel, hotel,
31 treatment center, rehabilitation center, institutional use, assisted living facility that does not
32 comport with the definition of "Community Residence," or other nonresidential use; and

33 d) Demonstrated by the greater weight of evidence that the requested number of residents in
34 the proposed Community Residence will not interfere with the normalization and
35 community integration of the occupants of any existing Community Residence or Recovery
36 Community.

37 **b. Recovery Community**

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

41 1) The proposed Recovery Community will not interfere with the normalization and community
42 integration of the residents of any existing Community Residences or Recovery Communities;
43 and, that the presence of existing Community Residences or Recovery Communities will not

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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.

65. 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]

Part XX. 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:

Reason for amendments: [Zoning]
1.
2.

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. 2020-0YY]

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 a 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]

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Part 6. 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:

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 1 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.
2.

1 **CHAPTER C ADMINISTRATIVE PROCESSES**

2

3 **Section 3 General**

4 The DRO shall coordinate the review of applications with all the applicable Agencies based on the request(s), and
5 in accordance with Table 2.C.3, DRO, Administrative Processes. The application(s) shall be assigned by the DRO
6 to be reviewed either through the Full DRO, which consists of all applicable County Agencies, or the Zoning Agency
7 Review (ZAR), which consists of one to a maximum of five Agencies pursuant to Art. 2.C.4.A.3, Zoning Agency
8 Review (ZAR). An Applicant may also request Concurrent Review by the DRO. [Ord. 2018-002] [Ord. 2020-020]
9

Table 2.C.3 – DRO, Administrative Processes

Requests	Processes	
	Full DRO	ZAR
Finalization of BCC or ZC DOs		
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)		✓
Zoning Confirmation Letter Family Community Residence, Transitional Community Residence, or Recovery Community		✓
Release of Unity of Title (5)		✓

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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

Part 6. 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 CLF's. With the removal of Type 1 and Type 2 CLF, the new uses will follow the same confirmation process.

2 **CHAPTER C ADMINISTRATIVE PROCESSES**

3

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

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

6 **1. Purpose**

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

14 **2. Types of ZCL**

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

17 **a. Informal ZCL**

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1 Any individual may request standard land use and zoning information that exists as a matter of
2 record pertinent to a parcel of land. The response from the Zoning Division shall provide a summary
3 of the requested information, including but not limited to FLU designation, zoning district, any prior
4 approvals, and whether the property conforms to applicable Code requirements. The informal ZCL
5 request may include plans or other relevant documents pertinent to the parcel of land. The Informal
6 ZCL is not considered a final action of the Zoning Division and therefore, is not subject to appeal.
7 **[Ord. 2018-002]**

8 **b. Non-Site Specific ZCL**

9 Any individual may request a Non-Site Specific ZCL to determine how the Code may apply in a
10 particular zoning district, overlay, or other zoning designation. The Non-Site Specific ZCL may
11 contain the same information contained in the Informal ZCL, but may also include a request for
12 clarification or interpretation of Code requirements, prior approvals, or other similar matters. The
13 Non-Site Specific ZCL is not considered a final action of the Zoning Division and therefore, is not
14 subject to appeal. **[Ord. 2018-002]**

15 **c. Formal ZCL**

16 An owner of a parcel of land, any person with a contractual interest in a parcel of land, or any
17 person submitting a DO application for a parcel of land, may request a Formal ZCL to determine
18 how the Code applies to that parcel of land based on an existing DO or a specific plan to seek a
19 DO for a particular use. The Formal ZCL may contain the same information contained in the
20 Informal ZCL, but may also include a request for clarification or interpretation of Code requirements,
21 existing Conditions of Approval, prior approvals or other matters pertinent to the parcel of land. A
22 request for a Formal ZCL is subject to a mandatory PAA. A Formal ZCL is subject to appeal
23 pursuant to Art. 2.A.14., Appeal. **[Ord. 2018-002]**

24 **d. Family Community Residence, Transitional Community Residence, and Recovery**
25 **Community Confirmation**

26 An owner of a parcel of land, any person with a contractual interest in a parcel of land, or any
27 person submitting a DO application for a parcel of land, shall request confirmation to determine if
28 a proposed Family Community Residence, Transitional Community Residence or Recovery
29 Community may be allowed for a specific parcel of land. The Applicant is to provide documentation
30 on how it will comply with the Location, Maximum Number of Residents, and Licensing, Certification
31 or Charter Requirements required pursuant to Art 4.B.1.C.x, Family Community Residence, Art
32 4.B.1.C.x, Transitional Community Residence, or Art 4.B.1.C.x, Recovery Community.

33 **3. Processing**

34 Applicants requesting ~~an Informal or a Formal~~ ZCL shall submit ~~same~~ to the DRO subject to the ZAR
35 process. All applications are subject to sufficiency review pursuant to Art. 2.C.2., Sufficiency Review.
36 The BCC may establish an administrative fee by Resolution for processing ~~of both Informal and Formal~~
37 ZCLs. **[Ord. 2018-002]**

38 **4. ZCL Response**

39 **a. Informal ZCL Response**

40 Within 30 days after the date of which the request is deemed sufficient for review, the DRO shall
41 provide a response to the Applicant. **[Ord. 2018-002]**

42 **b. Formal ZCL and Non-Site Specific ZCL Response**

43 Within 60 days after the date of which the request is deemed sufficient for review, the DRO shall
44 provide a response or render an interpretation to the Applicant. A response by the DRO may be

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extended, based on the complexity of the request(s). During the review, the Applicant may be required to submit additional information to assist the DRO in preparing the response. Resubmittal of information to the DRO will restart the response period. **[Ord. 2018-002]**

c. Family Community Residence, Transitional Community Residence, and Recovery Community Confirmation

Within 30 days after the date the request is deemed sufficient for review, the DRO shall provide a response to the Applicant. During the review, the Applicant may be required to submit additional information to assist in preparing the response. Resubmittal of information will restart the response period. Upon demonstration that the use and site can comply with the requirements, the site shall be reserved for a year, pending final licensure or certification from the State of Florida, or Charter approval by the State or the Oxford House. A one-time six-month extension may be approved if the Applicant is unable to obtain its appropriate license, certification or charter within the twelve-month time period.

