



# ULDC REVISIONS STAFF REPORT

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## ZONING COMMISSION, PPR PHASE 1, OCT. 3, 2025

### I. General Data

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**Project Name:** Freestanding Emergency Department (FSED) - Privately Proposed Revision Phase 1

**Articles:** 1, 4

**Project Manager:** Alexander Biray, Senior Site Planner

**Agency Manager:** Lisa Amara, Zoning Director

**Staff Recommendation:** Staff recommends **approval of Phase 1 and initiation of Phase 2** based on the findings and conclusions presented in this report.

### II. Item Summary

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**Summary:** The item before the Board is a Privately Proposed Revision (PPR) to the Unified Land Development Code (ULDC) to establish regulations under the Medical or Dental Office use in Article 4, for Freestanding Emergency Departments (FSED), providing for a definition and regulations related to location, approval process for hours of operation, onsite emergency vehicles and parking.

**Assessment:** The purpose of these revisions to the ULDC is to recognize the trend of FSED being located in areas more accessible and convenient for emergency medical services, typically in underserved areas. Multiple Applications for FSED have been processed by Staff either as a Medical or Dental Office use or a Hospital. The proposed revision will remove the inconsistent application of approvals and regulations going forward. Staff supports the initiation of the Applicant's request.

**Phase 1:** This item is being presented as Phase 1, in which Staff provide preliminary analysis and Staff recommendation on whether the proposed ULDC revisions should be approved for initiation. If the BCC approves Phase 1, the applicable implementing department (in this case the Zoning Division) and the Applicant will coordinate for a more detailed analysis in Phase 2. The initiation of the proposed items does not imply that these ULDC revisions will be approved in the future. Rather, the initiation authorizes Staff to proceed with further review and to prepare a Staff report with data and analysis for Board consideration for adoption. If Phase 1 is approved, the Zoning Division will present the Phase 2 Report to the ZC and BCC at a future public hearing.

### II. Hearing History

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**ZC Phase 1 Initiation Recommendation:** *Scheduled for October 3, 2025.*

**Board of County Commissioners Phase 1 Initiation:** *Scheduled for October 23, 2025*

**Board of County Commissioners Phase 2 Permission to Advertise:** *Not yet scheduled*

**ZC Phase 2 Recommendation:** *Not yet scheduled*

**LDRC Phase 2 Determination:** *Not yet scheduled*

**Board of County Commissioners Phase 2 First Reading:** *Not yet scheduled*

**Board of County Commissioners Phase 2 Second Reading and Adoption:** *Not yet scheduled*

## IV. Intent

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The item before the Board is a Privately Proposed Revision (PPR) to the Unified Land Development Code (ULDC) to establish a sub-use under Medical or Dental Office for Freestanding Emergency Departments (FSED), providing for a definition and regulations related to location, approval process for hours of operation, onsite emergency vehicles and parking.

**Phase 1 vs. Phase 2.** This item is being presented as Phase 1, in which Staff provide preliminary analysis and Staff recommendation on whether the proposed ULDC revisions should be approved for initiation. If the BCC approves Phase 1, the applicable implementing department (in this case the Zoning Division) and the Applicant will coordinate for a more detailed analysis in Phase 2.

## V. Data and Analysis

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This section provides a summary of the Applicant's site prompting the request, an analysis of the Standards of Review, and the Consistency with the Comprehensive Plan.

### A. Proposed Revisions

Freestanding Emergency Departments (FSED) are licensed under, and affiliated with a hospital, however, are not located on the same premises as the Hospital. Research has shown that this trend presents a unique opportunity for emergency medical care consistent with the emergency services provided by the parent Hospital but in a separate location. Currently the ULDC doesn't recognize an FSED. Therefore, the applicant has proposed this ULDC revision to establish regulations with requirements for location, approval process for hours of operation, onsite emergency vehicles and parking. The proposed revisions in strike out and underline are provided in Exhibit 1. As part of the review process in Phase 2, should this item be initiated by the BCC, the actual language proposed for Phase 2 may vary depending upon further analysis.

