



**BOARD OF COUNTY COMMISSIONERS  
ZONING HEARING**

**AMENDMENTS TO THE AGENDA  
DECEMBER 15, 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>
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**POSTPONEMENTS/REMANDS/WITHDRAWALS AGENDA**

**A. POSTPONMENTS**

<b>1.</b>	<b>(1-16)</b>	<b>CA-2021-01022 (Control No. 2019-00115)</b>	<b>Fine Line Pet Boarding</b>
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**MOTION:** To postpone to January 27, 2022.

**REGULAR AGENDA**

**L. ULDC AMENDMENTS**

**AMEND Agenda Page 9, to add new Agenda Item #7A, and provision of ULDC Amendment Exhibit as follows:**

**7A. Title: REQUEST FOR PERMISSION TO ADVERTISE – UNIFIED LAND DEVELOPMENT CODE (ULDC) AMENDMENT FOR DOG FRIENDLY DINING SPECIAL PERMITS**

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. 2 and 4, Dog Friendly Dining Special Permits

**Amendments to the Agenda Pages: 3-9**  
Project Manager: Jeffrey Gagnon

Staff Recommendation: Staff recommends a motion to approve the Request for Permission to Advertise for Final Adoption of the Unified Land Development Code (ULDC) Amendment for Dog Friendly Dining Special Permits on January 27, 2022.

Land Development Regulations Advisory Board and Land Development Regulation Commission: The proposed amendment will be presented to the LDRAB and LDRC on January 26, 2022.

**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.

**MOTION:** To approve the Request for Permission to Advertise for Final Adoption of the Unified Land Development Code (ULDC) Amendment for Dog Friendly Dining Special Permits on January 27, 2022: **ARTICLE 2 – APPLICATION PROCESSES AND PROCEDURES:** CHAPTER C, ADMINISTRATIVE PROCESSES; **ARTICLE 4 - USE REGULATIONS:** CHAPTER B, USE CLASSIFICATION; 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.

## COMMENTS

### C. PLANNING DIRECTOR

#### 9. (211-214) Indian Trails Grove

**ADD** Planning Director Memorandum to the Board of County Commissioners and Exhibits from the Alliance of Delray Residential Associations, Inc and Coalition of Boynton West Residential Associations.

**Amendments to the Agenda Pages: 10-15**

#### Notes:

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INTER-OFFICE COMMUNICATION
DEPARTMENT OF PLANNING, ZONING AND BUILDING
ZONING DIVISION

Department of Planning,
Zoning & Building
2300 North Jog Road
West Palm Beach, FL 33411-2741
(561) 233-5000
Planning Division 233-5300
Zoning Division 233-5200
Building Division 233-5100
Code Enforcement 233-5500
Contractors Certification 233-5525
Administration Office 233-5005
Executive Office 233-5228
www.pbcgov.com/pzb

TO: Honorable Mayor Weinroth and the County Commissioners
FROM: Lisa Amara, Zoning Director
DATE: December 14, 2021
RE: Add/Delete for Dec. 15th BCC Hearing, Request for Permission to Advertise ULDC Amendment for Dog Friendly Dining

ITEM: Zoning Staff is presenting an add/delete for the December 15th BCC Zoning Agenda for a Request for Permission to Advertise for modifications to the Unified Land Development Code (ULDC) to establish the Zoning Division as the permitting agency for the Dog Friendly Dining permit.

BACKGROUND: Following the adoption of the Dog Friendly Dining Ordinance on October 28, 2021, by Ordinance 2021-027, the Zoning Division, the County Attorney's Office, and the Florida Department of Health in Palm Beach County continued to discuss the implementation of the Ordinance. These discussions concluded that the Zoning Division would be the most appropriate permitting authority for Dog Friendly Dining as Special Permits. No other substantive amendments are necessary, and applicants will continue to adhere to the specific requirements provided within F.S. 509.233 as adopted by reference.

DISPOSITION: Staff recommending approval of a Request for Permission to Advertise for the amendment. Approval will allow staff to return with the adoption hearing on January 27, 2021. If you have any questions or would like additional information, please contact me at 561-233-5334.

LA/jg

- C: Patrick W. Rutter, Assistant County Administrator
Ramsay Bulkeley, Executive Director, PZB
Whitney Carroll, Deputy Executive Director, PZB
Robert P. Banks, Chief Land Use County Attorney
Shannon Fox, Senior Assistant County Attorney
Scott A. Stone, Assistant County Attorney
Wendy N. Hernandez, Deputy Zoning Director
Jeff Gagnon, Principal Site Planner

Palm Beach County
Board of County
Commissioners

- Robert S. Weinroth, Mayor
Gregg K. Weiss, Vice Mayor
Maria G. Marino
Dave Kerner
Maria Sachs
Melissa McKinlay
Mack Bernard

County Administrator

Verdenia C. Baker

An Equal Opportunity
Affirmative Action Employer

Official Electronic Letterhead

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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 2 – APPLICATION PROCESSES AND PROCEDURES:** CHAPTER C, ADMINISTRATIVE PROCESSES; **ARTICLE 4 – USE REGULATIONS:** CHAPTER B, USE CLASSIFICATION; 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.

**WHEREAS**, Section 163.3202, Florida Statutes, mandates the County compile Land Development Regulations consistent with its Comprehensive Plan into a single Land Development Code; and

**WHEREAS**, pursuant to this statute the Palm Beach County Board of County Commissioners (BCC) adopted the Unified Land Development Code (ULDC), Ordinance 2003-067, as amended from time to time; and

**WHEREAS**, Section 509.233, Florida Statutes, which authorizes local governments to establish a local exemption procedure to certain provisions of the Food and Drug Administration Food Code in order to allow patrons’ dogs within certain designated outdoor portions of public food service establishments, provides that participating local governments shall have such powers as are reasonably necessary to regulate and enforce the provisions of the statute; and

**WHEREAS**, the BCC has determined that the proposed amendments further a legitimate public purpose; and

**WHEREAS**, the Land Development Regulation Commission has found these amendments to the ULDC to be consistent with the Palm Beach County Comprehensive Plan; and

**WHEREAS**, the BCC hereby elects to conduct its public hearings on this Ordinance at 9:30 a.m.; and

**WHEREAS**, the BCC has conducted public hearings to consider these amendments to the ULDC in a manner consistent with the requirements set forth in Section 125.66, Florida Statutes.

