

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

Agenda Item:

A PUBLIC HEARING FOR SECOND READING, APPROVAL OF APPLICATION 19-129 AND ADOPTION OF ORDINANCE NO. 1001, AN APPLICATION BY CAMILO MENDEZ LARINO, REGARDING A ZONING TEXT AMENDMENT TO CHAPTER 26 OF THE VILLAGE'S ZONING CODE TO ALLOW ADULT DAY CARE CENTERS AS A PERMITTED USE IN THE CG - GENERAL COMMERCIAL ZONING DISTRICT AND ESTABLISH SUPPLEMENTAL REGULATIONS FOR THESE FACILITIES, BY CAMILO MENDEZ LARINO.

Issue:

The applicant is proposing an amendment to the Village's Zoning Code at Chapter 26 to allow adult day care centers as a permitted use in the CG - General Commercial Zoning District and provide supplemental regulations for these facilities. Specifically, the text amendment:

- Revises the definition of 'adult day care center' to reflect applicable state laws regulating these facilities;
- Allows for 'adult day care center' as a permitted use in the CG – General Commercial Zoning District; and
- Adds entirely new Sec. 26-60.1 – Adult day care centers. to provide supplemental regulations for adult day care centers not located within a senior housing facility.

The Applicant contends that these revisions will not hinder nor will they be detrimental to the promotion of public appearance, comfort, convenience, general welfare, good order, health, morals, prosperity, and/or safety of the Village.

The Local Planning Agency considered the application on June 23, 2020, and recommended Approval by a vote of 4-0.

Recommended Action:

Staff recommends Approval of Application 19-129 (Zoning Text) and Ordinance 1001 on second reading.

Initiator:	Village Manager	Agenda Date	Village Council
Planning & Zoning Director	Approval	8-20-2020	Action

ORDINANCE NO. 1001

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 REVISE THE ADULT DAY CARE CENTER DEFINITION TO REFLECT APPLICABLE STATE LAWS, AT ARTICLE V. ZONING DISTRICTS., SECTION 26-89. CG GENERAL COMMERCIAL DISTRICT. TO ADD ADULT DAY CARE CENTER TO THE LIST OF PERMITTED USES IN THE CG GENERAL COMMERCIAL ZONING DISTRICT; AND AT ARTICLE IV. SUPPLEMENTAL REGULATIONS. TO ADD AN ENTIRELY NEW SECTION 26-60.1. ADULT DAY CARE CENTERS. TO PROVIDE SUPPLEMENTAL REGULATIONS FOR ADULT DAY CARE CENTERS; 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 #19-129 (Text Amendment) requesting certain text amendments to the Village's Zoning Code in order to allow adult day care centers as permitted uses in the CG – General Commercial Zoning District and provide supplemental regulations for adult day care centers; 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 #19-129 (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 revise the definition of adult day care center to reflect applicable state laws; providing that Sec. 26-22 shall hereafter read as follows:

Sec. 26-22. - Definitions.

Adult day care center. A facility that provides, for less than twenty-four (24) hours per day, care services to three (3) or more persons who are eighteen (18) years of age or older, who are not related to the owner or operator by blood or marriage, and who require such services. Said care services may include, but are not limited to, providing a protective and non-institutional setting with therapeutic programs of social and health activities and services; leisure activities; self-care training; rest; nutritional services; and respite care. Care services shall not include regular physician visits or treatment programs for alcohol or substance abuse addiction or impairment. On-site supportive and optional services provided at an *adult day* care center may include, but are not limited to, speech, occupational, and physical therapy; legal consultation, consumer education; and referrals for follow-up services. Overnight stay or overnight care is not permitted. *Adult day* care centers shall be licensed, constructed and operated in conformance with all applicable local, state and federal laws including, but not limited to, F.S. chs. 400, 408 and 429. Hours of operation shall be between 7:00 a.m. and 7:00 p.m.

[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. 26-89. CG General Commercial District. in order to add adult day care center as a permitted use within the CG – General Commercial Zoning District; providing that Sec. 26-89 shall hereafter read as follows:

Sec. 26-89. - CG General Commercial District.

- (1) *Purpose and intent.* The purpose and intent of this district is to provide for a variety of general retailing and personal service commercial activities in centrally located or easily accessible areas consistent with the village's comprehensive plan, as adopted and amended from time to time.
- (2) *Uses permitted.* All uses are prohibited unless specifically listed herein as a permitted use in this district.

Abstract title and insurers.

Accountants and bookkeepers.

Actuaries.

Adult day care center (see additional requirements at section 26-60.1).

Advertising/public relation agencies.

Aerial survey and photography.

Antique shop.

Appliance sales and repair.

Appraisers.

Architects.

Art and graphic supply.

Art gallery.

Attorneys.

Auditors.

Automobile alarm/audio sales and installation.

Automobile parts and accessory sales.

Bakery.

Bar or lounge, without live entertainment.

Barbershop.

Bath shop.

Beauty shop.

Bicycle shop.

Broadcasting studio.

Catalog sales.

Catering service.

Child day care center.

Chiropractors.

Clothing store.

Computer store.

Consignment shop.

Contractor's office.

Convenience store.

Copying service.

Craft shop.

Credit reporting.

Dentists.

Department store.

Drugstore or pharmacy.

Dry cleaning facility.

Electronics sales and facility.

Employment/recruitment services.

Engineers.

Financial counseling.

Financial institution without drive-through.

Florist.