Upon receipt of the license, certification, or charter the Applicant shall apply for a Business Tax Receipt for the business, from the Palm Beach County Property Appraiser. The Applicant on an annual basis will provide proof the license certification and charter are still valid.

Part XX. ULDC Art. 2.G, Application Processes and Procedures, Decision Making Bodies, Staff Officials, Zoning Director (pages 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.

CHAPTER G DECISION MAKING BODIES

....

Section 4 Staff Officials

....

N. Zoning Director

1. Creation and Appointment

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

2. Jurisdiction, Authority, and Duties

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

- a. to set the Annual Zoning Calendar, as required by [Art. 2.A, General](#); **[Ord. 2020-001]**
- b. to recommend annually any necessary amendments to this Code;
- c. to submit AI to the BCC pursuant to [Art. 2.C.8.B, Administrative Inquiry \(AI\)](#). **[Ord. 2011-016] [Ord. 2018-002]**

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

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Part XX. ULDC Art. 3.B.14.E Overlays and Zoning Districts, Overlays, WCRAO Westgate Community Redevelopment Area Overlay, Use Regulations (pages 45-46 of 219, 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 subareas Westgate Overlay.
2

B. OVERLAYS

....

**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, <u>and</u> Townhouse, <u>and Recovery Community</u> developments with five dwelling units or more shall be permitted. Residential-only developments with under five units shall not be permitted. [Ord. 2020-001]						

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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	P	P	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	-	P	-	-	-	-	X	4.B.1.C.4
Multifamily (MF)	X	P (5)	P (5)	P (5)	P (5)	P (5)	X	4.B.1.C.4
Townhouse	X	P (5)	P (5)	P (5)	P (5)	P (5)	X	4.B.1.C.6
Recovery Communities	X	P (5)	P (5)	P (5)	P (5)	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]							

6

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						

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COMMUNITY RESIDENCES, CONGREGATE LIVING, AND
NURSING & TREATMENT FACILITIES

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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.	Community Residences and Recovery Communities are subject to the same Subarea PDRs as the specific housing type they are located within.					

Part XX. ULDC Art. 3.B.16 Overlays and Zoning Districts, Overlays, Urban Redevelopment Area Overlay (URAO), Use Regulations (pages XX of 219, Supplement 28), is hereby amended as follows:

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 may would include residential uses for single families or Community Residences.

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

2

3 **E. Additional PRA Use Regulations**

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

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

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

- 12 a) Listed in the Use Matrices contained in [Art. 4, Use Regulations](#); **[Ord. 2011-016] [Ord. 2017-007]**
13 b) Does not exceed the limitations of [Art. 1.F, Nonconformities](#); **[Ord. 2011-016]**

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EXHIBIT A

**COMMUNITY RESIDENCES, CONGREGATE LIVING, AND
NURSING & TREATMENT FACILITIES**

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- c) Is entirely located within existing buildings; and, [Ord. 2011-016]
- d) Parking is provided in accordance with the minimum parking requirements of [Art. 6, Parking, Loading, and Circulation](#), inclusive of the minimum parking requirements of [Table 6.B.1.B, Minimum Parking and Loading Requirements](#). Previously approved PDDs may apply any vested parking requirements in accordance with [Art. 1.E, Prior Approvals](#), with exception to applications for Conditional Uses. [Ord. 2011-016]

2. Residential Uses

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

- a. Where located in the same building as non-residential uses, residential uses shall either be located above or internally separated from any non-residential uses; and [Ord. 2011-016]
- b. Single Family ~~and Type 1 CLF~~ [Cottage Homes on a single lot, Zero Lot Line housing types, or Family Community Residences or Transitional Community within these housing types](#), shall not front on Slip Street or Primary Street Frontages. [Ord. 2011-016] [Ord. 2017-007]

Part XX. ULDC Art. 3.B.16 Overlays and Zoning Districts, Overlays, Planned Development District (pages XX 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.

CHAPTER E PLANNED DEVELOPMENT DISTRICTS (PDDS)

Section 1 General

....
C. Objectives and Standards

....
2. Performance Standards

Planned developments shall comply with the following standards:

....
j. Emergency Generators

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

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EXHIBIT A
COMMUNITY RESIDENCES, CONGREGATE LIVING, AND
NURSING & TREATMENT FACILITIES

CR-2017-0027
(Updated 2/23/2021)

XX. **ULDC Art. 3.F.1.G. Overlays and Zoning Districts, Overlays, Traditional Development Districts (TDDs), Use Regulations (pages XX of 219, Supplement 28), is hereby amended as follows:**

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

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CHAPTER F TRADITIONAL DEVELOPMENT DISTRICTS (TDDS)

Section 1 General Provisions for TDDs

....

G. Design Objectives

TDDs shall comply with the following design guidelines:

1. Neighborhoods

- a. A mix of residential uses shall be required in a TND, to provide a variety of housing opportunities.
~~TND residential uses include: [Ord. 2005-002]~~
 - ~~1) Single Family dwellings;~~
 - ~~2) Zero Lot Line (ZLL) dwellings;~~
 - ~~3) Townhouses;~~
 - ~~4) Multifamily dwellings;~~
 - ~~5) Accessory dwellings; or,~~
 - ~~6) Congregate Living Facilities~~
- b. Centrally-located community focal points for the formal and informal interaction of neighborhood residents, such as a neighborhood square, community meeting hall, or neighborhood commercial center. These uses are within walking distance (within 1,320 feet) of all neighborhood residents. **[Ord. 2005-002]**
- c. A variety of open spaces and recreation areas to allow for both passive and active recreation. Small neighborhood parks and playgrounds should be located throughout the neighborhood, so all residents are closely located (within 1,320 feet) to a neighborhood park. Large outdoor recreation areas should be located at the periphery of neighborhoods rather than in central locations. **[Ord. 2005-002]**

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**EXHIBIT A
ARTICLES 4 COMMUNITY RESIDENCES
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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 MUPD may only be permitted when density is available through an underlying Residential or Agricultural Reserve Future Land Use designation. [Ord. 2019-005]

TABLE 4.B.4.A – INSTITUTIONAL, PUBLIC, AND CIVIC USE MATRIX

STANDARD DISTRICTS														PLANNED DEVELOPMENT DISTRICTS (PDDs)														TRADITIONAL DEV. DISTRICTS (TDDs)									
AG/CON		RESIDENTIAL				COMMERCIAL						IND		INST		PUD		MUPD		MXPD		PIPD		M R		TND		TMD									
P	A	A	R	R	R	R	R	R	R	R	R	R	R	R	R	R	R	R	R	R	R	R	R	R	R	R	R	R	R								
A	P	G	P	S	S	A	A	C	C	C	C	C	C	C	C	C	C	C	C	C	C	C	C	C	C	C	C	C	C								
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EXHIBIT A
ARTICLES 1, 4
COMMUNITY RESIDENCES

CR-2017-0027
(Updated 2/4/2021)

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.
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 Home or 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.