**NOW, THEREFORE, BE IT ORDAINED BY THE BOARD OF COUNTY COMMISSIONERS OF PALM BEACH COUNTY, FLORIDA, as follows:**

**Section 1. Adoption**

The amendments set forth in Exhibit A, attached hereto and made a part hereof, are hereby adopted.

**Section 2. Interpretation of Captions**

All headings of articles, sections, paragraphs, and sub-paragraphs used in this Ordinance are intended for the convenience of usage only and have no effect on interpretation.

1           **Section 3. Repeal of Laws in Conflict**

2           All local laws and ordinances in conflict with any provisions of this Ordinance are hereby  
3 repealed to the extent of such conflict.

4  
5           **Section 4. Severability**

6           If any section, paragraph, sentence, clause, phrase, word, map, diagram, or any other item  
7 contained in this Ordinance is for any reason held by the Court to be unconstitutional, inoperative,  
8 void, or otherwise invalid, such holding shall not affect the remainder of this Ordinance.

9  
10          **Section 5. Savings Clause**

11          All development orders, permits, enforcement orders, ongoing enforcement actions, and all  
12 other actions of the Board of County Commissioners, the Zoning Commission, the Development  
13 Review Officer, Enforcement Boards, all other County decision-making and advisory boards, Special  
14 Masters, Hearing Officers, and all other County officials, issued pursuant to the regulations and  
15 procedures established prior to the effective date of this Ordinance shall remain in full force and  
16 effect.

17  
18          **Section 6. Inclusion in the Unified Land Development Code**

19          The provisions of this Ordinance shall be codified in the Unified Land Development Code and  
20 may be reorganized, renumbered, or re-lettered to effectuate the codification of this Ordinance.

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22          **Section 7. Providing for an Effective Date**

23          The provisions of this Ordinance shall become effective upon filing with the Department of  
24 State.

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1           **APPROVED and ADOPTED** by the Board of County Commissioners of Palm Beach County,  
2 Florida, on this the \_\_\_\_\_ day of \_\_\_\_\_, 20\_\_\_\_\_.

JOSEPH ABRUZZO, CLERK &  
COMPTROLLER

PALM BEACH COUNTY, FLORIDA, BY ITS  
BOARD OF COUNTY COMMISSIONERS

By: \_\_\_\_\_  
Deputy Clerk

By: \_\_\_\_\_  
Robert S. Weinroth, Mayor

APPROVED AS TO FORM AND  
LEGAL SUFFICIENCY

By: \_\_\_\_\_  
Scott A. Stone, County Attorney

**EFFECTIVE DATE:** Filed with the Department of State on the \_\_\_\_\_ day of  
\_\_\_\_\_, 20\_\_\_\_\_.

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**EXHIBIT A**

**ARTICLE 2 – APPLICATION PROCESSES AND PROCEDURES  
ARTICLE 4 – USE REGULATIONS  
DOG FRIENDLY DINING SPECIAL PERMITS**

**CR-2021-0001  
(Updated 12/13/21)**

Part 1. ULDC Art. 2.C.3, Application Processes and Procedures, Administrative Processes, General (page 46.2 and 51, Supplement 30), is hereby amended as follows:

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

10

**Table 2.C.3 – DRO, Administrative Processes**

Requests	Processes	
	Full DRO	ZAR
....		
Administrative Approval		
....		
Special Permits pursuant to <u>Art. 4.B.2.C.33.h.1) or Art. 4.B.2.C.34.f.1), Dog Friendly Dining, or Art. 8.H.2, Billboards</u>		(6)
....		
[Ord. 2018-002] [Ord. 2018-018] [Ord. 2020-020] [Ord. 2021-022]		
Notes:		
....		
6. Shall be processed as a Special Permit.		
....		

11 ....

12 **Section 5 Types of Applications**

13 ....

14 **D. Temporary Use**

15 **1. Purpose**

16 To create standards and an approval process for certain uses, which are generally temporary  
17 in nature, but require monitoring for compliance with Code requirements to ensure compatibility  
18 with surrounding land uses. A Temporary Use may be accommodated in a temporary structure  
19 or a permanent structure that is legally approved. A Temporary Use shall include, but not limited  
20 to those items listed in Art. 4.B.11, Temporary Uses. [Ord. 2007-013] [Ord. 2015-006] [Ord.  
21 2018-002]

22 **2. Prior Approved and Authorized Special Permits**

23 Any prior approved Special Permits that have expired shall be considered invalid, and the  
24 Applicant shall be required to submit a new application for a Temporary Use. Special Permits  
25 shall be issued only for Type 1 or 2 Restaurants with Dog Friendly Dining or bArt. 8.H.2,  
26 Billboards, subject to the applicable standards and Code requirements. [Ord. 2018-002]

27 **E. Special Permit**

28 **1. Authorized Special Permits**

29 Special Permits shall be issued only for Dog Friendly Dining pursuant to Art. 4.B.2.C.33.h.1) or  
30 Art. 4.B.2.C.34.f.1), Dog Friendly Dining, or billboards pursuant to Art. 8.H.2, Billboards, subject  
31 to the applicable standards and Code requirements.

32 **2. Sufficiency Determination**

33 Special Permits are subject to the requirements of Art. 2.C.2, Sufficiency Review, with  
34 exception that the Sufficiency review shall be completed within five days of submittal.

35 **3. Review Process**

36 The application shall be submitted in a form established by the Zoning Director and shall be  
37 consistent with this Code, in accordance with the ZAR review process of Art. 2.C.4, Review,  
38 Resubmittal, and Final Decision. If the request complies with the Code requirements and the  
39 standards of Art. 2.C.5.D.6, Standards, a Special Permit may be approved.