### B. Applicant's Justification and Standards for Review

Pursuant to ULDC Article 2.D.3, when considering an application for a PPR to the ULDC, the following standards shall be considered. Each item is provided below with Staff Analysis.. Exhibit 2 provides the Applicant's Justification Statement with full Applicant's response for each item.

#### 1. A finding that the proposed ULDC revision does not violate State, Federal, or other local government laws;

**Staff Analysis:** Staff concurs with the Applicant's assessment that the proposed ULDC amendments do not violate any State, Federal, or other local government laws. The proposed revisions include a provision requiring approved FSED to be consistent with F.S. 395. This statute outlines a definition for the use and specific requirements related to signage, advertisements and website information to ensure there is no public confusion on the difference between an Urgent Care facility and an FSED. No proposed change is in conflict with these requirements.

#### 2. A preliminary analysis demonstrating consistency with the Plan;

**Staff Analysis:** A preliminary review indicates that there are no inconsistencies identified with the Comprehensive Plan. As indicated in the Applicant's Justification Statement, the FSED is proposed under the already established Medical or Dental Office use and will share the required approval processes per the ULDC Article 4 Matrix and associated Supplementary Standards.

#### 3. An analysis and finding of internal consistency within the ULDC, with the identification of any other ULDC revisions that may be necessary to ensure internal consistency;

**Staff Analysis:** A preliminary review indicates that the proposed revision is not in conflict with any other provisions of the ULDC. The proposed revision adds a sub-use for a FSED under the Medical or Dental Office use, to establish a definition and regulations related to location, approval process for hours of operation, onsite emergency vehicles and parking. Minor revisions are proposed to the definition of the Medical or Dental Office use to remove the conflict with the prohibition of emergent care. The Applicant has proposed a separate parking requirement for a FSED to reflect the existing lesser parking demand for an FSED.

The proposed revisions are, therefore, internally consistent with the ULDC. At the time of publication of this staff report, staff are coordinating with the applicant and the Health Care District of Palm Beach County regarding their classification of this use. As stated previously, as this item moves forward in the review process in Phase 2 there may be changes to the actual proposed text.

**4. A preliminary identification of properties that may be affected by the proposed ULDC revisions;**

**Staff Analysis:** This proposed ULDC revision establishes regulations for a FSED under the Medical or Dental Office use. These regulations would apply to any new application seeking this use and any property with a Zoning District and Future Land Use (FLU) designation that allows a Medical or Dental Office use. Any prior approval would be conforming. Properties within 250 feet of a residential FLU designation or use that wants to take advantage of the new regulations will be subject to a BCC approved Type 2 Waiver for hours of operation, to operate for 24 hours.

**5. An evaluation of the availability of other alternatives to the proposed ULDC revisions, and if other alternatives are available, a demonstration of why those alternatives are not being pursued and;**

**Staff Analysis:** The Applicant and the Zoning Division have met to discuss options for the allowance of this use. Two main options were discussed, either to include as a sub-use under Hospital or, Medical or Dental Office. As outlined in the Applicant's justification statement, including the provisions of a FSED under the Hospital use may be inconsistent with the actual operations of a FSED. Although affiliated with and licensed under a particular hospital, the scale of services offered by a hospital is significantly greater than those offered by the FSED. A hospital comprises multiple departments providing inpatient, surgical, diagnostic, overnight and emergency medical care with significant medical Staff. A FSED operates similarly to only the onsite Emergency Department which does not provide inpatient care, or care that requires overnight stays.

The Applicant has proposed a lesser parking requirement for a FSED than a Medical or Dental Office use to better reflect the nature of business and actual parking demand for a FSED, which is typically less than a Medical or Dental Office use.

**6. Staff recommendation on whether the proposed ULDC revisions should be initiated, initiated with modifications, or denied.**

**Staff Analysis:** Staff recommends the initiation of Phase 1. Staff support the FSED as a sub-use under an established use, with additional specific regulations to include a definition, location requirements, approval process for hours of operation, onsite emergency vehicles and parking. Upon further research and analysis, and coordination with other interested parties, the language proposed may be further modified during Phase 2 to incorporate any additional requirements that may be necessary.