9 ~~A group living arrangement for people without disabilities, or a group living arrangement in
10 which normalization and/or community integration are not integral elements, or a group
11 living arrangement for people undergoing treatment in a program under the same or
12 affiliated ownership, or congregate housing for people with disabilities who pose a direct
13 threat to the health or safety of others including as an alternative to incarceration, or
14 intermediate care or assisted living facilities that do not emulate a family.~~

15 **b. Licensing-Typical Uses**

16 ~~Type 1 and 2 CLFs shall be licensed by one of the licensing entities referenced in F.S. §
17 419.004. Typical uses may include:~~

- 18 ~~1) Group home or other CLF for housing for people without disabilities;~~
19 ~~2) Group home or other CLF arrangement for people without disability and pose a direct
20 threat to the health or safety of others;~~
21 ~~3) Intermediate care facility for developmentally disabled people that do not emulate a
22 family;~~
23 ~~4) Assisted Living facilities for adults with disabilities or elderly for the number of people
24 that exceed the thresholds to be considered a Family Community Residence or
25 Transitional Community Residence and do not emulate a family;~~
26 ~~5) shelters for victims of domestic abuse;~~
27 ~~6) Previously approved Type 3 CLF, for people with disabilities, and do not meet the
28 requirements of a Community Residential Home pursuant to F.S. 419.01, and the
29 residents are:~~
30 ~~a) Frail elders (429.65)~~
31 ~~b) People with disabilities (760.22 (3)(a));~~
32 ~~c) Persons who has a developmental disability (393.063)~~
33 ~~d) Non-dangerous person who has a mental illness (394.455)~~
34 ~~e) A child who is found to be dependent (39.01 or 984.03);~~
35 ~~f) A child in need of services (984.03) or (985.03); or,~~
36 ~~7) Previously approved Type 1 CLF or Type 2 CLF for people without disabilities and do
37 not meet supplement definition and requirements for Family Community Residence or
38 Transitional Community Residence.~~

39 **c. Approval Process**

40 **1) RS Zoning District**

41 ~~A Type 3-CLF may be allowed in the RS Zoning District with an MR-5, HR-8, HR-12,
42 or HR-18 FLU designation subject to a Class A Conditional Use approval. A Type 3
43 CLF in the RS Zoning District with an LR-1, LR-2, and LR-3 shall be prohibited. [Ord.
44 2019-005]~~

45 **d. Maximum Occupancy**

46 ~~1) Type 1 CLF~~

47 ~~Six persons, excluding staff.~~

48 ~~2) Type 2 CLF~~

49 ~~14 persons, excluding staff.~~

50 ~~3) Type 3 CLF~~

51 **1) Congregate Living Home in a Single dwelling unit on a lot**

52 The maximum occupancy of the dwelling unit shall comply with Art 1.H.2.F.2, Family
53 for a single unit on a property; and,

54 **2) Congregate Living Facility includes Multiple dwelling units on a lot**

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**EXHIBIT A
ARTICLES 1, 4
COMMUNITY RESIDENCES**

**CR-2017-0027
(Updated 2/4/2021)**

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.~~

fe. Location

A ~~Type 3~~ CLF shall have front or side street property line abutting a Local Commercial, frontage and access from a Collector, or an Arterial Street, except for the following:

- 1) A ~~Type 3~~ CLF Congregate Living Home having 25 residents or less may have frontage and access from a Local Residential Street or a Residential Access Street.
- 2) A ~~Type 3~~ CLF having 250 or fewer residents may be located in a Residential Pod with Attached Housing, Multifamily, Commercial, or Civic Pod with and may have access to a Local Residential Street or a Residential Access Street ~~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 for a Congregate Living Facility

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.

Reason for amendments: [Zoning]
1.
2.

50 **CHAPTER B USE CLASSIFICATION**

51 **Section 1 Residential Uses**

52
53 **C. Definitions and Supplementary Use Standards for Specific Uses**

54 XX.

55 **b. Approval Process**

56 **1) RS Zoning District**

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EXHIBIT A
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(Updated 2/4/2021)

A Continuing Care Facility 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.

c. Maximum Occupancy

- 1) The maximum number of residents for independent living, assisted living, congregate living, and memory care uses 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.
- 2) The maximum number of residents for the skilled nursing or hospice uses shall be in pursuant to Art 4.B.XXg Skilled Nursing or Residential Treatment, Maximum Number of Patient Beds.

d. Location

A Continuing Care Facility located in a residential FLU designation, shall not have access from a Residential Local or Access Street.

Reason for amendments: [Zoning]
1.
2.

CHAPTER B USE CLASSIFICATION

Section 1 Residential Uses

....