U:\Zoning\CD\BCC\2021\12 Dec\Add-Delete\Doggy Dining\4 - Exh. A - CR-2021-0001 Art. 2 and 4, Dog Friendly Dining Special Permits.docx

**Notes:**

Underlined indicates **new** text.

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EXHIBIT A

ARTICLE 2 – APPLICATION PROCESSES AND PROCEDURES  
ARTICLE 4 – USE REGULATIONS  
DOG FRIENDLY DINING SPECIAL PERMITS

CR-2021-0001  
(Updated 12/13/21)

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4. Conditions  
The DRO may impose conditions pursuant to Art. 2.C.6, Conditions of Approval.  
...[Re-letter accordingly]

Part 2. ULDC Art. 4.B.2.C.33.h.1), Use Regulations, Use Classification, Commercial Uses, Definitions and Supplementary Use Standards for Specific Uses, Restaurant, Type 1, Outdoor Dining, Dog Friendly Dining; and  
ULDC Art. 4.B.2.C.34.f.1), Use Regulations, Use Classification, Commercial Uses, Definitions and Supplementary Use Standards for Specific Uses, Restaurant, Type 2, Outdoor Dining, Dog Friendly Dining (page 51, Supplement 30), is hereby amended as follows:

CHAPTER B USE CLASSIFICATION

....

Section 2 Commercial Uses

....

C. Definitions and Supplementary Use Standards for Specific Uses

....

33. Restaurant, Type 1

a. Definition

An establishment equipped to sell food and beverages in one of the following methods: drive-through sales to patrons in automobiles for take-out who place orders through a window or remote transmission device; or sales to patrons for take-out or dining in, that includes three or more of the following: food or beverage choices are advertised on a menu board; countertop sales where payment is made prior to consumption; disposable containers and utensils; limited service dining facilities with no hostess or waiters; and, self-service or prepackaged condiments.

....

h. Outdoor Dining

Shall comply with the principal structure setbacks.

1) Dog Friendly Dining

Pursuant to F.S. § 509.233, as amended, a Type 1 Restaurant may allow patrons with dogs within designated outdoor dining areas. Before allowing patrons' dogs on their premises, a participating restaurant shall apply for and receive a Dog Friendly Dining Special Permit from the ~~Florida Department of Health in Palm Beach County~~Zoning Division in accordance with the permit application requirements described in F.S. § 509.233. A restaurant shall be subject to the minimum regulations and limitations described in F.S. § 509.233. **[Ord. 2021-027]**

a) A participating restaurant shall post all signs required by F.S. § 509.233, in size 12 font or greater, in a location that is legible from the entrance of the designated outdoor Dog Friendly Dining area. **[Ord. 2021-027]**

b) A participating restaurant shall ensure that the Dog Friendly Dining Special Permit is available for inspection during hours of operation. **[Ord. 2021-027]**

c) A Dog Friendly Dining Special Permit is not transferable to a subsequent owner upon the sale of a restaurant, and shall expire automatically upon any such sale. **[Ord. 2021-027]**

34. Restaurant, Type 2

a. Definition

An establishment with no drive-through, equipped to sell food and beverages, served and consumed primarily on the premises, that includes three or more of the following: host or hostess assists patrons upon entry; food and beverage choices are offered from a printed menu provided by wait staff at a table; orders are taken at the table; food is served on dishes and metal utensils are provided; and, payment is made after meal consumption.

....

f. Outdoor Dining

Shall comply with the principal structure setbacks.

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# EXHIBIT A

## ARTICLE 2 – APPLICATION PROCESSES AND PROCEDURES ARTICLE 4 – USE REGULATIONS DOG FRIENDLY DINING SPECIAL PERMITS

CR-2021-0001  
(Updated 12/13/21)

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- 1) **Dog Friendly Dining**  
Pursuant to F.S. § 509.233, as amended, a Type 2 Restaurant may allow patrons with dogs within designated outdoor dining areas. Before allowing patrons' dogs on their premises, a participating restaurant shall apply for and receive a Dog Friendly Dining Special Permit from the ~~Florida Department of Health in Palm Beach County~~Zoning Division in accordance with the permit application requirements described in F.S. § 509.233. A restaurant shall be subject to the minimum regulations and limitations described in F.S. § 509.233. **[Ord. 2021-027]**
- a) A participating restaurant shall post all signs required by F.S. § 509.233, in size 12 font or greater, in a location that is legible from the entrance of the designated outdoor Dog Friendly Dining area. **[Ord. 2021-027]**
- b) A participating restaurant shall ensure that the Dog Friendly Dining Special Permit is available for inspection during hours of operation. **[Ord. 2021-027]**
- c) A Dog Friendly Dining Special Permit is not transferable to a subsequent owner upon the sale of a restaurant, and shall expire automatically upon any such sale. **[Ord. 2021-027]**
- ....

U:\Zoning\CD\BCC\2021\12 Dec\Add-Delete\Doggy Dining\4 - Exh. A - CR-2021-0001 Art. 2 and 4, Dog Friendly Dining Special Permits.docx

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**MEMORANDUM**

**Department of Planning,  
Zoning & Building**  
2300 North Jog Road  
West Palm Beach, FL 33411-2741  
(561) 233-5000  
  
Planning Division 233-5300  
Zoning Division 233-5200  
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**Palm Beach County  
Board of County  
Commissioners**

Robert S. Weinroth, Mayor  
Gregg K. Weiss, Vice Mayor  
  
Maria G. Marino  
Dave Kerner  
Maria Sachs  
Melissa McKinlay  
Mack Bernard

**County Administrator**

Verdenia C. Baker

*"An Equal Opportunity  
Affirmative Action Employer"*

Official Electronic Letterhead

**TO:** The Honorable Robert S. Weinroth, Mayor, and the members of the Board of County Commissioners (BCC)  
**FROM:** Patricia Behn, Planning Director *PB*  
**DATE:** December 1, 2021  
**RE:** **Indian Trails Grove Agricultural Reserve**

**ITEM:** The item before the Board is to present a proposal by GL Homes regarding the Indian Trails Grove (ITG) approval and the Agricultural Reserve (AGR) Tier. At the Agricultural Reserve BCC Workshop on October 26, 2021, the Board directed staff to meet with GL Homes and return with a presentation on the proposal. The GL Homes proposal would allow for the transfer of units from ITG to AGR, allow for preservation of land in ITG for additional AGR development, and allow the additional preserved land within ITG to be used for agriculture or for water resources/management purposes. GL Homes will provide a presentation, to be followed by staff.

