



**BOARD OF COUNTY COMMISSIONERS  
ZONING HEARING**

**AMENDMENTS TO THE AGENDA  
July 22, 2021**

**AGENDA**

<b><u>ITEM #</u></b>	<b><u>PAGE #</u></b>	<b><u>APPLICATION AND CONTROL #S</u></b>	<b><u>APPLICATION NAME</u></b>
----------------------	----------------------	--	--------------------------------

**CONSENT AGENDA**

**E. ZONING APPLICATIONS – NEW**

1.	(3)	ZV/DOA-2020-01452	The Farms Market Place MUPD
----	-----	-------------------	-----------------------------

**AMEND** Standard b., Consistency with the Code (subsection - *Nonconformities*) within the Staff Report, to read as follows:

*Nonconformities:* The existing conditions for the site was vested under application number ZAR-2017-1599 as approved on ~~August 23, 2021~~ September 27, 2017 (see Figure 6)...

**REGULAR AGENDA**

**I. PREVIOUSLY POSTPONED ZONING APPLICATIONS**

3.	(Agenda Pg. 6)	PDD/DOA-2020-00268	Tuscan Gardens of Delray Beach
----	----------------	--------------------	--------------------------------

**POSTPONED** to August 26, 2021

**J. ZONING APPLICATIONS – NEW**

4.	(110)	ZV/PDD/DOA/CA-2020-02096	Hypoluxo Village MUPD
----	-------	--------------------------	-----------------------

**ADD** Landscape Condition 5 to Exhibit C-3, to read as follows:

LANDSCAPE – PERIMETER- LANDSCAPE AND BUFFERING ALONG EAST PROPERTY LINE

5. The northern 100 feet of the east landscape buffer shall include 1 Live Oak per 20 linear feet (5 total). Further, in addition to Code requirements, a 6 ft. high Cocoplum Hedge shall also be installed within this 100 foot buffer area. (BLDG PERMIT: ZONING - Zoning)

5.	(173)	PDD/CA-2020-02083	Legent Delray Beach MUPD
----	-------	-------------------	--------------------------

**AMEND** Standard a., Consistency with the Plan (PLANNING COMMENTS) within the Staff Report, to read as follows:

The request for 90,000 sq. ft. of hospital uses and 30,000 sq. ft. of Medical Offices produces a traffic trip equivalency of ~~2,044~~ 1,338 trips, which is less than the 3,317 trips associated with 91,000 sq. ft. of Commercial uses...

(174)

**AMEND** Standard a., Consistency with the Plan (subsection – *Intensity*) within the Staff Report, to read as follows:

*Intensity*: Per condition 1 in Ordinance 2016-031, uses under the Commercial Low Future Land Use designation are limited to a maximum of 91,100 sq. ft. of commercial retail or equivalent traffic generating uses. The request for 90,000 sq. ft. of hospital uses and 30,000 sq. ft. of Medical Offices produces a traffic trip equivalency of ~~2,044~~ 1,338 trips, which is less than the 3,317 trips associated with 91,000 sq. ft. of Commercial uses...

**L. ULDC AMENDMENTS**

**7. (243-314) FIRST READING – UNIFIED LAND DEVELOPMENT CODE (ULDC) AMENDMENT ROUND 2021-01**

**Notes:**

Underlined indicates **new** text; Double underline indicates revised added text; ~~Stricken~~ indicates text to be **deleted**; ~~Double stricken~~ indicates revised deleted text; ~~Stricken and italicized~~ means text to be totally or partially relocated; If being relocated destination is noted in bolded brackets [**Relocated to:** ]; ~~Italicized~~ indicates text to be relocated. Source is noted in bolded brackets [**Relocated from:** ]; .... A series of four bolded ellipses indicates language omitted to save space.

**AMEND**, Exhibit D – Art. 3, WCRAO Use Regulations, Property Development Regulations, and Supplementary Standards, Part 2 (page 309), relocate “min.” clarification for front or side street setback for the UH Sub-area after number for consistency, remove “C/IND” from the front or side street setback and minimum frontage requirements of the UI Sub-area as these are the only uses permitted, and remove “C” and “MU” from the key as they are no longer used in the Table.

**Table 3.B.14.F – WCRAO Non-Residential and Mixed Use Sub-area PDRs**

Sub-areas	NR (1)	NRM	NG	NC	UG	UH	UI
<b>Lot Dimensions (2)</b>							
Min. Frontage/Lot Width	-	-	75' (4)	75' (4)	100'	100' (5)	-
Min. Lot Depth	-	-	100'	100'	100'	100'	-
Max. Building Coverage	N/A	40%	40%	40% (3)	40% (3)	40% (3)	45% (3)
<b>Build-to-Line/Setbacks</b>							
Front or Side Street <del>Build-to-Line</del> (10)	<del>N/A</del>	Build-to-Line – 15'	Build-to-Line – 15'	Build-to-Line – 10'	Build-to-Line – <del>C/MU:</del> 10-25'	<del>Build-to-Line –</del> <u>Min-10-25'</u> <u>min.</u>	Build-to-Line – <del>C/IND:</del> 10-25'
Min. Side	N/A	10' (6)	10' (6)	10' (6)	15'	15'	15'
Min. Rear		25'	25'	25'	25'	25'	25'
<b>Min. Building Frontage</b>							
Min. Frontage (10)	<del>N/A</del>	60%	60%	80%	60%	-	<del>C/IND:</del> 60%
<b>Optional Plazas and Squares</b>							
Build-to-Line Exception	N/A	Max. 50% of Building Frontage, min. width of 20', and max. depth of 25'				-	-
<b>Max. Stories/Height (8)</b>							
Max. Stories	<del>N/A</del>	3	4	6	20	10	15
Max. Height (8)	N/A	36'	48'	72'	240'	120'	180'
<b>Other</b>							
Max. Building Length (7)(9)	N/A	300'	300'	300'	300'	-	-
[Ord.2006-004] [Ord. 2010-022] [Ord. 2015-031] [Ord. 2017-002] [Ord. 2017-007] [Ord. 2017-025] [Ord. 2019-005] [Ord. 2020-001] [Ord. 2021-006]							
<b>Key:</b>							
-	PDRs not specified in this Table shall be subject to the PDRs of the lot's zoning district						
<del>C</del>	<del>For commercial uses</del>						
<del>MU</del>	<del>For mixed uses</del>						
....							