3. Family Community Residence

a. Definition

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

b. Typical Uses includes:

- 1) Sober living homes, including Oxford House with no limit on tenancy in practice or in rules;
- 2) Community Residential Home pursuant to F.S. 419;
- 3) Assisted Living Facility for disabled or elderly 429.02(5);
- 4) Adult family-care home FS 429.60;
- 5) Intermediate care facility for developmentally disabled;
- 6) Previously approved Type 1 CLF or Type 2 CLF for people with disabilities and meet supplement definition and requirements for Family Community Residence.
- 7) Recovery Residence F.S 397.311; or,
- 8) Day or night treatment with community Housing 397.311

c. Approval Process

1) Permitted by Right-

a) CL/CH/CHO MUPD Zoning District

A Family Community Residence may be Permitted by Right in an existing Zero Lot Line, Townhouse, or Multi-family, dwelling unit; or, an existing or proposed Cottage Home, subject to compliance with the Supplementary requirements contained herein.

b) IND/L PIPD

A Family Community Residence may be Permitted by Right in an existing or proposed Cottage Home, subject to compliance with the Supplementary requirements contained herein.

c) TND Residential Pod Ex/Rural Tier

A Family Community Residence may be Permitted by Right in an existing or proposed Single Family; an existing Zero Lot line or Townhouse subject to compliance with the Supplementary requirements contained herein.

d) TMD US, Ex/Rural, or AGR Dev Area

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EXHIBIT A
ARTICLES 1, 4
COMMUNITY RESIDENCES

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A Family Community Residence may be Permitted by Right in an existing or proposed Townhouse or Multi-family dwelling unit, subject to compliance with the Supplementary requirements contained herein.

2) DRO Approval- CL, CH, or CHO MUPD Zoning District

A Family Community Residence may be developed in a Zero Lot Line, Townhouse, or Multi-family dwelling units, subject to the approval procedures for those types of housing.

3) Type 2 Waiver

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

- a) Art. 4.B.3.d, Licensing;
- b) Art. 4.B.3.e.2)a) or b). Maximum number of Residents, including staff that reside on the property.
- c) Art. 4.B.3.f Location

d. Licensing

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

- 1) The appropriate available license or certification that the State of Florida 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; FS 419.001, or
- 2) A “conditional” Oxford House Charter within 30 days of the date on which the first individual occupies the Oxford House and a “permanent” Oxford House Charter within 180 days after the “conditional” charter was issued.

e. Occupancy

1) Residents of a Family Community Residence may include:

- a) Frail elders (429.65)
- b) People with disabilities (760.22 (3)(a));
- c) Persons who has a developmental disability (393.063)
- d) Non-dangerous person who has a mental illness (394.455)
- e) A child who is found to be dependent (39.01 or 984.03);
- f) A child in need of services (984.03) or (985.03)
- g) Staff who reside in the home as part of the Family Community Residence and have an integral part of emulating the family.

2) Maximum number of Residents, including Staff that reside on the property:

- a) Five to ten residents; or,
- b) Five to fourteen for residents defined pursuant to F.S. 419.001; and,
- c) In addition, the maximum occupancy of the dwelling unit shall comply with the requirements of the Florida Building Code, the Fire & Life Safety Codes, and the PBC Housing Code;

f. Location

The Family Community Residence shall be located at a minimum of 660 feet or seven lots whichever is greater, from another Family Community Residence, Transitional Community Residence or Congregate Living Home with six or fewer residents; and, 1,200 feet from a Recovery Community or Congregate Living Home with greater than 6 residents. The separation requirement in this Section shall be measured in linear feet from property line to property line.

1) Exemption

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

g. Supplemental Application Requirements

- 1) Program Mission, Rules and Procedures Manual;
- 2) Program description how the residents live to emulate a family, and how the home meets licensing criteria for the safe care and supervision of the clients in the home; and,
- 3) Map depicting the distances from a Family Community Residence; Transitional Community Residence, Recovery Community, or Community Residential Home, or Previously Approved Type 1 or Type 2 CLF.

h. Dwelling Unit

A Family Community Residence may be located within attached or detached residential dwelling units, and subject to the limitations on kitchens.

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EXHIBIT A
ARTICLES 1, 4
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1 **i. Revocation**

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

9 **F. Renewal**

10 Certain special permits are required to be renewed annually. 1. Special permits requiring annual
11 renewal shall be subject to the following: a. Renewal shall occur on or prior to the date the
12 original permit was issued, or a new permit shall be applied for; Unified Land Development
13 Code Supplement No. 13 (Printed 10/12) Article 2 – Development Review Procedures 42 of 88b. Renewal permit
14 shall be subject to the regulations in effect at the time of renewals; and c. Renewal fee as
15 provided in the fee schedule. 2. Failure to renew a special permit shall result in the permit
16 becoming null and void. The use or activity permitted by the special permit shall cease
17 immediately and the affected area returned to its prepermit state.

18 **G. Expiration**

19 Failure to utilize a special permit within one year of issuance, or by the date specified in a
20 condition of approval, shall result in the permit becoming null and void.

21 **[Renumber accordingly]**

Reason for amendments: [Zoning]
1.
2.

22 **CHAPTER B USE CLASSIFICATION**

23 **Section 1 Residential Uses**

24
25 **C. Definitions and Supplementary Use Standards for Specific Uses**

26
27 **6. Recovery Community**

28 **a. Definition**

29 Multiple dwelling units in townhouse or multifamily housing that are not held out to the
30 general public for rent or occupancy, that provide a drug-free and alcohol-free living
31 arrangement for people in recovery from drug and/or alcohol addiction, which, taken
32 together, do not emulate a single biological family and are under the auspices of a single
33 entity or group of related entities. Recovery Communities include land uses for which the
34 operator is eligible to apply for certification or license from the State of Florida. The term
35 does not include any other group living arrangements for people who are not disabled nor
36 any Community Residence, congregate living home, congregate living facility, institutional
37 or medical use, shelter, lodging or boarding house, extended stay hotel, nursing home, or
38 other use defined in this this code.

39 **b. Nonconformities**

40 1) Recovery Community dwellings that legally existed prior to the date of **Ord xxxx** may
41 be considered a legal non-conforming use pursuant to Art. 1.F.4xx, Non-conforming
42 Use, and may continue to operate provided it is a certified recovery Community
43 Residence (F.S. 397.311).

