



# DEVELOPMENT SERVICES

**BUILDING | HISTORIC PRESERVATION | PLANNING & ZONING**

100 NW 1<sup>st</sup> AVENUE, DELRAY BEACH, FLORIDA 33444 | (561) 243-7040 | (561) 243-7221 (fax) | [www.delraybeachfl.gov](http://www.delraybeachfl.gov)

## CONDITIONAL USE APPLICATION FOR A COMMUNITY RESIDENCE

**STEP 1:** First complete the "Community Residence Zoning Application" and submit it to the city's Development Services Division.

**STEP 2:** If city staff determines your proposed Community Residence requires a conditional use permit, schedule a meeting with a planner before completing and filing this application for a conditional use permit. Call 561-243-7040 to schedule this meeting.

**STEP 3:** After your meeting with a planner, please complete and submit this application for a conditional use permit and, if required, an application for a reasonable accommodation to house more than ten individuals.

### PROPERTY INFORMATION

PROJECT NAME:

ADDRESS OF THE PROPOSED COMMUNITY RESIDENCE:

PROPERTY CONTROL NUMBER (PCN):

ZONING DISTRICT:

### APPLICATION REQUIREMENTS

	Applicant	Staff	
		Complete	Missing
1. Community Residence Zoning Application			
2. Conditional Use Application for a Community Residence			
3. Reasonable accommodation for residence of more than 10 residents			
4. Processing fee of \$300.00, plus advertising costs - \$100 per sign			
5. Digital Copy of the application			
6. A copy of the latest warranty deed			
7. Written consent of the owner(s), provided in a certified form			
8. A location Map			
9. A list of property owners within a 500' radius			
10. Project Response Narrative			
11. Mailing Envelopes with Forever Stamps			
12. State License or Certification			

### REASON FOR SEEKING A CONDITIONAL USE FOR COMMUNITY RESIDENCE

CHECK ALL THAT APPLY:

- The proposed use is a transitional community residence for more than 3 unrelated individuals to be located in the A, RR, R-1, or PRD zoning district
- The proposed community residence for more than 3 unrelated individuals would be located within a 660-foot radius of an existing community residence for more than 3 unrelated individuals as determined by the City of Delray Beach, Planning and Zoning Division
- The State of Florida does not offer a license or certification for this type of community residence and the population it will serve

**Note:**

- If you wish to present a PowerPoint, it must be provided to the Development Services Department by noon, at least one day before the meeting.
- Board & City Commission Presentations: all applicants are expected to present their items in full to the Board or City Commission prior to Staff's presentation.

**CONDITIONAL USE STANDARDS**

All applications for a conditional use for a community residence must demonstrate compliance with all three of these standards (also found in [LDR Section 4.3.3\(3\)](#))

1. Be located a sufficient distance from any existing community residence so that the proposed community residence does not lessen nor interfere with the normalization and community integration of the residents of existing community residences or combine with any existing community residences to contribute to the creation or intensification of a *de facto* social service district, and
2. Operate as a functional family (also known as emulating a biological family) that fosters normalization and community integration of its residents, and
3. Operate in a manner consistent with the protections afforded by the State of Florida's licensing or certification standards for community residences serving individuals with disabilities similar to those of the proposed community residence to protect the residents of the proposed community residence from abuse, exploitation, fraud, theft, insufficient support, use of illegal drugs or alcohol, and misuse of prescription medications.

**SPECIFIC CONDITIONAL USE STANDARDS FOR EACH SCENARIO REQUIRING A CONDITIONAL USE**

Evidence must be presented to demonstrate that the proposed community residence meets the standards applicable to the reason a conditional use is required.

- The proposed use is a **transitional community residence** for more than 3 unrelated individuals to be located in the A, RR, R-1, or PRD zoning district

These standards can be found in [LDR Section 4.3.3\(l\)\(4\)\(c\)](#) 1-6 (listed below):

1. The applicant demonstrates that the proposed transitional community residence will not interfere with the normalization and community integration of the residents of any existing community residence and that the presence of other community residences will not interfere with the normalization and community integration of the residents of the proposed community residence, and
2. The applicant demonstrates that the proposed transitional community residence in combination with any existing community residences will not alter the residential character of the surrounding neighborhood by creating an institutional atmosphere or by creating or intensifying a *de facto* social service district by concentrating community residences on a block or in a neighborhood, and
3. The applicant demonstrates that the proposed transitional community residence will be compatible with the residential uses allowed as of right in the zoning district, and
4. When the proposed transitional community residence would be located in a single-family zoning district, the applicant demonstrates that the proposed transitional community residence will not alter the residential stability of the single-family zoning district, and
5. The applicant demonstrates that the applicant or the proposed transitional community residence has been granted certification by the State of Florida or license required by the State of Florida, and
6. When the State of Florida does not offer certification or require a license for this type of transitional community residence and the population it would serve, the application must demonstrate that the proposed transitional community residence will be operated in a manner effectively similar to that of a licensed or certified community residence, that staff will be adequately trained, that the home will emulate a biological family and be operated to achieve normalization and community integration, and that the rules and practices governing how the home is run will actually protect residents from abuse, exploitation, fraud, theft, insufficient support, use of illegal drugs or alcohol, and misuse of prescription medications.