8. (315-352) **ULDC AMENDMENT  
FIRST READING - UNIFIED LAND DEVELOPMENT CODE (ULDC)  
AMENDMENT FOR COMMUNITY RESIDENCES, RECOVERY  
COMMUNITIES, CONGREGATE LIVING FACILITIES, AND SKILLED  
NURSING AND RESIDENTIAL TREATMENT FACILITIES**

**Notes:**

Underlined indicates **new** text; Double underline indicates revised added text following May 27, 2021 BCC Hearing; **Bold Double underline** indicates additional revised language; ~~Stricken~~ indicates text to be **deleted**; ~~Double stricken~~ indicates revised deleted text following May 27, 2021 BCC Hearing; ~~Bold Double stricken~~ indicates additional revised deleted language *Stricken and italicized* means text to be totally or partially relocated; If being relocated destination is noted in bolded brackets [**Relocated to:** ]; *Italicized* indicates text to be relocated. Source is noted in bolded brackets [**Relocated from:** ]; .... A series of four bolded ellipses indicates language omitted to save space.

To modify Part 5 pages 330-331, ULDC Art. 2.C.8.A.2.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 to provide clarification on the annual submission for proof of license, certificate or charter as follows:

2 **CHAPTER C ADMINISTRATIVE PROCESSES**

3 ....

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

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

6 ....

19 **c. Confirmation for a Community Residence, Recovery Community or Congregate Living Facility**

20 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 issued a provisional approval. The Applicant shall provide proof of final licensure or certification from the State of Florida, or issuance of an Oxford House Charter within six months of the provisional approval. A written request for an extension of time to the Zoning Director may be requested if the Applicant is unable to obtain its appropriate license, certification, or charter within the six-months. The provisional approval will advise the Applicant that Type 2 Waiver(s) may be required, if approvals from the State are not completed prior to other Community Residences, Recovery Communities, or Congregate Living Facilities being approved during the same timeframe, and would affect the location requirements pursuant to Art. 4.B.1.C.1, Congregate Living Facility, Art. 4.B.1.C.3, Family Community Residence, Art. 4.B.1.C.6, Recovery Community, Location, and Art. 4.B.1.C.9, Transitional Community Residence requirements. Upon receipt of the license, certification, or charter the Applicant shall provide the Zoning Division proof of licensure, certification, or charter.

37 **1) Annual Renewal of License, Certificate or Charter**

38 The Applicant shall annually provide proof of the valid license, certification, or charter. Failure to provide proof of final licensure or certification from the State of Florida, or an Oxford House Charter will result in revocation of the ~~provisional~~ approval for the use.

To modify Part 13. Pages 330-331, ULDC Art. 4.B.1.C.3, Use Regulations, Use Classification, Residential Uses, Definitions and Supplementary Use Standards for Specific Uses, Family Community Residence, is hereby amended as follows to provide clarification that a use that exists and is licensed or certified by the State, or has an Oxford House Charter within the unincorporated Palm Beach County by the effective date of the ordinance shall provide proof of license, certificate or Charter within one year, or cease use or obtain approval pursuant to the adopted ordinance is hereby amended as follows:

9 **CHAPTER B USE CLASSIFICATION**

10 **Section 1 Residential Uses**

11 ....

12 **3. Family Community Residence**

13 ....

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

14 ....

25 **2) An existing ~~previously approved~~ Type 1, ~~or~~ Type 2 CLF, or other facility or use that conforms to the definition of Family Community Residence, and located in the unincorporated Palm Beach County as of the effective date of Ordinance No. 2021- , that is not currently licensed or certified by the State of Florida and that does not receive licensure, certification or recertification from the designated state entity within one calendar year from the effective date of Ordinance No. 2021- , shall not be**

31 considered a conforming use and shall cease operation one calendar year from the  
32 effective date of Ordinance No. 2021- or within 60 calendar days of the date on  
33 which certification, recertification, or the required license is denied, whichever date  
34 comes first. The operator of the unlicensed or uncertified Family Community  
35 Residence must return residents to their families or relocate them to a safe and  
36 secure living environment.

37 3) An existing use that conforms to the definition of Family Community  
38 Residence, and located in the unincorporated Palm Beach County that is  
39 licensed or certified by the State of Florida, or has an Oxford House Charter as  
40 of the effective date of Ordinance No 2021- , shall provide proof of license,  
41 certificate, or Charter to the Zoning Division, within one calendar year from the  
42 effective date of Ordinance No 2021- . Should the operator fail to provide  
43 proof of license, certificate or Charter, they shall:

44 a) Cease operation and the operator of the shall return residents to their  
45 families or relocate them to a safe and secure living environment; or,  
46 b) Request approval for the applicable use pursuant to adopted Ordinance.