**E. Consistency with the Comprehensive Plan**

A preliminary review indicates that there are no inconsistencies identified with the Comprehensive Plan. The Planning Division will analyze the proposed revision in greater detail through Phase 2.

**VII. Assessment and Conclusions**

As demonstrated in this report, the Privately Proposed Revision (PPR) to the ULDC warrants consideration through the approval of Phase 1. The purpose of these revisions to the ULDC is to recognize the trend of FSED being located in areas more accessible and convenient for emergency medical services, typically in underserved areas. Multiple Applications for FSED have been processed by Staff either as a Medical or Dental Office use or a Hospital. The proposed revision establish a consistent approval process and regulations going forward. Staff support the initiation of this request.

**Attachments**

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Exhibit 1 - Proposed changes in strike out and underline format	E-1
Exhibit 2 - Applicant's Justification Statement	E-3

**EXHIBIT 1**  
**FREESTANDING EMERGENCY DEPARTMENT (FSED)**

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This exhibit revises the following Article(s):

**ARTICLE 4 – USE REGULATIONS**

**Revision Key:** Proposed revisions are shown with new text as underlined, deleted text in strike-out, and relocated text italicized. *Stricken and italicized* means text to be totally or partially relocated. Relocation notes are shown in brackets as **[Relocated to: ]** or **[Relocated from: ]**. Unaltered text omitted for brevity is indicated by a series of four bolded ellipses....

**Part 1. ULDC Art. 1.H.2., General Provisions, Definitions and Acronyms, Definitions, is hereby amended as follows:**

1 **CHAPTER H DEFINITIONS AND ACRONYMS**

2 **Section 2 Definitions**

3 57. **Alternative Landscape Plan (ALP)** – a plan showing the location, quantity, and species of plants to  
4 be installed at non-residential, Multifamily, or residential planned developments. This plan shall be  
5 designed to preserve and incorporate existing native vegetation in excess of minimum standards or  
6 demonstrate innovative use of plant material and improve site design.

7 ~~58. **Ambulatory Surgical Center** – an establishment primarily providing elective surgical care, in which  
8 the patient is admitted to and discharged within the same working day and is not permitted to stay  
9 overnight; and which is not part of a Hospital. [Ord. 2017-007]~~  
10 **[Renumber Accordingly]**

11 ....  
12 16. **Urban Service Area, Existing** – for the purposes of Art. 12, Traffic Performance Standards, an area  
13 defined and mapped in a Local Government comprehensive plan that is a built-up area where public  
14 facilities and services such as sewage treatment systems, roads, schools, and recreation areas are  
15 already in place.

16 ~~17. **Urgent Care Center** – a walk-in, extended-hour establishment that provides immediate, but not  
17 emergent, medical care to patients. Patients shall be served solely on an outpatient basis and such  
18 services shall not include overnight stays. [Ord. 2017-007]~~  
19 **[Renumber Accordingly]**

**Part 2. ULDC Art. 4.B.2.C.23, Use Regulations, Use Classification, Definitions and Supplementary Use Standards for Specific Uses, Medical or Dental Office, is hereby amended as follows:**

20 **CHAPTER B USE CLASSIFICATION**

21 **Section 2 Commercial Uses**

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

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25 **23. Medical or Dental Office**

26 **a. Definition**

27 An establishment where patients, who are not lodged overnight, are admitted for  
28 examination, elective surgical care, ~~immediate but not emergent care~~, or treatment by  
29 persons practicing any form of healing or health-building services whether such persons  
30 be medical doctors, chiropractors, osteopaths, podiatrists, naturopaths, optometrists,  
31 dentists, or any such profession, the practice of which is lawful in the State of Florida.