44 **c. Approval Process**

45 **1) Permitted by Right**

46 **a) Residential Pod- PUD within Townhouse or Multi-family Housing.**

47 Recovery Community may be located within an existing or proposed Pod for
48 attached housing subject to the Supplementary requirements contained herein,
49 and the approval process for the specific housing structure, and shall:

- 50 (1) Meet the requirements of 4.B.6.d, Licensing;
51 (2) Meet the requirements of 4.B.6.e, Occupancy; and,
52 (3) Meet the requirements of 4.B.6.f, Location

53 **2) Type 2 Waiver**

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

- 56 a) Art. 4.B.6.d, Licensing;

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b) Art. 4.B.6.e.1)a) or b). Maximum number of Residents, including staff that reside on the property.

c) Art. 4.B.6.f, Location

d. Licensing

A Recovery Community shall be licensed by one of the licensing entities referenced in F.S. § 397.487 and be actively managed by a certified recovery residence administrator. Certificate of Compliance and/or renewal shall be provided for application review.

e. Occupancy

1) Maximum number of residents, including Staff that reside on in a dwelling unit;

a) Four unrelated residents; and,

b) In addition, the maximum occupancy of the dwelling unit shall comply with the requirements of the Florida Building Code, the Fire & Life Safety Codes, and the PBC Housing Code;

f. Location

The Recovery Community shall be located at minimum of 1,200 feet or ten lots whichever is greater, from another Recovery Community, Family Community Residence, Transitional Community Residence, or Congregate Living Home or Facility. The separation requirement in this Section shall be measured in linear feet from property line to property line.

g. Revocation

A recovery community that is denied a license or certification that the State of Florida offers or had its license or certification suspended or revoked, or been denied certification from the State of Florida, or had its certification suspended or revoked, is not allowed in Palm Beach County and must cease operation and vacate the premises within 30 days of the date on which its license or certification was denied, suspended, or revoked.

Reason for amendments: [Zoning]
1.
2.

CHAPTER B USE CLASSIFICATION

Section 1 Residential Uses

C. Definitions and Supplementary Use Standards for Specific Uses

7. Transitional Community Residence (TCR)

a. Definition

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

b. Typical Uses

1) Halfway houses for people with disabilities that are able to emulate family including people with illness, addiction, physical injuries;

2) Community Residential Home pursuant to F.S. 419 with 1 year or less limit on tenancy;

3) Sober Living homes with 1 year or less limit on tenancy in practice or in rules;

4) Substance abuse "Residential Treatment Levels 2-3;

5) Substance Abuse "Residential Treatment Level 4;

6) Short-term group homes (well less than a year tenancy); or

7) Previously approved Type 1 CLF or Type 2 CLF for people with disabilities and meet supplement definition and requirements for Transitional Community Residence.

c. Approval Process

1) Permitted by Right

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EXHIBIT A
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COMMUNITY RESIDENCES

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(Updated 2/4/2021)

- 1 a) Detached units within the AGR, AR, RE, RT, RS, Residential Pod of a PUD, or
2 Res Pod of a TND; or, ZLL or Cottage homes within CL/CH/CHO MUPD Zoning
3 District, CH/CHO MXPd, or IND/L PIPD Zoning District shall meet the following
4 criteria:
5 (1) Maximum number of Residents, including Staff that reside on the property
6 does not exceed 6;
7 (2) Meets the requirements of 4.B.7.f, Location; and
8 (3) Meets the requirements of 4.B.7.d Licensing.
9 b) Existing detached or attached housing within the IRO, UC, UI or RM Zoning
10 District; or existing attached housing within a Residential Pod of a PUD,
11 CL/CH/CHO MUPD, CH, CHO MXPd, Res/NC Pod of a TND, or TMD Zoning
12 District shall:
13 (1) Meet the requirements of 4.B.7.d Licensing;
14 (2) Meet the requirements of 4.B.7.e, Occupancy; and,
15 (3) Meet the requirements of 4.B.7.f, Location

16 **2) Type 2 Waiver**

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

- 20 a) **RM, MUPD, Residential Attached Unit Pod of a PUD, TMD or TND**
21 (1) Art. 4.B.7.d, Licensing;
22 (2) Art. 4.B.7.e.2)a) or b). Maximum number of Residents, including staff that
23 reside on the property.
24 (3) Art. 4.B.7.f Location.

25 **d. Licensing**

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

- 28 1) The appropriate available license or certification that the State of Florida offers or
29 requires to operate the proposed Family Community Residence, including any
30 provisional license or certification issued prior to granting a full license or certification;
31 FS 419.001, or
32 2) A “conditional” Oxford House Charter within 30 days of the date on which the first
33 individual occupies the Oxford House and a “permanent” Oxford House Charter within
34 180 days after the “conditional” charter was issued.

35 **e. Occupancy**

36 **1) Residents of a Transitional Community Residence may include:**

- 37 a) Frail elders (429.65)
38 b) People with disabilities (760.22 (3)(a));
39 c) Persons who has a developmental disability (393.063)
40 d) Non-dangerous person who has a mental illness (394.455)
41 e) A child who is found to be dependent (39.01 or 984.03);
42 f) A child in need of services (984.03) or (985.03)
43 g) ???Residents for 397...
44 h) Staff who reside in the home as part of the Transitional Community Residence and
45 have an integral part of emulating the family.

46 **2) Maximum number of Residents, including Staff that reside on the property;**

- 47 a) Five to ten; or,
48 b) Five to fourteen for residents defined pursuant to F.S. 419.001; and,
49 c) The maximum occupancy of the dwelling unit shall comply with the requirements
50 of the Florida Building Code, the Fire & Life Safety Codes, and the PBC Housing
51 Code;

52 **f. Location**

53 The Transitional Community Residence shall be located at minimum of 660 feet or seven
54 lots whichever is greater, from another Community Residence or Congregate Living Home
55 with six or fewer residents; and, 1,200 feet from a Recovery Community or Congregate
56 Living Home with greater than 6 residents. The separation requirement in this Section shall
57 be measured in linear feet from property line to property line.

58 **1) Exemption**

59 Per state law, Transitional Community Residence for people with developmental
60 disabilities located in a “planned residential community” as defined by Section
61 419.001(1)(d) of the Florida Statutes, are exempt from the spacing requirements
62 between Transitional Community Residences established in this Code.

63 **g. Supplemental Application Requirements**

64 **1) Program Mission, Rules and Procedures Manual;**

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**EXHIBIT A
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COMMUNITY RESIDENCES**

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- 1 2) Program description how the residents live to emulate a family, and how the home
2 meets licensing criteria for the safe care and supervision of the clients in the home;
3 and,
4 3) Map depicting the distances from a Transitional Community Residence; Family
5 Community Residence, Recovery Community, or Community Residential Home, or .

6 **h. Dwelling Unit**

7 A Family Community Residence may be located within attached or detached housing, and
8 subject to the limitations on kitchens.