**PROPOSAL:** The concept proposed by GL Homes consists of the dedication of 1,600 acres within the ITG site to the County for water resources in exchange for the relocation of residential development potential to a new development within the Agricultural Reserve. This request would require text and future land use amendments to the Comprehensive Plan, and a series of zoning applications.

**BACKGROUND:** The ITG site is located in the Rural Tier, west of The Acreage and encompasses approximately 4,871 acres. In 2016 by Ord. 2016-041, the County adopted a future land use and text amendment for Indian Trails Grove (LGA 2016-017) to allow for 3,897 units and 350,000 square feet of non-residential uses. The adopted conceptual plan also included a 640-acre water impoundment area and an additional 1,068 acres for water resources or agriculture. A subsequent text and map series amendment (Indian Trails Grove WCR AGR, LGA 2018-008), was proposed by GL Homes to allow agricultural land within ITG to serve as preserve areas for Agricultural Reserve Planned Unit Developments (AGR-PUDs), including the relocation of 2,315 residential development rights from the ITG site to the associated AGR-PUDs in the Agricultural Reserve Tier. However, this proposal did not proceed to public hearings as the applicant withdrew the request prior to Planning Commission.

**DISPOSITION:** If you have any questions please contact me at 561-233-5332.

**Attachments:** (1) *GL Homes Summary of Request*  
(2) *Location Maps*

cc: Verdenia C. Baker, County Administrator  
Patrick W. Rutter, Assistant County Administrator  
Ramsay J. Bulkeley, PZB Executive Director  
Whitney Carroll, Deputy PZB Director  
Kevin Fischer, AICP, Deputy Planning Director  
Bryan M. Davis, Principal Planner  
Robert P. Banks, Chief Land Use Co. Attorney  
Darren Leiser, Assistant County Attorney

## ATTACHMENT 1 – GL HOMES SUMMARY OF REQUEST

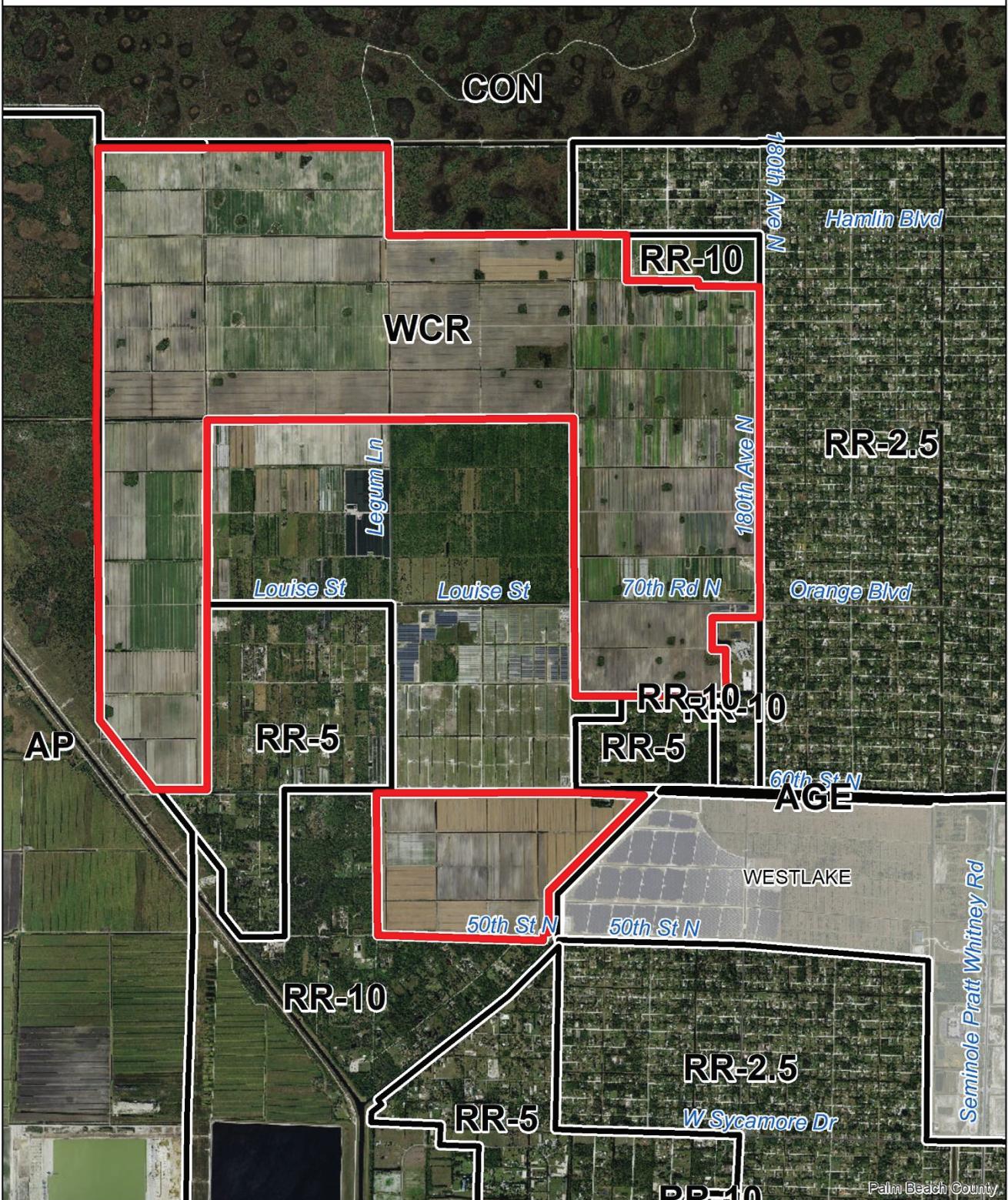
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### GL HOMES proposes the following:

- Amendments to the Indian Trails Grove (ITG) approval to delete 1,600 acres from the approved Conceptual Plan and convey the 1,600 acres to Palm Beach County (PBC). This will reduce the number of units permitted on the Indian Trails Grove property from 3,897 to 2,612 (reduction of 1,285 units).
- To convey to PBC 30.00 acres of a 104.878 acre site as a public civic site bank on the Hyder West property (PUD 1).
- To construct 250 workforce housing units and other private civic uses on 74.878 acres on the Hyder West property (PUD 1).
- To construct and convey to PBC a 100.433 acre passive park on the Hyder West property.
- To construct a 1,000 unit market rate project on the remainder of the Hyder West property (PUD 2).
- Amendments to the Comprehensive Plan to authorize lands west of State Road 7 (SR7) and south of Atlantic Avenue to be developed as 60/40 Agricultural Reserve Planned Unit Developments (AGR-PUDs) and authorize public and private civic uses in the same geographic area.
- Amendments to the Future Land Use Element (FLUE) and Unified Land Development Code (ULDC) to permit AGR-PUD preservation zoning on the 1,600 acres conveyed to PBC;
  - more specifically, that 668.080 acres of the 1,600 acres may be utilized to replace 534.464 acres of the Hyder West property as preservation for existing and approved AGR-PUDs; and
  - allow 897.817 acres of the ITG 1,600 acres to be utilized as required preservation for the two new PUDs on the Hyder West property (PUD 1 and PUD 2) to make 60/40 compliant.
  - Therefore, of the 1,600 acres conveyed to PBC, the changes will authorize 1,565.897 acres to be utilized for AGR-PUD preserve zoning. The remainder of the 1,600 acres (34.103 acres) will be unencumbered by this proposal and GL Homes will not have the ability to utilize the unencumbered 34.103 acres in any future zoning applications as AGR-PUD preservation.

ATTACHMENT 2 – LOCATION MAPS

Western Communities - ITG



Date: 12/2/2021  
 Contact: Planning  
 Filename: N:\Div\Agr\ITG\211  
 Note: Map is not official, for presentation purposes only

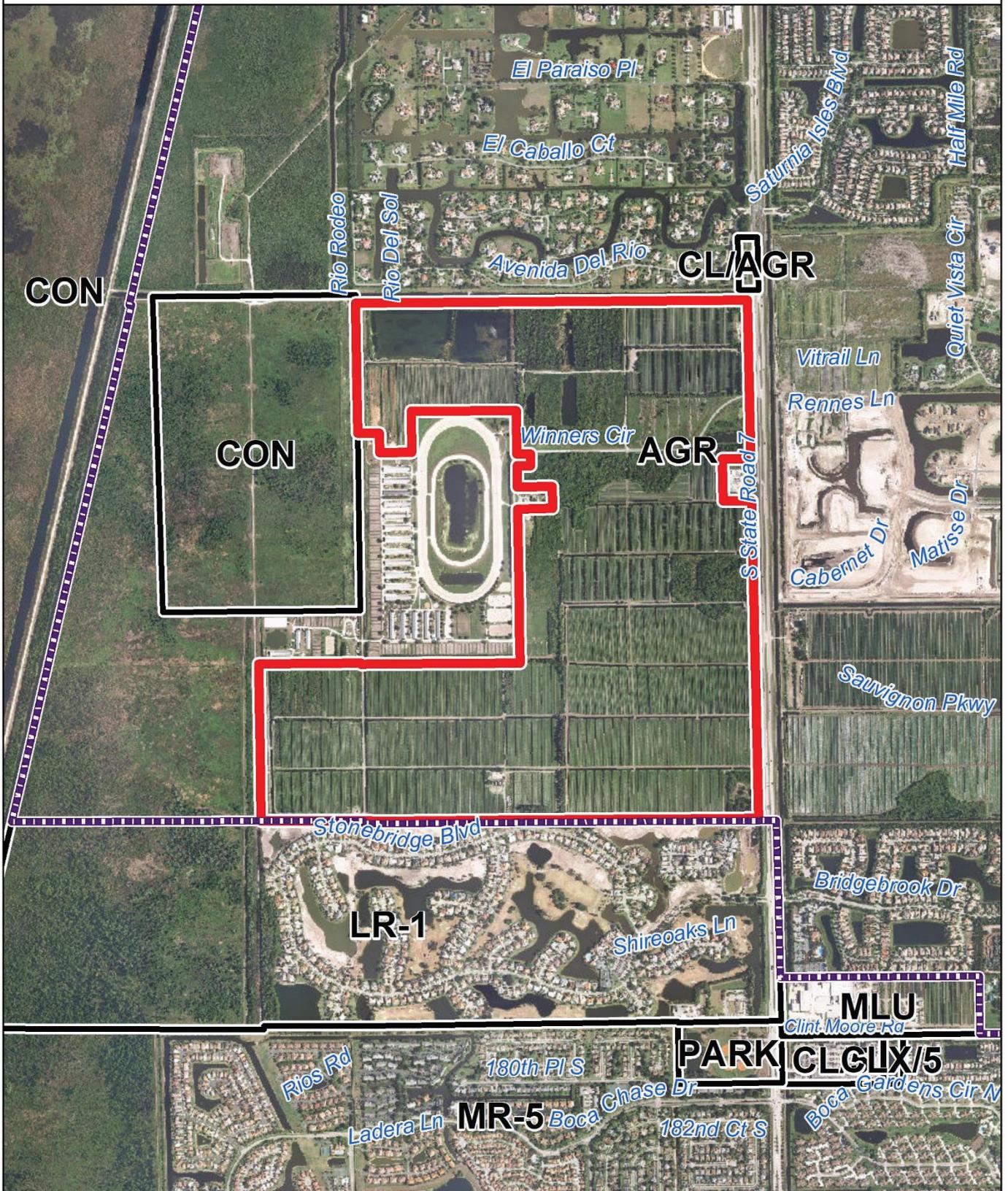
AGR    Future Land Use  
 ITG

Feet  
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Planning, Zoning & Building  
 2300 N. Jog Rd, WPB, FL 33411  
 Phone (561) 233-5300