47 4) Annual Renewal of License, Certificate or Charter

48 The Applicant shall annually provide proof of the valid license, certification, or charter  
49 pursuant to Art. 2.C.8.A.2.c. Failure to provide proof of final licensure or certification  
50 from the State of Florida, or an Oxford House Charter will result in revocation of the  
51 approval for the use.

52 ...

53 **g. Revocation**

54 An operator must provide evidence of license, certificate, or charter prior to the expiration  
55 of the 12-month Zoning Confirmation Letter for Family Community Residence, as issued.  
56 An operator who is unable to provide licensure, certification, or charter; or where a  
57 license, certification, or charter was denied, revoked, or suspended shall not be allowed  
58 to operate in PBC and the Zoning Confirmation Letter for the Family Community  
59 Residence shall become null and void. An operator must notify the Zoning Director,  
60 or designee, that its license, certification, or Oxford House charter has been  
61 suspended or revoked within five calendar days of the operator being notified of  
62 the suspension or revocation. Such an operator shall cease operation and vacate the  
63 premises within 60 calendar days and the operator of the Family Community Residence  
64 shall return residents to their families or relocate them to a safe and secure living  
65 environment.

66 ....

67 **To modify Part 14 Page 341, ULDC Art. 4.B.1.C.6, Use Regulations, Use Classification, Residential**  
68 **Uses, Definitions and Supplementary Use Standards for Specific Uses, Recover Community,** is  
69 hereby amended as follows to provide clarification that a use that exists and is licensed or certified by the  
70 State, within the unincorporated Palm Beach County by the effective date of the ordinance shall provide  
71 proof of license, certificate or Charter within one year, or cease use or obtain approval pursuant to the  
72 adopted ordinance is hereby amended as follows:

73 **CHAPTER B USE CLASSIFICATION**

74 **Section 1 Residential Uses**

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

76 **6. Recovery Community**

77 ....

78 **b. Non-Conformities**

79 1) An existing ~~previously approved~~ Type 1, Type 2 CLF, or other facility or use that  
80 conforms to the definition of Recovery Community, located in the unincorporated  
81 Palm Beach County as of the effective date of Ordinance No. 2021- , that is not  
82 currently licensed or certified by the State of Florida and that does not receive  
83 licensure, certification or recertification from the designated State entity within one  
84 calendar year from the effective date of Ordinance No. 2021- , shall not be  
85 considered a conforming use and shall cease operation one calendar year from the  
86 effective date of Ordinance No. 2021- or within 60 calendar days of the date on  
87 which certification, recertification, or the required license is denied, whichever date  
88 comes first. The operator of the unlicensed or uncertified Recovery Community must  
89 return residents to their families or relocate them to a safe and secure living  
90 environment.

91 2) An existing use that conforms to the definition of Recovery Community, and  
92 located in the unincorporated Palm Beach County that was previously licensed  
93 or certified by the State of Florida, as of the effective date of Ordinance No  
94 2021- , shall provide proof of license or certificate to the Zoning Division,  
95 within one calendar year from the effective date of Ordinance No 2021- .  
96 Should the operator fail to provide proof of license, certificate or Charter, they  
97 shall:

98 a) Cease operation and the operator of the shall return residents to their  
99 families or relocate them to a safe and secure living environment; or,

45 b) Request approval for the applicable use pursuant to adopted Ordinance.

....  
20 d. Licensing or Certification

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

25 1) Annual Renewal of License, Certificate or Charter

26 The Applicant shall annually provide proof of the valid license, certification, or charter  
27 pursuant to Art. 2.C.8.A.2.c. Failure to provide proof of final licensure or certification  
28 from the State of Florida, will result in revocation of the approval for the use.

....  
35 fg. Revocation

36 An operator must provide evidence of licensure or certification prior to the expiration of  
37 the 12-month Zoning Confirmation Letter for Recovery Community, as issued. An  
38 operator who is unable to provide licensure or certification, A Recovery Community that is  
39 denied a license or certification from the State's licensing or certification entity or had its  
40 or where a license or certification was denied, revoked, or suspended or revoked, shall is  
41 not be allowed to operate in Palm Beach County and the Zoning Confirmation Letter for  
42 the Recovery Community shall become null and void. An operator must notify the  
43 Zoning Director, or designee, that its license, certification, or Oxford House charter  
44 has been suspended or revoked within five calendar days of the operator being  
45 notified of the suspension or revocation. Such an operator shall cease operation and  
46 vacate the premises within 60-calendar days and the operator of the Recovery  
47 Community shall return residents to their families or relocate them to a safe and secure  
48 living environment.