9 **i. Revocation**

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

17

18
19 **Part 13. ULDC Art. 4.B.1.C.1, Use Regulations, Use Classification, Residential Uses, Definitions**
20 **and Supplementary Use Standards for Specific Uses, Congregate Living Facility (CLF)**
21 **(pages 15 and 16 of 199, Supplement 28), is hereby amended as follows:**

Reason for amendments: [Zoning]
1.
2.

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

23

24 **12. Skilled Nursing or Residential Treatment Home, ~~or Convalescent Facility~~**

25 **a. Definition**

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

33 **b. Licensing**

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

36 **c. Typical Uses includes:**

- 37 1) Addiction receiving facility;
38 2) Detoxification treatment facility;
39 3) Residential treatment facility (Chapter 394)
40 4) Nursing Home;
41 5) Convalescent Facility;
42 6) Hospice larger than a Single Family Dwelling unit;
43 7) Substance Abuse "Residential Treatment" Level 1; or
44 8) Substance Abuse "Residential Treatment" Level 2-4, which does not meet the
45 requirements of a Family Community Residence or a Transitional Community
46 Residence.

47 **d. Lot Size**

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

50 ~~**e. Frontage**~~

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

52 **fe. Access**

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

55 **gf. Maximum Number of Patient Beds**

- 56 1) All FLU designations except RR: One bed per 1,000 square feet of lot area.
 2) RR FLU designation: 0.25 bed per 1,000 square feet of lot area.

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EXHIBIT A
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COMMUNITY RESIDENCES

CR-2017-0027
(Updated 2/4/2021)

Part 17. 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:

Reason for amendments: [Zoning]
1.
2.

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 alternative power source shall be required for all
13 ~~Type 2 and 3 CLFs, Assisted Living Facilities - excluding personal residences (owner~~
14 ~~occupied) used as an assisted living facility for 5 or fewer residents, Nursing Homes,~~
15 ~~Intermediate Care Facilities for developmentally disabled, or Transitional Living Facility~~
16 ~~for brain and spinal cord injury patients, pursuant to F.S. 400.99 or Convalescent~~
17 ~~Facilities, and PDD or TDD clubhouses 20,000 square feet, or greater. [Ord. 2006-~~
18 ~~004] [Ord. 2007-013].~~....

19 **b. Standards**

20

21 **2) Residential**

22 The following shall be applicable to SFD, ZLL, TH, and MF units. [Ord. 2006-004]

23

24 **b) Setback Exceptions**

25 Generators less than four feet in height from finished grade may be allowed within
26 the required side and rear setbacks in accordance with Table 5.B.1.A, Setbacks
27 for Generators Less Than Four Feet in Height. [Ord. 2006-004]

28

Table 5.B.1.A – Setbacks for Generators Less Than Four Feet in Height (1)

	Side	Rear
SFD	3'	5'
ZLL	5'	5'
TH	N/A	5'
[Ord. 2006-004]		
Notes:		
1.	Refer to FBC for additional location criteria.	

29

30 **3) ~~Type 2 and 3 CLF, PUD Club Houses, and Nursing Homes~~ and other uses**
31 **pursuant to F.S. 400.**

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

34 **a) Essential Functions**

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

38 **b) General Lighting**

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

41 **c) Multipurpose Room**

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

44 **d) Fuel Storage**

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

47 **4) Non-Residential**

48 There is no limitation to the number of generators. [Ord. 2006-004]

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....

Part 19. 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.
2.

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)
21 3) Continuing Care Facilities **[Ord. 2019-033]**

22

Part 20. 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.
2.

23 **CHAPTER G DENSITY BONUS PROGRAMS**

24

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

26

27 **B. Applicability**

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

34 **1. Exemptions**

35 Congregate ~~H~~Living ~~F~~facilities (CLFs); Continuing Care Facilities, and, Skilled Nnursing or
36 Residential Ttreatment Home ~~convalescent facilities~~. **[Ord. 2009-040]**

37

Part 21. ULDC Art. 5.G.2.B.1, Supplementary Standards, Density Bonus Programs, Transfer of Development of Rights (TDRs) – Special Density Program, Applicability, Exemptions (page 87 of 106, Supplement 28), is hereby amended as follows:

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Reason for amendments: [Zoning]
1.
2.

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 The use of TDR shall be allowed in all residential zoning districts within the U/S Tier and shall be
12 approved pursuant to this Chapter. TDR units may be utilized for all housing types. Additionally,
13 TDR units may be converted to CLF beds subject to the provisions of Art. 4.B.1.C.1, Congregate
14 Living Facility (CLF), whereby the total approved density, including TDR units, is utilized when
15 calculating permissible CLF occupants per acreType 3-CLF.

16 **D. Previous Approvals**

17 All previously approved transfers of development rights, as long as they remain in force, shall
18 remain valid and shall not be affected nor changed by subsequent revisions to the TDR Program.

19

20

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Part 22. ULDC Art. 6.B.1, Parking, Loading, and Circulation, Parking and Loading, Calculation (pages 4, 5, 6, and 9 of 35, Supplement 28), is hereby amended as follows:

Reason for amendments: [Zoning]
1.
2.

CHAPTER B PARKING AND LOADING

Section 1 Calculation

A. Computing Parking Standards

....

4. Occupants

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

....

B. Minimum Parking Requirements

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

Use Classification: Residential		Loading Standard
....		
Congregate Living Facility, Type 1, Type 2, Type 3	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, Recovery Community, 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, Congregate Living Home, Community Residence 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]		

Use Classification: Commercial		Loading Standard
....		
Hotel or Motel	1.25 spaces per room; (convention areas, restaurants, etc. over 2,000 sq. ft. to be calculated separately)	A
....		
Rooming and Boarding House	1 space for each guest room	N/A
....		
Single Room Occupancy (SRO)	1.25 spaces per room	A
....		
[Ord. 2006-004] [Ord. 2006-036] [Ord. 2008-037] [Ord. 2009-040] [Ord. 2011-016] [Ord. 2012-027] [Ord. 2013-021] [Ord. 2016-042] [Ord. 2017-007] [Ord. 2017-025] [Ord. 2019-005] [Ord. 2019-039] [Ord. 2020-001]		

Use Classification: Institutional, Public, and Civic		Loading Standard
....		
Skilled Nursing Home or Residential Treatment Home Convalescent Facility	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]		

C. Parking Spaces for Persons Who Have Disabilities

Pursuant to F.S. § 553.513, the provision of parking spaces and passenger loading areas for persons who have disabilities is governed by F.S. § 553.511, § 5041, and the current effective

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1 version of the Florida Building Code, Accessibility. [Ord. 2005-002] [Ord. 2011-016] [Ord. 2020-
2 001]

Part 23. ULDC Art. 6.B.2, Parking, Loading, and Circulation, Parking and Loading, Location
(pages 9-12 of 35, Supplement 28), is hereby amended as follows:

Reason for amendments: [Zoning]
1.
2.