32 **b. Typical Uses**

33 A Medical or Dental Office may include, but is not limited to, an Ambulatory Surgical  
34 Center, ~~or Urgent Care Center,~~ or Freestanding Emergency Department as defined in  
35 this Section:-

36 1) ~~**Ambulatory Surgical Center** – an establishment primarily providing elective  
37 surgical care, in which the patient is admitted to and discharged within the same  
38 working day and is not permitted to stay overnight; and which is not part of a  
39 Hospital.~~

40 2) ~~**Urgent Care Center** – a walk-in, extended-hour establishment that provides  
41 immediate, but not emergent, medical care to patients. Patients shall be served  
42 solely on an outpatient basis and such services shall not include overnight stays.~~

43 **c. INST FLU Designation**

44 A Medical or Dental Office may be allowed subject to DRO approval, within the  
45 boundaries of the following five Site Specific FLUA amendments:

46 1) SCA 2005-027, Linton/Jog Institutional, Ordinance No. 2006-005;

- 47 2) SCA 2008-015, Jog/Joe DeLong Institutional, Ordinance No. 2008-005;
- 48 3) SCA 2009-002, Atlantic/Sims Medical Office, Ordinance No. 2009-008;
- 49 4) LGA 2010-014, Sues Institutional (Southern & Seminole Pratt and Whitney),
- 50 Ordinance No. 2010-031; and,
- 51 5) LGA 2012-002, AGR Boynton Beach Institutional, Ordinance No. 2012-017.

52 **d. Zoning Districts – CN, CLO, and CHO**

53 Permitted by Right when not exceeding 3,000 square feet of GFA. [Ord. 2018-018] [Ord.

54 2023-011]

55 **e. Freestanding Emergency Department (FSED)**

56 A standalone facility that provides emergency services and care that is and owned and

57 operated by a hospital, but located on separate premises. The FSED must be under the

58 same license, direction, offer the same services, and comply with the same regulatory

59 requirements as the emergency department located on the hospital's main premises. A

60 FSED must also be consistent with the applicable requirements of F.S. ch. 395.

61 **1) Location**

62 The site where the FSED is located shall be on a Major Thoroughfare.

63 **2) Approval Process**

64 **3) Hours of Operation**

65 An FSED may request a Type 2 Waiver when the hours of operation do not meet the

66 requirements of Art. 5.E.5, Hours of Operation.

67 **4) Emergency Vehicles**

68 Emergency Vehicle drop-off locations shall be completely screened from a parcel of

69 land with a residential FLU designation or use with opaque fencing, wall, or

70 landscaping. Sirens or flashing emergency lights from any emergency vehicle

71 medical transportation vehicles shall not be utilized when within the subject property.

72 ....

73 **Part 3. ULDC Table 6.B.1.B, Parking, Loading and Circulation, Parking and Loading, Computation, Minimum Parking Requirements, is hereby amended as follows:**

74 **Table 6.B.1.B – Minimum Parking and Loading Requirements**

Use Classification: Commercial		Loading Standard
Uses omitted for brevity		
Medical or Dental Office	1 space per 200 sq. ft.	A
<b><u>Freestanding Emergency Department (FSED)</u></b>	<b><u>1 space per 300 sq. ft.</u></b>	<b><u>N/A</u></b>
Microbrewery	Taproom: 1 space per 3 seats	A
	Manufacturing and Processing: 2 spaces per 1,000 sq. ft.	

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## EXHIBIT 2

### APPLICANT'S JUSTIFICATION STATEMENT

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#### Project History

On January 6<sup>th</sup>, 2025, a Pre-Application Meeting occurred to discuss a proposed emergency care facility in the Seminole Orange Plaza MUPD, located on the southeast corner of Seminole Pratt Whitney Rd. and Orange Blvd. The operation and functionality of the use is similar to an urgent care however operates more as an emergency room of a hospital. Ultimately due to the licensing nature of the facility, staff determined the use could not be classified as a Medical Office use, as currently outlined in the Unified Land Development Code (ULDC). Previously, the same use has been permitted and approved within the County, however until recently the use can no longer be considered a Medical Office use nor is it a Hospital use. Therefore, the necessity of a text amendment to establish and define a new Freestanding Emergency Department (FSED) use within the ULDC is required.