To modify Part 15 Page 342 and 344, ULDC Art. 4.B.1.C.9, Use Regulations, Use Classification, Residential Uses, Definitions and Supplementary Use Standards for Specific Uses, Transitional Community Residence, is hereby amended as follows to provide clarification that a use that exists and is licensed or certified by the State, within the unincorporated Palm Beach County by the effective date of the ordinance shall provide proof of license, certificate or Charter within one year, or cease use or obtain approval pursuant to the adopted ordinance is hereby amended as follows:

49 **CHAPTER B USE CLASSIFICATION**

50 **Section 1 Residential Uses**

51 ....  
52 **C. Definitions and Supplementary Use Standards for Specific Uses**

53 ....  
54 9. Transitional Community Residence

55 ....  
42 d. Licensing, Certification, or Charter

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

55 3) An existing use that conforms to the definition of Transitional Community  
56 Residence, and located in the unincorporated Palm Beach County that was  
57 previously licensed or certified by the State of Florida, as of the effective date  
58 of Ordinance No 2021- , shall provide proof of license or certificate to the  
59 Zoning Division, within one calendar year from the effective date of Ordinance  
60 No 2021- . Should the operator fail to provide proof of license, certificate or  
61 Charter, they shall:

62 a) Cease operation and the operator of the shall return residents to their  
63 families or relocate them to a safe and secure living environment; or,

64 b) Request approval for the applicable use pursuant to adopted Ordinance.

65 4) Annual Renewal of License, Certificate or Charter

66 The Applicant shall annually provide proof of the valid license, certification, or charter  
67 pursuant to Art. 2.C.8.A.2.c. Failure to provide proof of final licensure or certification  
from the State of Florida, will result in revocation of the approval for the use.

....  
31 g. Revocation

## EXHIBIT A

### COMMUNITY RESIDENCES, RECOVERY COMMUNITIES, CONGREGATE LIVING FACILITIES, AND SKILLED NURSING AND RESIDENTIAL TREATMENT FACILITIES

32 An operator must provide evidence of a licensure or certificatione prior to the expiration of  
33 within the 12-month Zoning Confirmation Letter for Transitional Community Residence,  
34 as issued. An operator, who is unable to provide licensure or certification or where a  
35 license or certification was denied, revoked, or suspended, shall not be allowed to  
36 operate in PBC and the Transitional Community Residence Zoning Confirmation Letter  
37 shall become null and void. An operator must notify the Zoning Director, or  
38 designee, that its license, certification, or Oxford House charter has been  
39 suspended or revoked within five calendar days of the operator being notified of  
40 the suspension or revocation. Such an operator shall cease operation and vacate the  
41 premises within 60 calendar days and shall either return residents to their families or  
42 relocate them to a safe and secure living environment.



---

**BOARD OF COUNTY COMMISSIONERS  
ZONING HEARING**

**THURSDAY, JULY 22, 2021**

**9:30 A.M.**

**BCC Chambers 6th Floor, Jane Thompson Memorial Chambers  
301 N Olive Ave, West Palm Beach, 33401**

**CALL TO ORDER**

- A. Roll Call
- B. Opening Prayer and Pledge of Allegiance
- C. Notice
- D. Proof of Publication
- E. Swearing In
- F. Amendments to the Agenda
- G. Motion to Adopt the Agenda

**POSTPONEMENTS/REMANDS/WITHDRAWALS AGENDA**

**CONSENT AGENDA**

**REGULAR AGENDA**

**OTHER DEPARTMENT ITEMS**

**COMMENTS**

**ADJOURNMENT**

Web address: [www.pbcgov.com/pzb/](http://www.pbcgov.com/pzb/)

*Disclaimer: Agenda subject to changes at or prior to the public hearing.*



**AGENDA  
PALM BEACH COUNTY  
BOARD OF COUNTY COMMISSIONERS**

**JULY 22, 2021**

**CALL TO ORDER**

- A. Roll Call - 9:30 A.M.
- B. Opening Prayer and Pledge of Allegiance
- C. Notice:

Zoning hearings are quasi-judicial in nature and must be conducted to afford all parties due process. The Board of County Commissioners has adopted Procedures for conduct of Quasi-Judicial Hearings to govern the conduct of such proceedings. The Procedures include the following requirements:

Any communication with commissioners, which occurs outside the public hearing, must be fully disclosed at the hearing.

Applicants and persons attending the hearing may question commissioners regarding their disclosures. Such questions shall be limited solely to the disclosures made at the hearing or the written communications made a part of the record at the hearing.

Any person representing a group or organization must provide documentation that the person representing the group has the actual authority to do so regarding the matter before the Commission.

Any person who wishes to speak at the hearing will be sworn in and may be subject to cross-examination.

The Applicant and County staff may cross-examine witnesses. Any other persons attending the hearing may submit cross-examination questions, including follow up questions, to the Mayor, who will conduct the examination. The scope of cross-examination is limited to the facts alleged by the witness in relation to the application.

Public comment is encouraged and all relevant information should be presented to the commission in order that a fair and appropriate decision can be made.

- D. Proof of Publication - Motion to receive and file
- E. Swearing In - County Attorney
- F. Amendments to the Agenda
- G. Motion to Adopt the Agenda

**POSTPONEMENTS/REMANDS/WITHDRAWALS AGENDA**

**A. POSTPONEMENTS**

**B. REMANDS**

**C. WITHDRAWALS**

**END OF POSTPONEMENTS/REMANDS/WITHDRAWALS AGENDA**

**CONSENT AGENDA**

**A. REQUESTS TO PULL ITEMS FROM CONSENT**

**B. DISCLOSURES FOR THE CONSENT ITEMS**

**C. STATUS REPORTS - NEW**

**D. PREVIOUSLY POSTPONED ZONING APPLICATIONS**

**E. ZONING APPLICATIONS - NEW**

- 1. [ZV/DOA-2020-01452](#) Title: a Development Order Amendment application of Jupiter Burrito Bros LLC by Gentile Glas Holloway O'Mahoney & Associates Inc., Agent. Request: to amend a previously approved Planned Commercial Development to modify the Site Plan; and, add building square footage.