3 **CHAPTER B PARKING AND LOADING**

4

5 **Section 2 Location**

6 **A. On-Site Parking**

7 **1. Required Parking**

8 All required parking, shall be provided on the same lot or project as the principal use(s), or as
9 allowed pursuant to Art. 6.B.2.C, Off-Site Parking. The location of required parking spaces shall
10 not interfere with normal traffic flow or with the operation of queuing and backup areas. Loading
11 areas shall not obstruct pedestrian pathways. [Ord. 2020-001]

12 **a. Distance from Building or Use**

13 Unless otherwise provided in this Section, all required parking spaces shall not be located
14 more than 600 linear feet from the nearest building or use it is intended to serve. This
15 standard shall not apply to parking spaces provided for auditoriums, stadiums, assembly
16 halls, gymnasiums, and other places of assembly, nor shall it apply to hospitals, large-scale
17 retail, wholesale, and consumer services uses over 500,000 square feet or industrial,
18 wholesaling, or manufacturing establishments. [Ord. 2020-001]

19 **b. Location of Front, Side, and Rear Parking**

20 A minimum of ten percent of the required parking spaces shall be located at the side or
21 rear of each building it is intended to serve; however, development requiring 50 or less
22 parking spaces shall be exempt. A public pedestrian walk shall connect the parking areas
23 to a store entrance. Such pedestrian access way shall be a minimum of four feet in width,
24 clearly marked, well lighted, and unobstructed. [Ord. 2005-041]

25

26 **c. Garages and Carports**

27 Space within a carport or garage may be used to satisfy residential parking requirements,
28 provided that no Building Permit shall be issued to convert a carport or garage to a living
29 area without a provision to provide the required parking spaces in the driveway or in a
30 common parking lot. [Ord. 2020-001]

31 **d. Parking Fees**

32 Except as provided in Art. 6.B.3.A.1.d.3), Valet Parking, a fee or other form of
33 compensation shall not be charged for the use of required parking spaces. Fees may be
34 charged for the use of parking spaces that have been provided in excess of minimum
35 standards. [Ord. 2020-001]

36 **2. Guest Parking**

37 Guest parking spaces shall be located within 300 feet of the use they are intended to serve.
38 Guest parking may be grassed, as provided in Art. 6.B.3.B.2, Grass. All guest parking shall be
39 prominently identified with an above-grade sign or marking on the wheel stop or curb.

40 **B. On-Street Parking**

41 On-street parking is prohibited unless stated below. [Ord. 2019-034]

42 **1. Residential**

43 On-street parking may be allowed as determined by the Land Development Division in
44 subdivisions located in Standard Residential Zoning Districts or Residential Pods of a PDD
45 when the following requirements are met: [Ord. 2019-034]

46 a. parking spaces are located on an internal private street; [Ord. 2019-034]

47 b. approved by the County Engineer per Art. 11.B.6.C, Alternate Design, Construction
48 Standards, and Types of Materials; [Ord. 2019-034]

49 c. parking spaces shall not reduce the minimum fire department access width of 20 feet,
50 pursuant to the Florida Fire Prevention Code, NFPA 1; [Ord. 2019-034]

51 d. shall not be used to satisfy required parking; and, [Ord. 2019-034]

52 e. not required to be shown on an approved Zoning Site Plan. [Ord. 2019-034]

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- 1 2. Developments located in the WCRAO, IRO, URAO, or TDD Zoning Districts in accordance with
2 the specific provisions in Art. 3, Overlays and Zoning Districts that allow on-street parking.
3 **[Ord. 2019-034]**

4
5 **C. Off-Site Parking**

6 **1. Permanent**

7 The DRO may permit all or a portion of the required parking spaces to be located on a lot
8 separate from the lot on which the principal use is located. Off-site parking shall be subject to
9 the following standards: **[Ord. 2020-001]**

10 **a. Necessity**

11 The Applicant shall demonstrate that it is not feasible to locate all of the required parking
12 on the same lot as the principal use.

13 **b. Ineligible Activities**

14 Off-site parking shall not be used to satisfy the minimum parking requirements for
15 restaurants, lounges, Convenience Stores, and other high turnover-oriented uses.
16 Required handicap parking spaces shall not be located off site. **[Ord. 2020-001]**

17 **c. Location**

18 Off-site parking shall not be located more than 600 linear feet from the building or use it is
19 intended to serve. Off-site parking shall not be separated from the principal use by a street
20 with a width of more than 80 feet. **[Ord. 2005-002]**

21 **d. Zoning**

22 Off-site parking areas shall require the same or a more intensive zoning classification than
23 that required for the building or use served.

24 **e. Signs**

25 One sign shall be located at the off-site parking lot indicating the use that it serves, and
26 one sign shall be located on the site of the use served, indicating the location of the off-site
27 parking lot.

28 **f. Agreement for Off-Site Parking**

29 In the event that an off-site parking area is not under the same ownership as the principal
30 use served, a written agreement or unity of control shall be required. A copy of the
31 agreement among the owners of record shall be submitted to the DRO and reviewed and
32 approved by the County Attorney. The agreement shall be filed in the deed records of PBC
33 by the owner of record. Proof of recordation of the agreement shall be presented to the
34 DRO prior to approval. The agreement shall:

- 35 1) list the names and ownership interest of all parties to the agreement and contain the
36 signatures of those parties;
37 2) provide a legal description of the land;
38 3) include a Site Plan showing the area of the use and parking parcel;
39 4) expressly declare the intent for the covenant to run with the land and bind all parties
40 and all successors in interest to the covenant;
41 5) assure the continued availability of the spaces and provide assurance that all spaces
42 will be usable without charge;
43 6) describe the obligations of each party, including the maintenance responsibility;
44 7) require that the Zoning Director be notified prior to the expiration or termination of an
45 off-site parking area lease agreement;
46 8) be made part of the Site Plan/Final Subdivision Plan; and,
47 9) describe the method by which the covenant shall, if necessary, be revised.