# Agricultural Reserve Tier - Hyder West



Date: 12/2/2021  
 Contact: Planning  
 Filename: N:\Div\Agr\ITG\21  
 Note: Map is not official, for presentation purposes only

 AGR  
 Hyder  
 Future Land Use



0 250500 1,000 1,500 Feet

Planning, Zoning & Building  
 2300 N. Jog Rd, WPB, FL 33411  
 Phone (561) 233-5300



## *Alliance of Delray Residential Associations, Inc.*

10290 West Atlantic Avenue #480504  
Delray Beach, FL 33448  
Phone: 561.495.4694  
www.allianceofdelray.com



- *Serving more than 100 Communities between the Everglades and the Ocean in south Palm Beach County.*
- *Working Toward Sustainable Development*
- *Applying Resilience Thinking to Our Natural Resources*

December 12, 2021

Palm Beach County Board of County Commissioners  
301 North Olive Avenue  
West Pam Beach, Florida 33401

Re: Indian Trails Grove Agricultural Reserve December 15, 2021 Agenda Item

Dear Commissioners:

In a letter dated September 13, 2021 the Alliance of Delray clearly stated its support for examining changes to the Comprehensive Plan of the Agricultural Reserve. Suggestions included the possibility of smaller Planned Unit Developments and an increased density if a workforce housing component was included. These suggestions were intended to be exercised east of State Road 7/441 and would provide some relief to farmers who considered themselves disenfranchised.

The Indian Trails Grove (ITG)/Agricultural Reserve (AGR) proposal was not considered in these comments and suggestions since there was no application submitted at the time the Agricultural Reserve Workshop was held. Therefore, the Alliance is now providing its concerns regarding the ITG/AGR proposal.

1. Using the Agricultural Reserve as a solution for County water management issues: this is not a good argument. Some monies from the original bond issue were used for water projects in northern Palm Beach County but the precious lands of the Agricultural Reserve should not be traded for projects in northern Palm Beach County since the microclimate and soils are not congruent.
2. Public Civic Sites: there are two alternative viable and better sites for any County office. The West Boca Branch Library is located on a 20.63 acre parcel about a mile south of the subject site. Any necessary County office could be located there. Further, an 8.37 acre site at the northeast corner of Atlantic Avenue and the Florida Turnpike is also available for County offices. The proposed civic site is unnecessary.
3. 100 acre passive park proposal: the Alliance has been working closely with Parks and Recreation on procuring a longer-term lease on the West Delray Regional Park and improving the infrastructure within the park. Although it would be fine for yet another park in the west Delray area, there is a need to concentrate on what already exists which is the 313 acres of recreational land located about a mile north of the subject property.
4. 250 Workforce Housing Units: with the current transmitted application (Reserve at Atlantic), evaluation, investigation, and analysis by Staff, the Agricultural Reserve should attain its sufficient share of Workforce Housing Units along the main corridors and east of State Road 7/441 so that the parcels west of 441, so close to environmentally sensitive lands, should not be violated.
5. Market Rate Project: with the many moving parts over the years (re-distribution of preserve parcels), at one point, there will surely be some market rate units that can be developed in this area. The Alliance suggests that no changes in the 80/20 PUD (which is currently allowed west of State Road 7/441) be enacted at this time.

Thank you all for your continued commitment to serving the residents of Palm Beach County.

Sincerely,

*Lori Vinikoor*

Dr. Lori Vinikoor, President

*OFFICERS AND DIRECTORS OF THE ALLIANCE:*

*Lori Vinikoor, President*

*Amie Katz, Executive Vice President, Norma Arnold, Vice President Allen Hamlin, Vice President*

*Ken Markowitz, Vice President Carol Klausner, Secretary Deborah Borenstein, Treasurer*

*Directors: Rob Cuskaden Paul Finkelstein Susan Zuckerman*

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*Robert Schulbaum, Chairman of the Board*

*Legal Counsel: Joshua Gerstin*



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December 13, 2021

Board of County Commissioners  
301 North Olive Ave. Suite 1201  
West Palm Beach, FL 33401

Via Email: [BCC-AllCommissioners@pbcgov.org](mailto:BCC-AllCommissioners@pbcgov.org)

Re: December 15, 2021 | Zoning Meeting

Dear Mayor Weinroth, Vice Mayor Weiss, and Commissioners Marino, Kerner, Sachs, McKinlay, and Bernard,

COBWRA will not be taking a position on the Indian Trail Grove/Hyder matter prior to seeing the presentations on December 15, 2021. We feel we do not have enough information on a proposal of such magnitude with so many elements. We will be watching both in person and remotely to gain a better understanding of the land swap details.

We share and appreciate the level of concern each of you has for the future of Palm Beach County. We commend you on the significant time and effort spent carefully discussing and evaluating the various proposals continually presented to your Board.

Most Sincerely,

*Beth Rappaport*

BETH RAPPAPORT, President

On behalf of the Coalition of Boynton West Residential Associations

cc:

Mr. Patrick Rutter, Assistant County Administrator [PRutter@pbcgov.org](mailto:PRutter@pbcgov.org)

Mr. Ramsay J. Bulkeley, Esq., Executive Director, PZ and B [RBulkeley@pbcgov.org](mailto:RBulkeley@pbcgov.org)

Ms. Lisa Amara, Zoning Director [LAmara@pbcgov.org](mailto:LAmara@pbcgov.org)

Ms. Patricia Behn, Planning Director [PBehn@pbcgov.org](mailto:PBehn@pbcgov.org)

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**BOARD OF COUNTY COMMISSIONERS  
ZONING HEARING**

**WEDNESDAY DECEMBER 15, 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**

**DECEMBER 15, 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**

1. [CA-2021-01022](#) Title: a Class A Conditional Use application of Steven Cabral by Land Research Management Inc., Agent. Request: to allow Limited Pet Boarding.