General Location: West side of Jupiter Farms Road, approximately 1.2 miles south of West Indiantown Road. **(The Farms Market Place MUPD)** (Control 1980-00234)

Pages: 1 - 20

Conditions of Approval (7 - 9)

Project Manager: Timothy Haynes

Size: 1.83 acres ±

BCC District: 1

Staff Recommendation: Staff recommends approval of the request, subject to the Conditions of Approval as indicated in Exhibit C-2.

Zoning Commission Recommendation: Adopted a Type 2 Variance (with conditions) by a vote of 8-0-0.

Zoning Commission Recommendation: Recommended Approval of a Development Order Amendment by a vote of 8-0-0.

**MOTION:** To adopt a Resolution approving a Development Order Amendment to amend a previously approved Planned Commercial Development to modify the Site Plan; and, add building square footage, subject to the Conditions of Approval as indicated in Exhibit C-2.

- 2. [DOA-2021-00282](#) Title: a Development Order Amendment application of Burlington Self Storage Lake Worth LLC by Urban Design Kilday Studios, Agent. Request: to modify the Site Plan and a Condition of Approval.

General Location: West side of DeSoto Road, approximately 630 feet north of Lantana Road. **(Burlington Self-Storage of Lake Worth)** (Control 2005-00427)

Pages: 21 - 54

Conditions of Approval (27 - 32)

Project Manager: Donna Adelsperger

Size: 5.69 acres ±

BCC District: 3

Staff Recommendation: Staff recommends approval of the request, subject to the Conditions of Approval as indicated in Exhibit C.

Zoning Commission Recommendation: Recommended Approval of a Development Order Amendment by a vote of 7-0-1.

**MOTION:** To adopt a Resolution approving a Development Order Amendment to modify the Site Plan and a Condition of Approval, subject to the Conditions of Approval as indicated in Exhibit C.

**F. CORRECTIVE RESOLUTIONS**

**G. ABANDONMENTS**

**END OF CONSENT AGENDA**

**REGULAR AGENDA**

**A. ITEMS PULLED FROM CONSENT**

**B. DISCLOSURES FOR ITEMS PULLED FROM THE CONSENT AGENDA**

**C. PUBLIC OWNERSHIP ZONING DISTRICT - DEVIATIONS**

**D. PREVIOUSLY POSTPONED STATUS REPORTS**

**E. STATUS REPORTS - NEW**

**F. LARGE SCALE LAND USE AMENDMENTS AND ZONING APPLICATIONS**

**G. SMALL SCALE LAND USE AMENDMENTS AND ZONING APPLICATIONS**

**H. LARGE SCALE LAND USE PLAN AMENDMENT ADOPTION**

## I. PREVIOUSLY POSTPONED ZONING APPLICATIONS

3. [PDD/DOA-2020-00268](#) Title: an Official Zoning Map Amendment application of Tuscan Gardens Of Delray Beach Properties, LLC by WGINC, Agent. Request: to allow a rezoning from the Agricultural Residential (AR) Zoning District to the Planned Unit Development (PUD) Zoning District.

Title: a Development Order Amendment to a Planned Development District and a Requested Use of Tuscan Gardens Of Delray Beach Properties, LLC by WGINC, Agent. Request: to reconfigure the Master Plan and Site Plan; add land area; add residents/beds; and, modify Conditions of Approval.

General Location: West side of Sims Road, approximately 0.5 miles north of Atlantic Avenue. (**Tuscan Gardens of Delray Beach**) (Control 2005-00506)

Pages: 55 - 88

Conditions of Approval (63 - 70)

Project Manager: Travis Goodson

Size: 12.78 acres ±

BCC District: 5

### DISCLOSURE

Staff Recommendation: Staff recommends approval of the requests, subject to the Conditions of Approval as indicated in Exhibits C-1 through C-3.

Zoning Commission Recommendation: Recommended Approval of an Official Zoning Map Amendment by a vote of 9-0-0.

Zoning Commission Recommendation: Recommended Approval of a Development Order Amendment to a Planned Development District and a Requested Use by a vote of 9-0-0.

**MOTION:** To adopt a Resolution approving an Official Zoning Map Amendment to allow a rezoning from the Agricultural Residential (AR) Zoning District to the Planned Unit Development (PUD) Zoning District, subject to the Condition of Approval as indicated in Exhibit C-1.

**MOTION:** To adopt a Resolution approving a Development Order Amendment to a Planned Development District to reconfigure the Master Plan; add land area; and, modify Conditions of Approval, subject to the Conditions of Approval as indicated in Exhibit C-2.

**MOTION:** To adopt a Resolution approving a Development Order Amendment to a Requested Use to reconfigure the Site Plan; add residents/beds; and, modify Conditions of Approval, subject to the Conditions of Approval as indicated in Exhibit C-3.

**J. ZONING APPLICATIONS - NEW**

4. [ZV/PDD/DOA/CA-2020-02096](#) Title: an Official Zoning Map Amendment application of Morningstar Nursery, Inc., Hypoluxo Village Owner, LLC by Toothaker.org, JMorton Planning & Landscape Architecture, Agent. Request: to allow a rezoning from the Community Commercial (CC) and the Agricultural Residential (AR) Zoning Districts to the Multiple Use Planned Development (MUPD) Zoning District.

