



**BOARD OF COUNTY COMMISSIONERS
ZONING HEARING**

**AMENDMENTS TO THE AGENDA
August 26, 2021**

AGENDA

<u>ITEM #</u>	<u>PAGE #</u>	<u>APPLICATION AND CONTROL #S</u>	<u>APPLICATION NAME</u>
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REGULAR AGENDA

I. PREVIOUSLY POSTPONED ZONING APPLICATIONS

7.	(145)	PDD/DOA-2020-00268	Tuscan Gardens of Delray Beach
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DELETE Landscape – General Condition 7 of Exhibit C-2.

OTHER DEPARTMENT ITEMS

A. ADMINISTRATION

13. (Agenda Page 13)

AMEND Title, to read as follows:

TO ADOPT AN ORDINANCE OF THE BOARD OF COUNTY COMMISSIONERS OF PALM BEACH COUNTY, FLORIDA, ESTABLISHING THE PALM BEACH COUNTY LOCAL PROVIDER PARTICIPATION FUND ORDINANCE; PROVIDING FOR A TITLE; PROVIDING FOR APPLICABILITY; PROVIDING FOR DEFINITIONS; PROVIDING FOR PURPOSE; PROVIDING FOR ALTERNATIVE METHOD; PROVIDING FOR ASSESSMENT; PROVIDING FOR COMPUTATION OF ASSESSMENT; PROVIDING FOR ASSESSMENT RESOLUTION; PROVIDING FOR NON-AD VALOREM ASSESSMENT ROLL; PROVIDING FOR NOTICE BY PUBLICATION; PROVIDING FOR NOTICE BY MAIL; PROVIDING FOR ADOPTION OF ASSESSMENT RESOLUTION AND NON-AD VALOREM ASSESSMENT ROLL; PROVIDING FOR ANNUAL FINAL ASSESSMENT RESOLUTION; PROVIDING FOR EFFECT OF ANNUAL FINAL ASSESSMENT RESOLUTION; PROVIDING FOR METHOD OF COLLECTION; PROVIDING FOR REFUNDS; PROVIDING FOR ENFORCEMENT; PROVIDING FOR INDEMNIFICATION; PROVIDING FOR CORRECTION OF ERRORS AND OMISSIONS; PROVIDING FOR LIMITATIONS ON SURCHARGES; PROVIDING FOR REPEAL OF LAWS IN CONFLICT; PROVIDING FOR SEVERABILITY; PROVIDING FOR INCLUSION IN THE CODE OF LAWS AND ORDINANCES; PROVIDING FOR CAPTIONS; AND PROVIDING FOR AN EFFECTIVE DATE.

AMEND Motion, to read as follows:

MOTION: ~~Motion and Title: Staff recommends motion~~ To adopt: an Ordinance of the Board of County Commissioners of Palm Beach County, Florida, establishing the Palm Beach County Local Provider Participation Fund Ordinance; providing for a title; providing for applicability; providing for definitions; providing for purpose; providing for alternative method; providing for

assessment; providing for computation of assessment; providing for assessment resolution; providing for non-ad valorem assessment roll; providing for notice by publication; providing for notice by mail; providing for adoption of assessment resolution and non-ad valorem assessment roll; providing for annual final assessment resolution; providing for effect of annual final assessment resolution; providing for method of collection; providing for refunds; providing for enforcement; providing for indemnification; providing for correction of errors and omissions; providing for limitations on surcharges; providing for repeal of laws in conflict; providing for an effective date.

MOTION: To approve the indemnification, assent and non-objection agreements with the hospital entities.



**BOARD OF COUNTY COMMISSIONERS
ZONING HEARING**

THURSDAY AUGUST 26, 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/

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



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

AUGUST 26, 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. [CA-2021-00439](#) Title: a Class A Conditional Use application of Michael Reich by Land Research Management Inc., Agent. Request: to allow Limited Pet Boarding.

General Location: East side of 185th Trail North, approximately 0.5 miles south of W. Sycamore Drive. **(Calypso Canine)** (Control 2021-00024)

Pages: 1 - 14

Conditions of Approval (6 - 6)

Project Manager: James Borsos

Size: 5.00 acres ±

BCC District: 6

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 Class A Conditional Use by a vote of 6-0-0.

MOTION: To adopt a Resolution approving a Class A Conditional Use to allow Limited Pet Boarding, subject to the Conditions of Approval as indicated in Exhibit C.