General Location: South side of 77th Place North, approximately 0.09 miles east of Hall Road. **(Fine Line Pet Boarding)** (Control 2019-00115)

Pages: 1 - 16

Conditions of Approval (7 - 8)

Project Manager: James Borsos

Size: 1.15 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 7-0-0.

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

**E. ZONING APPLICATIONS - NEW**

- 2. **ZV/DOA/CA-2021-00407** Title: a Development Order Amendment application of Boca Wharfside, LLC by Gentile Glas Holloway O'Mahoney & Associates Inc., Agent. Request: to modify the Site Plan; and, add square footage.

Title: a Class A Conditional Use of Boca Wharfside, LLC by Gentile Glas Holloway O'Mahoney & Associates Inc., Agent. Request: to allow a Type 2 Restaurant in excess of 5,000 square feet (Building A).

Title: a Class A Conditional Use of Boca Wharfside, LLC by Gentile Glas Holloway O'Mahoney & Associates Inc., Agent. Request: to allow a Type 2 Restaurant in excess of 5,000 square feet (Building 3).

General Location: North side of SW 18th Street, approximately 300 feet east of Powerline Road. **(Wharfside at Boca Pointe)** (Control 1973-00085)

Pages: 17 - 40

Conditions of Approval (23 - 28)

Project Manager: James Borsos

Size: 10.03 acres ±

BCC District: 4

Staff Recommendation: Staff recommends approval of the requests, subject to the Conditions of Approval as indicated in Exhibits C-2 through C-4.

Zoning Commission Recommendation: Approved a Type 2 Variance by a vote of 7-0-0.

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

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

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

**MOTION:** To adopt a Resolution approving a Class A Conditional Use to allow a Type 2 Restaurant in excess of 5,000 square feet (Building A), 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 a Type 2 Restaurant in excess of 5,000 square feet (Building 3), subject to the Conditions of Approval as indicated in Exhibit C-4.

**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

3. [TDD/DOA-2020-01444](#) Title: an Official Zoning Map Amendment application of TG Land LLC, West Boynton Farms Inc. by JMorton Planning & Landscape Architecture, Agent. Request: to allow a rezoning from the Agricultural Reserve (AGR) Zoning District to Agricultural Reserve Traditional Marketplace Development (AGR-TMD) Zoning District.

Title: a Development Order Amendment of TG Land LLC, West Boynton Farms Inc. by JMorton Planning & Landscape Architecture, Agent. Request: to modify the Site Plan to add and delete land area (Preserves); to authorize the release and termination of the Agricultural Reserve Conservation Easement; and, to modify Conditions of Approval.

General Location: North side Atlantic Avenue, approximately 0.28 miles west of Lyons Road. **(Delray Marketplace Preserve)** (Control 2004-00616)

Pages: 41 - 102

Conditions of Approval (49 - 64)

Project Manager: Timothy Haynes

Size: 97.66 acres ±

BCC District: 5,6

(affected area 2.05 acres ±)

### 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 6-0-1.

Zoning Commission Recommendation: Recommended Approval of a Development Order Amendment by a vote of 6-0-1.

**MOTION:** To adopt a Resolution approving an Official Zoning Map Amendment to allow a rezoning from the Agricultural Reserve (AGR) Zoning District to Agricultural Reserve Traditional Marketplace Development (AGR-TMD) 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 modify the Site Plan to add and delete land area (Preserves); and, to modify Conditions of Approval, subject to the Conditions of Approval as indicated in Exhibit C-2.

**MOTION:** To approve and authorize the Mayor to execute the termination and release of the Agricultural Reserve Conservation Easement.

4. **LGA-2021-00008** Title: Atlantic Avenue Medical, Large Scale Future Land Use Amendment application of TG Land LLC by JMorton Planning & Landscape Architecture, Agent. Request: To change a future land use designation from Agricultural Reserve (AGR) to Commercial Low Office with an underlying Agricultural Reserve (CL-O/AGR)

General Location: North side of Atlantic Avenue, approximately 1,500 feet west of Lyons Road (**Atlantic Avenue Medical**) (Control 2020-00178)

Pages: 103 - 148

Conditions of Approval (110 - 110)

Project Manager: Melissa Michael

Size: 2.05 acres ±

BCC District: 5

Staff Recommendation: Approval of the proposed amendment to change the Future Land Use designation from Agricultural Reserve (AGR) to Commercial Low Office with an underlying Agricultural Reserve (CL-O/AGR).

Planning Commission Recommendation: PLC recommended Approval as Modified in a 14 to 0 vote at the January 8, 2021 Public Hearing.

BCC Transmitted in a 7 to 0 vote at the January 25, 2021 Public Hearing.

**MOTION:** To Adopt an Ordinance for the Atlantic Avenue Medical amendment.

5. **Z/CA-2020-01445** Title: an Official Zoning Map Amendment application of TG Land LLC by JMorton Planning & Landscape Architecture, Agent. Request: to allow a rezoning from the Traditional Marketplace Development (TMD) Zoning District to the Commercial Low Office (CLO) Zoning District.

Title: a Class A Conditional Use of TG Land LLC by JMorton Planning & Landscape Architecture, Agent. Request: to allow a Medical Office.

General Location: North side Atlantic Avenue, approximately 0.28 miles west of Lyons Road. (**Atlantic Avenue Medical**) (Control 2020-00178)

Pages: 149 - 170

Conditions of Approval (158 - 160)

Project Manager: Timothy Haynes

Size: 2.05 acres ±

BCC District: 5

#### DISCLOSURE

Staff Recommendation: Staff recommends approval of the requests, subject to a Conditional Overlay Zone and the Conditions of Approval as indicated in Exhibit C-1 and C-2.