Title: a Development Order Amendment of Morningstar Nursery, Inc., Hypoluxo Village Owner, LLC by Toothaker.org, JMorton Planning & Landscape Architecture, Agent. Request: to reconfigure the Site Plan, add land area, units and access points; and, to modify uses, buildings, square footage and Conditions of Approval.

Title: a Class A Conditional Use of Morningstar Nursery, Inc., Hypoluxo Village Owner, LLC by Toothaker.org, JMorton Planning & Landscape Architecture, Agent. Request: to allow 3 Type 1 Restaurants with Drive-throughs; Retail Gas and Fuel Sales with a Convenience Store; Workforce Housing Program (WHP) Density Bonus greater than 50 percent; and, Transfer of Development Rights (TDR).

General Location: Northeast corner of Military Trail and Hypoluxo Road. **(Hypoluxo Village MUPD)** (Control 2001-00005)

Pages: 89 - 170

Conditions of Approval (100 - 123)

Project Manager: Ryan Vandenburg

Size: 31.98 acres ±

BCC District: 3

**DISCLOSURE**

Staff Recommendation: Staff recommends approval of the requests, subject to the Conditions of Approval as indicated in Exhibits C-2 through C-9.

Zoning Commission Recommendation: Adopted a Type 2 Variance (with conditions) by a vote of 7-0-1.

Zoning Commission Recommendation: Recommended Approval of an Official Zoning Map Amendment by a vote of 7-0-1.

Zoning Commission Recommendation: Recommended Approval of a Development Order Amendment by a vote of 7-0-1.

Zoning Commission Recommendation: Recommended Approval of 6 Class A Conditional Uses by a vote of 7-0-1.

**MOTION:** To adopt a Resolution approving an Official Zoning Map Amendment to allow a rezoning from the Community Commercial (CC) and the Agricultural Residential (AR) Zoning Districts to the Multiple Use Planned Development (MUPD) Zoning District, subject to the Conditions of Approval as indicated in Exhibit C-2.

**MOTION:** To adopt a Resolution approving a Development Order Amendment to reconfigure the Site Plan, add land area, units and access points; and, to modify uses, buildings, square footage and Conditions of Approval, subject to the Conditions of Approval as indicated in Exhibit C-3.

**MOTION:** To adopt a Resolution approving a Class A Conditional Use to allow Transfer of Development Rights (TDR), subject to the Conditions of Approval as indicated in Exhibit C-4.

**MOTION:** To adopt a Resolution approving a Class A Conditional Use for a Workforce Housing Program (WHP) Density Bonus greater than 50 percent, subject to the Conditions of Approval as indicated in Exhibit C-5.

**MOTION:** To adopt a Resolution approving a Class A Conditional Use to allow Retail Gas and Fuel Sales with a Convenience Store, subject to the Conditions of Approval as indicated in Exhibit C-6.

**MOTION:** To adopt a Resolution approving a Class A Conditional Use to allow a Type 1 Restaurant with Drive-Through (Building B), subject to the Conditions of Approval as indicated in Exhibit C-7.

**MOTION:** To adopt a Resolution approving a Class A Conditional Use to allow a Type 1 Restaurant with Drive-Through (Building F), subject to the Conditions of Approval as indicated in Exhibit C-8.

**MOTION:** To adopt a Resolution approving a Class A Conditional Use to allow a Type 1 Restaurant with Drive-Through (Building G), subject to the Conditions of Approval as indicated in Exhibit C-9.

**J. ZONING APPLICATIONS - NEW**

5. [PDD/CA-2020-02083](#) Title: an Official Zoning Map Amendment application of Delray Growers, Inc., Medical Facilities Holdings, LLC & Delray Growers by Urban Design Studio, Agent. Request: to allow a rezoning from the General Commercial (CG) and Agricultural Reserve (AGR) Zoning Districts to the Multiple Use Planned Development (MUPD) District.

Title: a Class A Conditional Use of Delray Growers, Inc., Medical Facilities Holdings, LLC & Delray Growers by Urban Design Studio, Agent. Request: to allow a Hospital.

General Location: Northeast corner of Atlantic Avenue and Smith Sundry Road. (**Legent Delray Beach MUPD**) (Control 2015-00118)

Pages: 171 - 202

Conditions of Approval (178 - 182)

Project Manager: Ryan Vandenburg

Size: 11.25 acres ±

BCC District: 5

**DISCLOSURE**

Staff Recommendation: Staff recommends approval of the requests, subject to the Conditions of Approval as indicated in Exhibits C-1 and C-2.

Zoning Commission Recommendation: Recommended Approval of an Official Zoning Map Amendment by a vote of 6-0-2.

Zoning Commission Recommendation: Recommended Approval of a Class A Conditional Use by a vote of 6-0-2.

**MOTION:** To adopt a Resolution approving an Official Zoning Map Amendment to allow a rezoning from the General Commercial (CG) and Agricultural Reserve (AGR) Zoning Districts to the Multiple Use Planned Development (MUPD) District, subject to the Conditions of Approval as indicated in Exhibit C-1.

**MOTION:** To adopt a Resolution approving a Class A Conditional Use to allow a Hospital, subject to the Conditions of Approval as indicated in Exhibit C-2.