- If Selected, provide a written response narrative, justifying each standard.

**SPECIFIC CONDITIONAL USE STANDARDS FOR EACH SCENARIO REQUIRING A CONDITIONAL USE**

- The proposed community residence for more than 3 unrelated individuals would be **located within 660 feet** of an existing community residence for more than 3 unrelated individuals as determined by the City of Delray Beach, Planning and Zoning Division.

These standards can be found in [LDR Section 4.3.3\(l\)\(4\)\(a\)1-2](#) (listed below):

1. The applicant demonstrates that the proposed community residence will not interfere with the normalization and community integration of the residents of any existing community residence and that the presence of other community residences will not interfere with the normalization and community integration of the residents of the proposed community residence, and
2. The applicant demonstrates that the proposed community residence in combination with any existing community residences will not alter the residential character of the surrounding neighborhood by creating an institutional atmosphere or by creating or intensifying a de facto social service district by concentrating community residences on a block or in a neighborhood.

- If Selected, provide a written response narrative, justifying each standard.

- The State of Florida does **not offer a license or certification** for this type of community residence and the population it would serve

1. The applicant must demonstrate that the proposed community residence will be:
  - a. Operated in a manner effectively similar to that of a licensed or certified community residence,
  - b. That staff will be adequately trained,
  - c. That the home will emulate a biological family,
  - d. The home will be operated to achieve normalization and community integration, and
  - e. That the rules and practices governing how the home is run will actually protect residents from abuse, exploitation, fraud, theft, insufficient support, use of illegal drugs or alcohol, and misuse of prescription medications.

- Additional information may be requested by staff if necessary.*

**CONTACT INFORMATION**

**PROPERTY OWNER:**

PROPERTY OWNER NAME:

ADDRESS:	CITY:	STATE:	ZIPCODE:
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TELEPHONE NUMBER:	EMAIL ADDRESS:
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**AGENT/APPLICANT (IF DIFFERENT THAN OWNER):**

APPLICANT NAME:

ADDRESS:	CITY:	STATE:	ZIPCODE:
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TELEPHONE NUMBER	EMAIL ADDRESS:
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**OPERATOR:**

APPLICANT NAME

ADDRESS	CITY:	STATE:	ZIPCODE:
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TELEPHONE NUMBER	EMAIL ADDRESS:
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**SAMPLE TITLE CERTIFICATE**

**THIS IS PROVIDED AS AN EXAMPLE OF THE INFORMATION TO BE INCLUDED IN A TITLE CERTIFICATE**

Re: (Insert Address): \_\_\_\_\_

The undersigned has reviewed the Chain of Title and the Public Records through (insert date) \_\_\_\_\_, and finds that the following described property is presently owned by (insert property owner name(s) \_\_\_\_\_ pursuant to that certain Warranty Deed recorded in Official Records Book \_\_\_\_\_, Page \_\_\_\_\_, of the Public Records of Palm Beach County, Florida (copy enclosed as Exhibit A, attached hereto and made a part hereof) (the "Property"):

Parcel ID No. (insert PCN). \_\_\_\_\_

**Parcel Description (Insert Legal Description):**

As of the date of the Title Report (insert date) \_\_\_\_\_, the Property was encumbered by the following mortgage (if applicable):

**The Property is further encumbered by the following exceptions to title:**

Ad Valorem Real Property Tax and assessments for the year 20 \_\_\_\_\_ and subsequent years which are not yet due and payable;

Restrictions, covenants, conditions, easements and other matters as contained on the Plat of:

Other Easements:

Other Encumbrances: (such as but limited to Unity of Title etc.):

This Certificate of Title is prepared and provided to the City of Delray Beach, Development Services Department, for the purpose (Insert development action requested) \_\_\_\_\_ and for no other purposes whatsoever. The City of Delray Beach and the Development Services Department shall be entitled to rely upon this Certificate of Title the purpose of \_\_\_\_\_ for this Property

**OWNER'S CONSENT**

I \_\_\_\_\_ (\*Owner's Name as it appears on the recorded warranty deed, see notes below if owned by a business), the fee simple owner of the property with the following legal description (as it appears on the warranty deed; attach separate sheet if necessary):

\_\_\_\_\_  
\_\_\_\_\_

hereby petition to the City of Delray Beach for \_\_\_\_\_ (application type). I certify that I have examined the application and that all statements and diagrams submitted are true and accurate to the best of my knowledge. I consent to inspections, photographing and placement of signs on the subject property by City Staff for purposes of consideration of this application and/or presentation to the approving body. Further, I understand that this application, attachments and fees become part of the Official Records of the City of Delray Beach, Florida, and are not returnable.