- 2. **Z-2020-02117** Title: an Official Zoning Map Amendment application of SR7 Lantana LLC by WGINC, Agent. Request: to allow a rezoning from the Agricultural Residential (AR) Zoning District to the Community Commercial (CC) Zoning District.
General Location: Southwest corner of State Road 7 and Lantana Road. **(SWC Lantana & SR7)** (Control 1996-00127)

Pages: 15 - 28

Conditions of Approval (20 - 21)

Project Manager: Timothy Haynes

Size: 1.03 acres ±

BCC District: 6

Staff Recommendation: Staff recommends approval of the request, subject to a Conditional Overlay Zone and the Conditions of Approval as indicated in Exhibit C.

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

MOTION: To adopt a Resolution approving an Official Zoning Map Amendment to allow a rezoning from the Agricultural Residential (AR) Zoning District to the Community Commercial (CC) Zoning District, subject to a Conditional Overlay Zone and the Conditions of Approval as indicated in Exhibit C.

- 3. **ABN/ZV/Z-2020-01856** Title: an Official Zoning Map Amendment application of Opportunity Inc. Of Palm Beach County, AMBR, Medical Holdings, LLC - Eric Rogers by Schmidt Nichols, Agent. Request: to allow a rezoning from the Residential High (RH) Zoning District to the General Commercial (CG) Zoning District.
General Location: Southwest corner of Quail Drive and Westgate Avenue. **(PMH 1713 Quail, LLC)** (Control 2001-00039)

Pages: 29 - 52

Conditions of Approval (35 - 37)

Project Manager: Timothy Haynes

Size: 1.01 acres ±

BCC District: 7

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

Zoning Commission Recommendation: Approved a Development Order Abandonment by a vote of 6-0-0.

Zoning Commission Recommendation: Approved a Type 2 Variance (with conditions) by a vote of 6-0-0.

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

MOTION: To adopt a Resolution approving an Official Zoning Map Amendment to allow a rezoning from the Residential High (RH) Zoning District to the General Commercial (CG) Zoning District, subject to a Conditional Overlay Zone and the Conditions of Approval as indicated in Exhibit C-2.

4. [ZV/ABN/DOA-2021-00425](#) Title: a Development Order Abandonment application of Banyan Polo, LLC by Urban Design Studio, Agent. Request: to abandon a Class A Conditional Use for a Type 1 Restaurant with Drive-through.

Title: a Development Order Amendment of Banyan Polo, LLC by Urban Design Studio, Agent. Request: to modify the Site Plan; add and delete square footage; and to add and delete uses.

General Location: Southwest corner of Lake Worth Road and Polo Road. **(Polo Legacy MXPD)** (Control 2007-00096)

Pages: 53 - 96

Conditions of Approval (60 - 67)

Project Manager: James Borsos

Size: 13.93 acres ±

BCC District: 6

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

Zoning Commission Recommendation: Approved a Type 2 Variance (with conditions) by a vote of 5-0-1.

Zoning Commission Recommendation: Recommended Approval of a Development Order Abandonment by a vote of 5-0-1.

Zoning Commission Recommendation: Recommended Approval of a Development Order Amendment by a vote of 5-0-1.

MOTION: To adopt a Resolution approving a Development Order Abandonment to abandon a Class A Conditional Use for a Type 1 Restaurant with Drive-through.

MOTION: To adopt a Resolution approving a Development Order Amendment to modify the Site Plan; add and delete square footage; and to add and delete uses, subject to the Conditions of Approval as indicated in Exhibit C-2.

5. [Z-2021-00166](#) Title: an Official Zoning Map Amendment application of 15200 State Road 7 LLC by Urban Design Studio, Agent. Request: to allow a rezoning from the Agricultural Reserve (AGR) Zoning District to the Light Industrial (IL) Zoning District.

General Location: West side of State Road 7/US 441, approximately 0.28 miles south of Atlantic Avenue. **(Sunflower Light Industrial)** (Control 1999-30168)

Pages: 97 - 112

Conditions of Approval (103 - 103)

Project Manager: Brenya Martinez

Size: 8.19 acres ±

BCC District: 5

Staff Recommendation: Staff recommends approval of the request, subject to a Conditional Overlay Zone and the Conditions of Approval as indicated in Exhibit C.

Zoning Commission Recommendation: Recommended Approval of an Official Zoning Map Amendment by a vote of 5-0-1.

MOTION: To adopt a Resolution approving an Official Zoning Map Amendment to allow a rezoning from the Agricultural Reserve (AGR) Zoning District to the Light Industrial (IL) Zoning District, subject to a Conditional Overlay Zone and 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

6. [DEV-2021-01073](#) Title: Public Ownership Deviation application of Palm Beach County by Palm Beach County, Agent. Request: To allow Deviations from Article 5 for Screening of Mechanical Equipment and Screening of Permanent Generators.