#### Application Request

The Petitioner has submitted this application to request a Privately Initiated Amendment (PIA) to the Palm Beach County Unified Land Development Code (ULDC) to define a Freestanding Emergency Department (FSED) use as a Typical Use within the existing Medical Office use located in Article 4. The text amendment is required in order for a FSED to be approved under the Medical Office use classification within unincorporated Palm Beach County. The proposed amendment is not site specific and is County wide, specifically to Article 4 and Article 6 of the ULDC. The amendment within Article 4 will further define the use with supplementary regulations under the Medical Office use and the amendment to Article 6 will allocate parking regulations for the new use.

A Freestanding Emergency Department is essentially an extension of a hospital emergency room and associated medical office uses within a standalone building, not physically attached to the existing hospital but at a separate location. The location is often situated in an area or community that is lacking proximity to emergency services. The FSED is intended to provide comprehensive emergency services including but not limited to diagnostic imaging, laboratory services and an on-site physician 24 hours, 7 days a week.

## Standards – Privately Proposed Revision

### **Article 2.D.5.B.1**

The Phase 1 PPR Staff Report shall include, but not be limited to, the following:

**a. A finding that the proposed ULDC revision does not violate State, Federal, or other Local Government laws;**

The proposed ULDC text amendment does not violate State, Federal, or other Local Government laws. In fact, the proposed text language is consistent with State Statutes and the Agency for Health Care Administration (AHCA) regulations for a Free-standing Emergency Department (FSED). Specifically, Statute 395.1041(3)(m) addresses their relationship to hospitals and urgent care centers and the differentiation between the three facilities. The proposed amendment does not outline every stipulation within the State statute, however the components are consistent with the document.

**b. A preliminary analysis demonstrating consistency with the Plan;**

The proposed amendment does not impact the County's Comprehensive Plan. The newly defined FSED use would generically and previously be considered a Typical Use within a Medical Office which is still consistent with the Future Land Use Element of the Comprehensive Plan for the Commercial Low (CL) FLU designation.

**c. An analysis and finding of internal consistency within the ULDC, with the identification of any other ULDC revisions that may be necessary to ensure internal consistency;**

The only revisions required to the ULDC are related to Article 4 and Article 6, as described above in the Application Request section. Section 4.B.2.C.23 will be amended to include a Freestanding Emergency Department (FSED) under the Typical Uses within the Medical or Dental Office section. Additional subsections have also been added to define the new FSED use and establish location criteria for access and emergency vehicle drop-off areas. The proposed definition for the site was derived from components of both the Agency for Health Care Administration (AHCA) and State definitions. Article 6 shall be amended to include a parking ratio of 1 space per 300 sf for the new FSED use.

**d. A preliminary identification of properties that may be affected by the proposed ULDC revisions;**

Additional properties should not be affected by the proposed amendment. The purpose of the amendment is to define a use that is not clearly defined within the ULDC, but that exists within the County currently. Initial interpretation by County staff of the Freestanding Emergency Department (FSED) use was classified under the Medical Office use. However, as the specific FSED use becomes more prevalent throughout the State and County, the necessity to specify the use within the ULDC became relevant.

- e. **An evaluation of the availability of other alternatives to the proposed ULDC revisions, and if other alternatives are available, a demonstration of why those alternatives are not being pursued; and,**

Currently, there are no other alternatives to accommodate the FSED use without being considered a hospital use which is not consistent with the operations or functionality of a hospital. Although an FSED can be referred to as an extension of a hospital emergency room, the FSED facility functions significantly different than a hospital. Hospitals are operational at a much greater scale, both in space and functionality as well as offers services including but not limited to specialized surgeries and procedures, advanced diagnostics, long term in-patient and overnight care, etc. An FSED provides emergency medical services, including diagnosis and treatment for emergent and urgent conditions, on a walk-in basis. FSEDs are staffed 24 hours a day with board-certified physicians and equipped to perform stabilizing care, but they do not offer inpatient care or surgeries that require overnight stays.

The FSED was previously considered a Medical Office use by County staff, however with the increase in locations staff concluded that specifically defining the use within the ULDC was necessary.

- f. **Staff recommendation on whether the proposed ULDC revisions should be initiated, initiated with modifications, or denied.**

This standard within Article 2 of the ULDC is dependent upon staff's final review and determination on the amendment.