6. [ABN/PDD-2020-01894](#) Title: a Development Order Abandonment application of Fairways, LLC, DR Horton, Inc. by WGINC, Agent. Request: to abandon a Requested Use to allow a Type 3 Congregate Living Facility.

Title: an Official Zoning Map Amendment of Fairways, LLC, DR Horton, Inc. by WGINC, Agent. Request: to allow a rezoning from the Traditional Neighborhood Development (TND) Zoning District to the Planned Unit Development (PUD) Zoning District.

General Location: Southwest corner of Century Boulevard and Haverhill Road (approximately 630 feet north of Okeechobee Boulevard). **(Reflection Bay)** (Control 2011-00245)

Pages: 203 - 242

Conditions of Approval (216 - 220)

Project Manager: Ryan Vandenburg

Size: 57.32 acres ±

BCC District: 2

#### DISCLOSURE

Staff Recommendation: Staff recommends approval of the requests subject to the Conditions of Approval as indicated in Exhibit C.

Zoning Commission Recommendation: Adopted a Development Order Abandonment by a vote of 8-0-0.

Zoning Commission Recommendation: Recommended Approval of a Development Order Abandonment by a vote of 8-0-0.

Zoning Commission Recommendation: Recommended Approval of an Official Zoning Map Amendment by a vote of 8-0-0.

**MOTION:** To adopt a Resolution approving a Development Order Abandonment to abandon a Requested Use to allow a Type 3 Congregate Living Facility.

**MOTION:** To adopt a Resolution approving an Official Zoning Map Amendment to allow a rezoning from the Traditional Neighborhood Development (TND) Zoning District to the Planned Unit Development (PUD) Zoning District, subject to the Conditions of Approval as indicated in Exhibit C.

## K. COMPREHENSIVE PLAN TEXT AMENDMENTS

### L. ULDC AMENDMENTS

7. [Title: FIRST READING - UNIFIED LAND DEVELOPMENT CODE \(ULDC\) AMENDMENT ROUND 2021-01](#)

The proposed Ordinance will account for consistency with the Comprehensive Plan, correction of glitches and clarifications, as well as several specific amendments, as follows:

Ordinance Title

Exhibit A - Art. 1-5, Non-Residential

Exhibit B - Art. 1, 2, 7, and 14, Vegetation Preservation and Protection

Exhibit C - Art. 2, Administrative Development Order Appeals to Hearing Officers

Exhibit D - Art. 3, WCRAO Use Regulations, Property Development Regulations, and Supplementary Standards

Exhibit E - Art. 5, Dumpster Setbacks

Exhibit F - Art. 5, Release of Unity of Title Reference

Pages: 243 - 314

Project Manager: Jeffrey Gagnon

Staff Recommendation: Staff recommends approval of First Reading and Advertise for Adoption Hearing of ULDC Amendment Round 2021-01 for August 26, 2021.

Land Development Regulation Advisory Board (LDRAB): On March 24, 2021, April 28, 2021, and May 26, 2021, the LDRAB recommended approval of the proposed amendments with multiple votes.

Land Development Regulation Commission (LDRC) Determination: On May 26, 2021, the LDRC found the proposed amendments to be consistent with the Plan with a vote of 15-0.

BCC Public Hearing: On June 24, 2021, the BCC approved the Request for Permission to Advertise for First Reading on July 22, 2021, with a vote of 7-0.

**MOTION:** To approve on First Reading and Advertise for Adoption Hearing of the ULDC Amendment Round 2021-01, for August 26, 2021: ARTICLE 1 - GENERAL PROVISIONS: CHAPTER H, DEFINITIONS AND ACRONYMS; ARTICLE 2 - APPLICATION PROCESSES AND PROCEDURES: CHAPTER A, GENERAL; CHAPTER G, DECISION MAKING BODIES; ARTICLE 3 - OVERLAYS AND ZONING DISTRICTS: CHAPTER A, GENERAL; CHAPTER B, OVERLAYS; CHAPTER E, PLANNED DEVELOPMENT DISTRICTS (PDDs); ARTICLE 4 - USE REGULATIONS: CHAPTER B, USE CLASSIFICATION; ARTICLE 5 - SUPPLEMENTARY STANDARDS: CHAPTER B, ACCESSORY USES AND STRUCTURES; CHAPTER E, PERFORMANCE STANDARDS; CHAPTER F, LEGAL DOCUMENTS; ARTICLE 7 - LANDSCAPING: CHAPTER E, EXISTING NATIVE VEGETATION, PROHIBITED, AND CONTROLLED PLANT SPECIES; ARTICLE 14 - ENVIRONMENTAL STANDARDS: CHAPTER C, VEGETATION PRESERVATION AND PROTECTION; PROVIDING FOR: INTERPRETATION OF CAPTIONS; REPEAL OF LAWS IN CONFLICT; SEVERABILITY; A SAVINGS CLAUSE; INCLUSION IN THE UNIFIED LAND DEVELOPMENT CODE; AND, AN EFFECTIVE DATE.

