

**Village of Royal Palm Beach
Village Council
Agenda Item Summary**

Agenda Item:

A PUBLIC HEARING FOR FIRST READING AND APPROVAL OF APPLICATION 21-09 (ZONING TEXT) AND ORDINANCE NO. 1019, AN APPLICATION BY NELSON POSADA, REGARDING A ZONING TEXT AMENDMENT TO CHAPTER 26 OF THE VILLAGE'S ZONING CODE TO ADD A DEFINITION FOR THE TERM BIRTHING CENTER AND ALLOW "BIRTHING CENTER" AS A SPECIAL EXCEPTION USE IN THE OFFICE COMMERCIAL (CO) ZONING DISTRICT, BY NELSON POSADA.

Issue:

The applicant is proposing an amendment to the Village's Zoning Code at Chapter 26 to add "birthing center" as a special exception use in the Office Commercial (CO) Zoning District within the Village. Specifically, the text amendment:

- Adds a definition for the term "birthing center" to Sec. 26-22; and
- Adds birthing center to the list of special exceptions uses in Sec. 26-87 within the Office Commercial (CO) Zoning District.

The Local Planning Agency considered the application on June 29, 2021 and recommended Approval by a vote of 4-1, with Alternate Gerald Brown dissenting.

Recommended Action:

Staff recommends Approval of Application 21-09 (Zoning Text) and Ordinance No. 1019 on first reading.

Initiator:	Village Manager	Agenda Date	Village Council
P & Z Director	Approval	7-15-2021	Action

ORDINANCE NO. 1019

AN ORDINANCE OF THE VILLAGE COUNCIL OF THE VILLAGE OF ROYAL PALM BEACH, FLORIDA, AMENDING CHAPTER 26. ZONING. AT ARTICLE II. CONSTRUCTION OF LANGUAGE AND DEFINITIONS., SECTION 26-22. DEFINITIONS. TO ADD A DEFINITION FOR THE TERM BIRTHING CENTER AND AT ARTICLE V. ZONING DISTRICTS., SECTION 26-87. CO OFFICE COMMERCIAL DISTRICT. TO ADD BIRTHING CENTER TO THE LIST OF SPECIAL EXCEPTION USES IN THE CO OFFICE COMMERCIAL ZONING DISTRICT; PROVIDING THAT EACH AND EVERY OTHER SECTION AND SUB-SECTION OF CHAPTER 26. ZONING. SHALL REMAIN IN FULL FORCE AND EFFECT AS PREVIOUSLY ADOPTED; PROVIDING A CONFLICTS CLAUSE, A SEVERABILITY CLAUSE AND AUTHORITY TO CODIFY; PROVIDING AN EFFECTIVE DATE; AND FOR OTHER PURPOSES.

WHEREAS, the Village of Royal Palm Beach, Florida, has received privately initiated application #21-09 (Text Amendment) requesting certain text amendments to the Village's Zoning Code in order to allow birthing centers as special exception uses in the CO – Office Commercial Zoning District; and

WHEREAS, the Village Council of the Village of Royal Palm Beach desires to update its Zoning Code as more specifically detailed in privately initiated application #21-09 (Text Amendment); and

WHEREAS, the Village of Royal Palm Beach has held all required public hearings and has provided public notice in accordance with applicable State statutes and Village ordinances; and

WHEREAS, the Village Council of the Village of Royal Palm Beach has determined that the proposed revisions to Chapter 26. are in the best interests of the health, safety and welfare of Royal Palm Beach.

NOW, THEREFORE, BE IT ORDAINED BY THE VILLAGE COUNCIL OF THE VILLAGE OF ROYAL PALM BEACH, FLORIDA, THAT:

Section 1: Chapter 26. Zoning. of the Code of Ordinances of the Village of Royal Palm Beach is hereby amended at Article II. Construction of Language and Definitions. at Sec. 26-22. Definitions. in order to add a definition for birthing center; providing that Sec. 26-22 shall hereafter read as follows:

Sec. 26-22. - Definitions.

Birthing center. A publicly or privately owned facility, place or institution constructed, renovated, leased or otherwise established where non-emergency births are planned to occur away from the mother's usual residence following a documented period of prenatal care for a normal uncomplicated pregnancy which has been determined to be low risk through a formal risk scoring examination. Care provided in a birthing center shall be provided by a licensed physician or certified nurse midwife, or a licensed midwife. Services provided in a birthing center shall be limited in the following manner:

- (a) Surgical services shall be limited to those normally performed during uncomplicated childbirth, such as episiotomy and repair, and shall not include operative obstetrics or caesarean sections;
- (b) Labor shall not be inhibited, stimulated or augmented with chemical agents during the first or second stage of labor;
- (c) Systemic analgesia may be administered and local anesthesia for pudendal block and episiotomy repair may be performed. General and conducted anesthesia shall not be administered at birthing centers;
- (d) Patients shall not remain in the facility in excess of twenty-four (24) hours; and
- (e) Hospitals are excluded from the definition of a birthing center.

[All other definitions shall remain the same as previously adopted.]

Section 2: Chapter 26. Zoning. of the Code of Ordinances of the Village of Royal Palm Beach is hereby amended at Article V. Zoning Districts. at Sec. 26-87. CO Office Commercial District. in order to add birthing center as a special exception use within the CO – Office Commercial Zoning District; providing that Sec. 26-87 shall hereafter read as follows:

Sec. 26-87. - CO Office Commercial District.

- (1)—(2) [Shall remain the same as previously adopted.]
- (3) Special exception uses.
 - (a) Birthing center.
 - (b) Church or place of worship.

(~~bc~~) Child day care center.

(~~ed~~) Financial institution with drive-through.

(~~de~~) Living quarters for a residential employee or caretaker in conjunction with permitted principal use.

(~~ef~~) Parking garage.

(~~fg~~) Planned commercial development.

(~~gh~~) Public or private academic institutions.

(~~hi~~) Restaurants, with drive-through.

(~~ij~~) State licensed massage therapist establishment.

(4)—(5) [Shall remain the same as previously adopted.]

Section 3: Each and every other Section and Sub-section of Chapter 26. Zoning. shall remain in full force and effect as previously enacted.

Section 4: All Ordinances or parts of Ordinances in conflict be and the same are hereby repealed.

Section 5: Should any section or provision of this Ordinance or any portion thereof, any paragraph, sentence or word be declared by a court of competent jurisdiction to be invalid, such decision shall not affect the validity of the remainder of this Ordinance.

Section 6: Specific authority is hereby granted to codify this Ordinance.

Section 7: This Ordinance shall take effect immediately upon passage.

FIRST READING this 15th day of July, 2021.

SECOND AND FINAL READING this 19th day of August, 2021.

VILLAGE OF ROYAL PALM BEACH

MAYOR FRED PINTO

ATTEST:

(Seal)

DIANE DISANTO, VILLAGE CLERK