Funeral home, without crematory.

Furniture store.

Gift shop.

Glassware and flatware store.

Government office and facilities.

Governmental services.

Graphics/drafting service.

Grocery store.

Hardware store.

Health and exercise studio.

Hobby shop.

Home improvement center.

Ice cream parlor.

Insurance agencies and adjusters.

Interior designer.

Investigation agency.

Investment/brokerage services.

Jewelry store.

Laser therapy—Aesthetic and/or therapeutic.

Laundromat.

Leather goods store.

Library.

Liquor and package store.

Locksmith.

Lodges, fraternal and service organizations.

Luggage shop.

Manufacturers' agents.

Market research.

Messenger and delivery service.

Movie theater (indoor).

Music/video shop.

Nail salons.

New and used vehicle sales and service (indoor).

Newsstand.

Notary public.

Optical store.

Opticians.

Optometrists.

Paint store.

Personal counseling.

Pet grooming.

Pet sales.

Pet supply store.

Photographic supply and camera shop.

Physicians.

Podiatrists.

Public and private utilities (may exceed district height limitations by variance only).

Real estate agencies.

Real estate management.

Restaurant, without drive-through.

Secretarial services.

Shoe repair.

Shoe store.

Sporting goods store.

Stenographers.

Surgeons.

Tailor, seamstress.

Tanning salons.

Tax consultants.

Theater ticket agencies.

Tobacco shop.

Travel agencies.

Veterinarian's clinic with boarding.

Window treatment store.

Section 3: Chapter 26. Zoning. of the Code of Ordinances of the Village of Royal Palm Beach is hereby amended at Article IV. Supplemental Regulations. to add entirely new Sec. 26-60.1. Adult Day Care Centers. in order to provide supplemental regulations for adult day care centers; providing that Sec. 26-60.1 shall hereafter read as follows:

Sec. 26-60.1 – Adult day care centers.

- (1) Applicability. This section shall apply to adult day care centers not located within a senior housing facility. Adult day care centers located within a senior housing facility shall meet the requirements of section 26-60.
- (2) Additional application requirements. All applications for business tax receipts for an adult day care center shall include a written statement that the proposed adult day care center will comply with all applicable federal, state and county regulations including, but not limited to, all building, fire and safety code requirements. Copies of all requisite licenses shall be provided to the village at the time of application.
- (3) Drop-off access. One designated drop off space shall be provided for every 20 adults. Drop-off spaces shall be a minimum of 12 feet in width and 20 feet in length, and shall not count toward the required parking space count. Applicants shall provide a vehicular circulation plan including queuing, circulation and parking spaces, acceptable to the village engineer as part of the business tax receipt application for an adult day care center.
- (4) Sidewalk access. A minimum four-foot-wide sidewalk running in front of, or adjacent to the drop-off spaces and connecting to the adult day care entrance shall be provided.
- (5) For stand-alone adult day care centers not located in shopping centers, the following additional regulations apply:
 - a. Lot size. A minimum of 6,000 square feet, or the minimum required by the zoning district in which the adult day care is located, whichever is greater.
 - b. Passive Recreation Area. A minimum of 1,000 square feet of outdoor passive recreation area, or 30 square feet per adult patron, shall be provided, whichever is larger. All areas shall:
 - i. Be grassed or mulched; paving or other impervious surfaces shall be not be considered.
 - ii. Allow for safe, convenient and comfortable outdoor seating for adult patrons.

- iii. Provide shade structures or trees, or combination, to ensure that fifty (50) percent of such area is shaded at the time of installation.
 - iv. Be fenced and screened to physically and visually separate such use from any adjacent public passageway, walkway or traffic way, and from adjacent properties. Fencing and screening shall be at least three (3) feet in height, and may include planter boxes or other dividers. Tables, chairs, or other seating shall not be used for such purpose.
 - v. Be compatible in color and style with the exterior of the building. Signs, lettering, or advertising shall not be attached to the outdoor passive recreation areas, including fencing and screening materials. Small labels may be permanently attached to the furnishings to identify ownership for security purposes.
 - vi. Ensure seating and furnishings are stored inside the building when not in use.
 - vii. Additional conditions may be imposed over and above the minimum standards set forth herein above, by the director or designee based upon site specific conditions.
- c. Required off-street parking (applicable even if in shopping center):
- i. For centers of six (6) adults or more, a minimum of three (3) spaces, plus one (1) space per employee and assistant with a minimum of two (2) employee parking spaces.
 - ii. For centers of five (5) adults or less, a minimum of three (3) spaces shall be provided.
- (6) Floor area. The total amount of new floor space available for all participants shall be in accordance with Rule 58A-6.013, F.A.C., as may be amended, and as determined by the Agency for Health Care Administration.
- (7) Variances. No variances from the provisions of this section 26-60.1 are permitted.

Section 4: Each and every other Section and Sub-section of Chapter 26. Zoning. shall remain in full force and effect as previously enacted.

Section 5: All Ordinances or parts of Ordinances in conflict be and the same are hereby

repealed.

Section 6: 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 7: Specific authority is hereby granted to codify this Ordinance.

Section 8: This Ordinance shall take effect immediately upon passage.

FIRST READING this 16th day of July, 2020.

SECOND AND FINAL READING this 20th day of August, 2020.

VILLAGE OF ROYAL PALM BEACH

MAYOR FRED PINTO

ATTEST:

(Seal)

DIANE DISANTO, VILLAGE CLERK