General Location: Northwest corner of Congress Avenue and Gun Club Road. **(PBSO Forensic Sciences and Technology Facility)** (Control 1982-00190)

Pages: 113 - 132

Project Manager: Eric McClellan

Size: 15.83 acres ±

BCC District: 2

DISCLOSURE

Staff Recommendation: Staff recommends approval of the request.

MOTION: To approve the Public Ownership Deviations from Article 5 for Screening of Mechanical Equipment and Screening of Permanent Generators.

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

7. [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: 133 - 166

Conditions of Approval (142 - 149)

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.

8. [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: 167 - 206

Conditions of Approval (181 - 185)

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: 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.

J. ZONING APPLICATIONS - NEW

K. COMPREHENSIVE PLAN TEXT AMENDMENTS

9. [Title: Property Rights Element](#)

This is a proposed text amendment to the Comprehensive Plan for the addition of a Property Rights Element to the Comprehensive Plan to implement new legislation from the previous legislative session. House Bill 59 - Growth Management, was passed by the Legislature and signed by the Governor on June 29, 2021. As a result of this legislation, Chapter 163.3177(6), Florida Statutes was amended to add a Property Rights Element as one of the required elements for all local government Comprehensive Plans.

Pages: 207 - 212

Project Manager: Kevin Fischer

Staff Recommendation: Staff recommends approval of the request.

MOTION: To transmit the Property Rights Element.

L. ULDC AMENDMENTS

10. [Title: FINAL ADOPTION - 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: 213 - 284

Project Manager: Jeffrey Gagnon

Staff Recommendation: Staff recommends adoption of an Ordinance of the Board of County Commissioners of Palm Beach County, Florida, amending the Unified Land Development Code, Ordinance 2003-067, as amended.

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. On July 22, 2021, the BCC approved the First Reading and Advertisement for Adoption Hearing on August 26, 2021 with a vote of 7-0.

MOTION: TO ADOPT AN ORDINANCE OF THE BOARD OF COUNTY COMMISSIONERS OF PALM BEACH COUNTY, FLORIDA, AMENDING THE UNIFIED LAND DEVELOPMENT CODE, ORDINANCE 2003-067 AS AMENDED, AS FOLLOWS: 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.

11. [Title: FINAL ADOPTION - 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: 285 - 322

Project Manager: Wendy Hernandez

Staff Recommendation: Staff recommends adoption of an Ordinance of the Board of County Commissioners of Palm Beach County, Florida, amending the Unified Land Development Code, Ordinance 2003-067, as amended.

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. On July 22, 2021, the BCC approved the First Reading and Advertisement for Adoption Hearing on August 26, 2021 with a vote of 6-1

MOTION: TO ADOPT AN ORDINANCE OF THE BOARD OF COUNTY COMMISSIONERS OF PALM BEACH COUNTY, FLORIDA, AMENDING THE UNIFIED LAND DEVELOPMENT CODE, ORDINANCE 2003-067 AS AMENDED, AS FOLLOWS: 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.

12. [Title: INITIATION OF UNIFIED LAND DEVELOPMENT CODE \(ULDC\) AMENDMENT ROUND 2021-02](#)

Solicit feedback from the Board of County Commissioners on the scheduling of ULDC Amendments that have been prioritized for inclusion into Round 2021-02.

Pages: 323 - 326

Project Manager: Jeffrey Gagnon

Staff Recommendation: Staff recommends a motion to initiate ULDC Amendments for Round 2021-02.

MOTION: To initiate ULDC Amendment Round 2021-02 on a list of priority items provided by Staff.