48
49
50 **Part 24. ULDC Art. 7, Landscaping (pages 12-13, and 19 of 35, Supplement 28), is hereby
 amended as follows:**

Reason for amendments: [Zoning]
1.
2.

51
52 **CHAPTER B APPLICABILITY AND APPROVAL PROCESS**

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

54 An Applicant may seek minor modifications to the requirements of this Article that are identified in [Table](#)
55 [7.B.4.A, Type 1 Waivers for Landscaping](#). Any requirements that are not listed herein may be eligible to be
56 modified through other applicable processes pursuant to [Art. 2, Application Processes and Procedures](#).

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1 The Applicant shall demonstrate in the Justification Statement and provide supporting documents that [Art.](#)
2 [2.C.5.F.3, Standards](#) for a Type 1 Waiver, and the applicable Criteria in the following Table have been met.
3 **[Ord. 2007-001] [Ord. 2016-042] [Ord. 2018-002]**

4 **A. Applicability**

5 Type 1 Waiver for Landscaping shall not be combined with other Variance requests for the same
6 requirements. **[Ord. 2018-002]**
7

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 (CLF)s, or Continuing Care Facilities.
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.
Art. 7.C.4.F, Parking Structures	Allow perimeter planter requirement be altered if the planters are in conflict with the architectural design of the parking structure.	<ul style="list-style-type: none"> The Applicant is required to submit architectural elevations of the parking structure for Staff review and evaluation. The required planting for the planters shall be relocated to other areas of the same property where the parking structure is located.

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

Article/Table Reference and Title	Maximum Waiver	Criteria
Art. 7.C.5.A.1, Underground Easement – Relocation of Trees	Allow required trees to be relocated on the same site. [Ord. 2018-018]	<ul style="list-style-type: none"> • There is no reduction in the total quantity of the required trees; [Ord. 2018-018] • A maximum of ten percent of the required trees within the same buffer may be relocated; and, [Ord. 2018-018] • The Applicant shall identify on the Alternative Landscape Plan the new location of the tree(s) and whether root barrier will be utilized for the tree. [Ord. 2018-018]
Art. 7.C.5.B, Easements in On-Site Parking Areas – Existing Utilities	Allow existing easements to overlap the landscape islands. [Ord. 2018-018]	<ul style="list-style-type: none"> • The Applicant shall provide documentation from the utility easement holder that the easement(s) are recorded, and are not subject to a change in the location; [Ord. 2018-018] • The Applicant may utilize a small tree or a palm to satisfy the Canopy tree requirement. If the minimum separation between the tree and the utilities cannot be met, the required tree in the island may be relocated within the same site; [Ord. 2018-018] • The minimum percentage of Canopy tree pursuant to Table 7.C.4.A, Landscape Island and Divider Median – Planting and Dimensional Requirements, may be reduced to 50 percent and palms may be increased up to 50 percent, and, [Ord. 2018-018] • The Applicant shall identify on the Alternative Landscape Plan the new location of the tree(s) and whether root barrier will be utilized for the tree. [Ord. 2018-018]

[Ord. 2005-002] [Ord. 2012-027] [Ord. 2014-025] [Ord. 2015-031] [Ord. 2016-016] [Ord. 2016-042] [Ord. 2017-007] [Ord. 2018-002] [Ord. 2018-018] [Ord. 2019-005]

(1) Multifamily also include Cottage homes with more than one dwelling unit on a lot; and Family Community Residences, Transitional Community Residences, Recovery Communities which are located within a Multi-family housing type.

1
2
3
4
5

6 **CHAPTER C LANDSCAPE BUFFER AND INTERIOR LANDSCAPE REQUIREMENTS**

7

8 **Section 2 Types of Landscape Buffer**

9

11 **C. Incompatibility Buffer**

12 An Incompatibility Buffer shall consist of Canopy trees, palms or pines, and rows of shrubs. Palms
13 or pines may be used as a substitute for trees. In addition, an Incompatibility Buffer shall consist of
14 a continuous, opaque landscape barrier. **[Ord. 2009-040] [Ord. 2016-016] [Ord. 2018-002]**

15 **1. Applicability**

16 Incompatibility Buffers shall be provided between all incompatible uses or incompatible pods
17 in a PDD. **[Ord. 2018-002]**

18 **a. Type 1 Waiver for Landscaping**

19 An Incompatibility Buffer may not be required for Residential Pods of a PDD, or tracts within
20 a residential subdivision subject to a Type 1 Waiver for Landscaping. **[Ord. 2018-002]**

21 **2. Types and Width of Incompatibility Buffers**

22 There are three types of Incompatibility Buffers, Types 1, 2, and 3, and shall be applied in
23 accordance with [Table 7.C.2.C, Incompatibility Buffer Types](#). The type of Incompatibility Buffer
24 required shall be the most restrictive buffer type based on the use difference between adjacent
25 uses. Where required between pods in a PDD, only one Incompatibility Buffer shall be required.
26 **[Ord. 2016-016] [Ord. 2018-002]**

27

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Notes:

Underlined indicates **new** text.

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

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**EXHIBIT A
ARTICLES 1, 4
COMMUNITY RESIDENCES**

**CR-2017-0027
(Updated 2/4/2021)**

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, Continuing Care 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 more than one dwelling units on a lot, or Townhouse housing types. This shall also include Family Community Residences, Transitional Community Residences, or Recovery Communities, which are located within attached housing types.		
4.	Detached Residential classification includes Cottage Home single unit on a lot, Zero Lot Line, or Single Family housing types. This shall also include Family Community Residences Transitional Community Residences, or Congregate Living Home, which are located within detached housing types.		

1
2

a. Width Reduction

....

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