**SIGNATURE - OWNER**

The foregoing instrument was acknowledged before me by means of  physical presence or  online notarization, this \_\_\_\_\_ day of \_\_\_\_\_, 20\_\_\_\_, by \_\_\_\_\_ (name of person acknowledging), who has produced \_\_\_\_\_ as identification and/or is personally known to me.

**SIGNATURE - NOTARY PUBLIC**

**PRINT NAME - NOTARY PUBLIC**

**NOTARY SEAL OR STAMP**

My Commission Expires:

**OWNER'S DESIGNATION OF AGENCY**

I \_\_\_\_\_ (\*Owner's Name as it appears on the recorded warranty deed, see notes below if owned by a business), the fee simple owner of the property with the following legal description (as it appears on the warranty deed; attach separate sheet if necessary):

\_\_\_\_\_  
\_\_\_\_\_

hereby affirm that \_\_\_\_\_ (Agent's Name) is hereby designated to act on my behalf to petition the City of Delray Beach for \_\_\_\_\_ (application type). I certify that I have examined the application and that all statements and diagrams submitted are true and accurate to the best of my knowledge. Further, I understand that this application, attachments and fees become part of the Official Records of the City of Delray Beach, Florida, and are not returnable.

**SIGNATURE - OWNER**

The foregoing instrument was acknowledged before me by means of  physical presence or  online notarization, this \_\_\_\_\_ day of \_\_\_\_\_, 20\_\_\_\_, by \_\_\_\_\_ (name of person acknowledging), who has produced \_\_\_\_\_ as identification and/or is personally known to me.

**SIGNATURE - NOTARY PUBLIC**

**PRINT NAME - NOTARY PUBLIC**

**NOTARY SEAL OR STAMP**

My Commission Expires:

\*NOTE: When an application is executed on behalf of a corporation or business entity, documentation must be provided which demonstrates that the corporation's representative is authorized to act on behalf of the corporation; these forms are available on the website under Supplemental Forms.

**AFFIDAVIT: FOR APPLICATIONS THAT REQUIRE NOTICES**

Before me, the undersigned authority, personally appeared \_\_\_\_\_, who being by me first duly sworn, acknowledges and confirms: (Applicant's Name)

- 1. That the accompanying property owners list is, to the best of my knowledge, a complete and accurate list of all property owners' names, mailing addresses, and legal descriptions of all property lying within five hundred feet (500') of the subject property as recorded on the latest official County tax rolls.
- 2. That certain documents such as, mailing list, labels, certificate of attorney or consent forms, might be required to be revised or updated if older than 6 months from the application submittal date.
- 3. That the subject property is legally described as follows (give legal description):

\_\_\_\_\_  
(Applicant's Signature)

The foregoing instrument was acknowledged before me by means of  physical presence or  online notarization, this \_\_\_\_\_ day of \_\_\_\_\_, 20\_\_\_\_, by \_\_\_\_\_ (owner property name), who has produced \_\_\_\_\_ as identification and/or is personally known to me.

NOTARY SEAL OR STAMP

\_\_\_\_\_  
(Print Name of Notary Public)

\_\_\_\_\_  
(Signature of Notary Public)

**Notice Information:**

The required notice information and documents must be obtained from the Palm Beach County Mapping Dept. located at 14925 Cumberland Drive, Delray Beach, FL 33446, Ph: 561-276-1250.

The required mailing labels must be typed and state the property owner's name, mailing address and property control number (PCN#). (When Condominiums are included, the names and addresses of all owners must be submitted. To avoid sending duplicate notices to a property owner who owns multiple properties within an area, provide one envelope with the mailing address and attach the duplicate labels separately (these will serve to notify the property owner which properties are subject to the notice). The sender label must be attached to each envelope and state the following information: City of Delray Beach, Development Services Department, 100 NW 1st Ave, Delray Beach, FL 33444. Postage may be in the form of stamps or metered postage; for metered postage, applicants are responsible for any additional cost and to ensure that the mailing date is turned off.