Zoning Commission Recommendation: Recommended Approval of an Official Zoning Map Amendment by a vote of 6-0-1.

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

**MOTION:** To adopt a Resolution approving an Official Zoning Map Amendment to allow a rezoning from the Traditional Marketplace Development (TMD) Zoning District to the Commercial Low Office (CLO) Zoning District, subject to a Conditional Overlay Zone and the Conditions of Approval as indicated in Exhibit C-1.

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

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

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

**I. PREVIOUSLY POSTPONED ZONING APPLICATIONS**

**J. ZONING APPLICATIONS - NEW**

**K. COMPREHENSIVE PLAN TEXT AMENDMENTS**

**L. ULDC AMENDMENTS**

**6. [Title: FIRST READING - UNIFIED LAND DEVELOPMENT CODE \(ULDC\) AMENDMENT ROUND 2021-02](#)**

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. 3, Airport Zoning Overlay Use Regulations Update

Exhibit B - Art. 3, Planned Unit Development Standards and Measurement

Exhibit C - Art. 4, Generators for Commercial Communication Towers

Pages: 171 - 178

Project Manager: Jeffrey Gagnon

Staff Recommendation: Staff recommends approval of First Reading and to Advertise for Adoption Hearing of the ULDC Amendment Round 2021-02 on January 27, 2022.

Land Development Regulation Advisory Board (LDRAB): On August 25, 2021 and September 22, 2021, the LDRAB recommended approval of the proposed ULDC amendments with multiple votes.

Land Development Regulation Commission (LDRC) Determination: On October 28, 2021, the LDRC found the proposed ULDC amendments to be consistent with the Plan with a vote of 13-0.

BCC Public Hearing: On November 22, 2021, the BCC approved the Request for Permission to Advertise for First Reading on December 15, 2021, with a vote of 7-0.

**MOTION:** To approve on First Reading and Advertise for Adoption Hearing of the ULDC Amendment Round 2021-02 on January 27, 2022: ARTICLE 3 - OVERLAYS AND ZONING DISTRICTS: CHAPTER B, OVERLAYS; CHAPTER E, PLANNED DEVELOPMENT DISTRICTS (PDDs); ARTICLE 4 - USE REGULATIONS: CHAPTER B, USE CLASSIFICATION; 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.

7. **PIA-2020-01201** Title: a Privately Initiated Code Amendments (Non Site Specific) application of Boca Holdings, LLC - Steven Danza by WGINC, Agent. Request: PIA to adopt amendments to Articles 3 and 4 of the ULDC in order to allow a Hotel or Motel as a Class A Conditional Use within a Commercial Pod of a Planned Unit Development (PUD), and to provide an exception for a Hotel or Motel use to the existing PUD Commercial Pod restriction requiring that uses, provide professional services, retail opportunities, and professional or business offices for use primarily by the residents of the PUD.

Pages: 179 - 200

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 September 22, 2021, LDRAB recommended approval of the proposed ULDC amendment with a vote of 10-0.

Land Development Regulation Commission (LDRC) Determination: On September 22, 2021, the LDRC found the proposed ULDC amendment to be consistent with the Plan with a vote of 10-0.

BCC Public Hearing: On October 28, 2021, the BCC approved the Request for Permission to Advertise for First Reading on November 22, 2021, with a vote of 6-0. On November 22, 2021, the BCC approved the First Reading and Advertisement for Adoption Hearing on December 15, 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 3 - OVERLAYS AND ZONING DISTRICTS: CHAPTER E, PLANNED DEVELOPMENT DISTRICTS (PDDs); ARTICLE 4 - USE REGULATIONS: CHAPTER B, USE CLASSIFICATION; 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**

**D. ADMINISTRATION**

**E. FACILITIES DEVELOPMENT AND OPERATIONS**

**8. [Title: Declaration of Easement](#)**

The WPBHA will develop the 1.36-acre subject property with 17 residential housing units, a structure to serve as a neighborhood center, ancillary parking facilities, and other customary site improvements. Due to the use of IST funds, the property and improvements must always remain in public ownership and, as a result, all housing units will be rental with maximum gross monthly rents for the first year ranging from \$598 to \$730, and maximum continued occupancy of 24 months by any given tenant. The pending conveyance will be at no charge to WPBHA and subject to a restriction to government use, operation and maintenance for housing of low, very low and extremely low income residents.

Pages: 201 - 210

Project Manager: Isami Ayala-Collazo

Staff Recommendation: Staff recommends approval of a Declaration of Easement in favor of Palm Beach County to establish an access easement across a portion of the Cottage Homes property which fronts on Military Trail and Clemens Street in western Lake Worth Beach.

**MOTION:** To approve a Declaration of Easement in favor of Palm Beach County to establish an access easement across a portion of the Cottage Homes property which fronts on Military Trail and Clemens Street in western Lake Worth Beach.

**COMMENTS**

**A. COUNTY ATTORNEY**

**B. ZONING DIRECTOR**

**C. PLANNING DIRECTOR**

**9. [Title: Indian Trails Grove](#)**

Pages: 211 - 214

Project Manager: Bryan Davis

**ITEM:** The item before the Board is to present GL Homes' Indian Trails Grove proposal, located in the Central Western Communities (CWC), to serve as preserve areas for Agricultural Reserve Planned Unit Developments (AGR-PUDs) and allowing GL Homes to transfer development rights from Indian Trails Grove to locations currently in the Agricultural Reserve Tier. At the Agricultural Reserve BCC Workshop on October 26, 2021, the Board directed staff to meet with GL Homes and return on December 15th to present an updated proposal from GL Homes for Indian Trails Grove to preserve the site's active agricultural production use or to use it as a water resources/management. GL Homes will provide a presentation, to be followed by staff.

**D. EXECUTIVE DIRECTOR**

**E. ASSISTANT COUNTY ADMINISTRATOR**

**F. COMMISSIONERS**

**ADJOURNMENT**