8. [Title: FIRST READING - UNIFIED LAND DEVELOPMENT CODE \(ULDC\) AMENDMENT FOR COMMUNITY RESIDENCES, RECOVERY COMMUNITIES, CONGREGATE LIVING FACILITIES, AND SKILLED NURSING AND RESIDENTIAL TREATMENT FACILITIES](#)

The proposed Ordinance will account for consistency with the Comprehensive Plan, correction of glitches and clarifications, as well as several specific amendments, as follows:

Ordinance Title

Exhibit A - Community Residences, Recovery Communities, Congregate Living Facilities, and Skilled Nursing and Residential Treatment Facilities

Pages: 315 - 352

Project Manager: Wendy Hernandez

Staff Recommendation: Staff recommends approval of First Reading and Advertise for Adoption Hearing of the ULDC Amendment for Community Residences, Recovery Communities, Congregate Living Facilities, and Skilled Nursing and Residential Treatment Facilities for August 26, 2021.

Land Development Regulation Advisory Board (LDRAB): On March 24, 2021, the LDRAB recommended approval of the proposed amendment with a vote of 16-0.

Land Development Regulation Commission (LDRC) Determination: On March 24, 2021, the LDRC found the proposed ULDC amendment to be consistent with the Comprehensive Plan with a vote of 16-0.

BCC Public Hearing: On April 22, 2021, the BCC approved the Request for Permission to Advertise for First Reading on May 27, 2021, with a vote of 7-0. On May 27, 2021, the BCC postponed First Reading to July 22, 2021, with a vote of 7-0.

**MOTION:** To approve on First Reading and Advertise for Adoption Hearing of the ULDC Amendment for Community Residences, Recovery Communities, Congregate Living Facilities, and Skilled Nursing and Residential Treatment Facilities, for August 26, 2021: ARTICLE 1 - GENERAL PROVISIONS: CHAPTER H, DEFINITIONS AND ACRONYMS; ARTICLE 2 - APPLICATION PROCESSES AND PROCEDURES: CHAPTER B, PUBLIC HEARING PROCESSES; CHAPTER C, ADMINISTRATIVE PROCESSES; CHAPTER G, DECISION MAKING BODIES; ARTICLE 3 - OVERLAYS AND ZONING DISTRICTS: CHAPTER B, OVERLAYS; CHAPTER E, PLANNED DEVELOPMENT DISTRICTS (PDDs); CHAPTER F, TRADITIONAL DEVELOPMENT DISTRICTS (TDDs); ARTICLE 4 - USE REGULATIONS: CHAPTER B, USE CLASSIFICATION; ARTICLE 5 - SUPPLEMENTARY STANDARDS: CHAPTER B, ACCESSORY USES AND STRUCTURES; CHAPTER D, PARKS AND RECREATION - RULES AND RECREATION STANDARDS; CHAPTER G, DENSITY BONUS PROGRAMS; ARTICLE 6 - PARKING, LOADING, AND CIRCULATION: CHAPTER B, PARKING AND LOADING; ARTICLE 7 - LANDSCAPING: CHAPTER B, APPLICABILITY AND APPROVAL PROCESS; CHAPTER C, LANDSCAPE BUFFER AND INTERIOR LANDSCAPE REQUIREMENTS; PROVIDING FOR: INTERPRETATION OF CAPTIONS; REPEAL OF LAWS IN CONFLICT; SEVERABILITY; A SAVINGS CLAUSE; INCLUSION IN THE UNIFIED LAND DEVELOPMENT CODE; AND, AN EFFECTIVE DATE.

## **M. OTHER ITEMS**

### **END OF REGULAR AGENDA**

## **OTHER DEPARTMENT ITEMS**

### **A. PURCHASING CONTRACT**

### **B. DEPARTMENT UPDATE**

### **C. ENGINEERING ITEM**

## COMMENTS

### A. COUNTY ATTORNEY

### B. ZONING DIRECTOR

### C. PLANNING DIRECTOR

9. [Title: Canyon Lakes \(C#2002-67\) Partial Release of Agricultural Reserve Conservation Easement](#)

Description: Finalize the partial release of the Agricultural Conservation Easement consistent with Resolutions R-2020-1243 and R-2021-545.

Pages: 353 - 376

Project Manager: Patricia Behn

**MOTION:** Motion to approve and authorize the Mayor to execute the Partial Release of the Agricultural Reserve Conservation Easement. Staff supports these changes.

10. [Title: Requesting Board consideration of amendments to the Declaration of Restrictive Covenant for the Indian Trails Grove development.](#)

Description: The item before the Board is to consider amendments to the Declaration of Restrictive Covenant for the Indian Trails Grove (ITG) development, originally recorded on May 1, 2019 (ORB 30581/PG 0532) by GL Homes. This request was submitted by the Indian Trail Improvement District (ITID). Committee Substitute/House Bill 1185 (CS/HB) was signed into law by the Governor of the State of Florida on June 21, 2021. This bill authorizes the ITID to convene an exploratory committee to evaluate potential incorporation of lands within the ITID service boundary as a municipality. As the ITG development is located within the ITID service boundary, the ITID requested that the property owner be authorized to participate in any such exploratory committee convened by the ITID. GL Homes met the requirements of the Restrictive Covenant, as required by the ordinance condition. At the time of the approval of the Restrictive Covenant, there was no reason to anticipate that ITID would be authorized to explore incorporation by the Florida Legislature. Approval of this modification requires five members of the Board of County Commissioners. District 6 (RPB)

Pages: 377 - 412

Project Manager: Bryan Davis

**MOTION:** To approve amendments to the Declaration of Restrictive Covenant for the Indian Trails Grove development.

### D. EXECUTIVE DIRECTOR

### E. ASSISTANT COUNTY ADMINISTRATOR

**F. COMMISSIONERS**

**ADJOURNMENT**