M. OTHER ITEMS

END OF REGULAR AGENDA

OTHER DEPARTMENT ITEMS

A. PURCHASING CONTRACT

B. DEPARTMENT UPDATE

C. ENGINEERING ITEM

D. ADMINISTRATION

13. [Title: AN ORDINANCE OF THE BOARD OF COUNTY COMMISSIONERS OF PALM BEACH COUNTY, FLORIDA, ESTABLISHING THE PALM BEACH COUNTY LOCAL PROVIDER PARTICIPATION FUND ORDINANCE](#); PROVIDING FOR A TITLE; PROVIDING FOR APPLICABILITY; PROVIDING FOR DEFINITIONS; PROVIDING FOR PURPOSE; PROVIDING FOR ALTERNATIVE METHOD; PROVIDING FOR ASSESSMENT; PROVIDING FOR COMPUTATION OF ASSESSMENT; PROVIDING FOR ASSESSMENT RESOLUTION; PROVIDING FOR NON-AD VALOREM ASSESSMENT ROLL; PROVIDING FOR NOTICE BY PUBLICATION; PROVIDING FOR NOTICE BY MAIL; PROVIDING FOR ADOPTION OF ASSESSMENT RESOLUTION AND NON-AD VALOREM ASSESSMENT ROLL; PROVIDING FOR ANNUAL FINAL ASSESSMENT RESOLUTION; PROVIDING FOR EFFECT OF ANNUAL FINAL ASSESSMENT RESOLUTION; PROVIDING FOR METHOD OF COLLECTION; PROVIDING FOR REFUNDS; PROVIDING FOR ENFORCEMENT; PROVIDING FOR INDEMNIFICATION; PROVIDING FOR CORRECTION OF ERRORS AND OMISSIONS; PROVIDING FOR LIMITATIONS ON SURCHARGES; PROVIDING FOR REPEAL OF LAWS IN CONFLICT; PROVIDING FOR SEVERABILITY; PROVIDING FOR INCLUSION IN THE CODE OF LAWS AND ORDINANCES; PROVIDING FOR CAPTIONS; AND PROVIDING FOR AN EFFECTIVE DATE.

On July 28, 2021, the BCC held a preliminary reading of this Ordinance and authorized advertising for public hearing. The Ordinance will establish a Palm Beach County Local Provider Participation Fund (LPPF). The LPPF will require hospitals located in the Agency for Health Care Administration's (AHCA) Region 9, which is Palm Beach County, to pay a uniform, non-ad valorem special assessment, set annually by resolution by the Board of County Commissioners, on hospitals that have an ownership or leasehold interest in real property in Palm Beach County. Funds collected through the LPPF assessments, will be sent to AHCA through intergovernmental transfers, consistent with federal guidelines, as the non-federal share of increased Medicaid managed care payments facilitated under a new hospital directed payment program (DPP), which was approved for the State of Florida this year by the Centers for Medicare & Medicaid Services (CMS) under the provisions of 42 C.F.R. § 438.6(c). Through the DPP, AHCA would make payments to Medicaid managed care organizations (MCOs) in order to fund increased payments by MCOs to the local hospitals to fund services provided to Medicaid patients. It is estimated the local hospitals incur over \$100 million in uncovered Medicaid costs annually, or .60 cents on each dollar of coverage rendered to a Medicaid patient. The LPPF program will leverage federal dollars, in an estimated amount of \$70M - \$80M annually, which will help to close the gap related to the uncompensated portion of Medicaid reimbursements. Pursuant to Board direction, hospitals must execute indemnification and/or assent agreements, and provide an explanation regarding how the assessment will benefit the real property, and how the hospitals will use the funds to advance the goals and objectives of the managed care State quality strategy, in accordance with 42 C.F.R. § 438.6(c) Preprint Medicaid, as approved by CMS. Countywide (HH)

Pages: 327 - 328

Project Manager: Nancy Bolton

Staff Recommendation: Staff Recommends approval of the request as indicated in the Motion.

MOTION: Motion and Title: Staff recommends motion to adopt: an Ordinance of the Board of County Commissioners of Palm Beach County, Florida, establishing the Palm Beach County Local Provider Participation Fund Ordinance; providing for a title; providing for applicability; providing for definitions; providing for purpose; providing for alternative method; providing for assessment; providing for computation of assessment; providing for assessment resolution; providing for non-ad valorem assessment roll; providing for notice by publication; providing for notice by mail; providing for adoption of assessment resolution and non-ad valorem assessment roll; providing for annual final assessment resolution; providing for effect of annual final assessment resolution; providing for method of collection; providing for refunds; providing for enforcement; providing for indemnification; providing for correction of errors and omissions; providing for limitations on surcharges; providing for repeal of laws in conflict; providing for severability; providing for inclusion in the code of laws and ordinances; providing for captions; and providing for an effective date.

COMMENTS

A. COUNTY ATTORNEY

B. ZONING DIRECTOR

14. The next Board of County Commissioners Zoning Meeting has been rescheduled to Wednesday, September 29, 2021.

C. PLANNING DIRECTOR

D. EXECUTIVE DIRECTOR

E. ASSISTANT COUNTY ADMINISTRATOR

F. COMMISSIONERS

ADJOURNMENT

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