

REQUESTED COMMISSION ACTION:

Consent _____ X Ordinance _____ Resolution _____ Consideration/ Discussion _____ Presentation _____

SHORT TITLE

AN ORDINANCE OF THE CITY COMMISSION OF THE CITY OF POMPANO BEACH AMENDING CHAPTER 155 "ZONING CODE", BY AMENDING SECTION 155.4209, "INSTITUTIONAL; HEALTH CARE USES"; BY AMENDING SECTION 155.4221, "COMMERCIAL: RETAIL SALES AND SERVICE USES - PERSONAL SERVICES,"; BY AMENDING SECTION 155.4303, "STANDARDS FOR SPECIFIC ACCESSORY USES AND STRUCTURES"; BY AMENDING SECTION 155.5102, "OFF-STREET PARKING AND LOADING"; BY AMENDING PART 5, "TERMS AND USES DEFINED"; BY AMENDING APPENDIX A: "CONSOLIDATED USE TABLE"; PROVIDING SEVERABILITY; PROVIDING AN EFFECTIVE DATE.

Summary of Purpose and Why:

In order to allow sufficient time to study the provision of health care uses in the City, on July 14, 2015 the City Commission adopted Ordinance 2015-67, which enacted a temporary moratorium on health care uses. Staff has undertaken a study of health care uses and has prepared text amendments based on the findings of the study (A copy of the study is attached). The text amendments propose regulating health care uses based on their intensity, increasing minimum parking requirements, permitting most health care uses in the I-1 and OIP Districts, and requiring most health care uses be separated by 500 feet from certain residential uses. Staff will present a brief PowerPoint presentation highlighting the proposed recommendations; a copy of which is included at the end of the back-up for this item. The text amendments were recommended by a vote of five to two at the November 30, 2015 Planning and Zoning Board meeting (A copy of the draft minutes from the Planning and Zoning Board meeting are attached.).

- (1) Origin of request for this action: Development Services Dept.
- (2) Primary staff contact: Robin M. Bird/ Karen Friedman ^{KBF} Ext. 7792
- (3) Expiration of contract, if applicable: N/A
- (4) Fiscal impact and source of funding: N/A

DEPARTMENTAL COORDINATION	DATE	DEPARTMENTAL RECOMMENDATION	DEPARTMENTAL HEAD SIGNATURE
Dev. Services	11/19/2015	Approval <i>AS</i>	Memo #15-621 <i>[Signature]</i>
City Attorney	01/26/2016	Approval <i>1/28/16</i>	Memo #2016-435 <i>[Signature]</i>
X Planning and Zoning Board		Approval	Memo #15-075 (01/11/2016)
X City Manager <i>[Signature]</i>			<i>[Signature]</i>

Ordinance Workshop	Resolution	Consideration
1st Reading <u>2/9/16</u>	1st Reading _____	Results: _____
Approved - <u>2/23/16</u> - Approved	_____	_____
2nd Reading <u>3/8/16</u>	_____	_____
_____	_____	_____



City Attorney's Communication #2016-435

January 26, 2016

TO: Karen Friedman, AICP, Principal Planner
FROM: Carrie L. Sarver, Assistant City Attorney
RE: Ordinance Amending Section 155, Zoning Code

As requested, the following form of Ordinance, relative to the above-referenced matter, has been prepared and is attached:

AN ORDINANCE AMENDING CHAPTER 155, "ZONING CODE," OF THE CODE OF ORDINANCES OF THE CITY OF POMPAÑO BEACH, FLORIDA, BY AMENDING SECTION 155.4209, "INSTITUTIONAL: HEALTH CARE USES" TO ADD AND DELETE CERTAIN DEFINITIONS, TO MODIFY DISTRICTS WHERE PERMITTED AND APPLICABLE STANDARDS; BY AMENDING SECTION 155.4221, "COMMERCIAL: RETAIL SALES AND SERVICE USES – PERSONAL SERVICES" TO MODIFY THE DEFINITION OF PERSONAL SERVICES ESTABLISHMENT; BY AMENDING SECTION 155.4303, "STANDARDS FOR SPECIFIC ACCESSORY USES AND STRUCTURES" TO MODIFY DEFINITION OF LIMITED MENTAL HEALTH TREATMENT FACILITY, RETAIL CLINICS AND DISTRICTS WHERE PERMITTED; BY AMENDING SECTION 155.5102, "OFF-STREET PARKING AND LOADING" TO AMEND CHART TO REFLECT SAID CHANGES AND MODIFY PARKING REQUIREMENTS; BY AMENDING PART 5, "TERMS AND USES DEFINED," BY REVISING TERMS USED OR REFERENCED IN THIS ORDINANCE; BY AMENDING APPENDIX A: "CONSOLIDATED USE TABLE," TO REVISE TABLE TO CONFORM TO AMENDMENTS MADE BY THIS ORDINANCE; PROVIDING FOR SEVERABILITY; PROVIDING AN EFFECTIVE DATE.

Please carefully review the ordinance to ensure that it meets with your requirements.

CARRIE L. SARVER

/jrm

l:cor/dev-srv/2016-435
Attachment

CITY OF POMPANO BEACH
Broward County, Florida

AN ORDINANCE AMENDING CHAPTER 155, "ZONING CODE," OF THE CODE OF ORDINANCES OF THE CITY OF POMPANO BEACH, FLORIDA, BY AMENDING SECTION 155.4209, "INSTITUTIONAL: HEALTH CARE USES" TO ADD AND DELETE CERTAIN DEFINITIONS, TO MODIFY DISTRICTS WHERE PERMITTED AND APPLICABLE STANDARDS; BY AMENDING SECTION 155.4221, "COMMERCIAL: RETAIL SALES AND SERVICE USES – PERSONAL SERVICES" TO MODIFY THE DEFINITION OF PERSONAL SERVICES ESTABLISHMENT; BY AMENDING SECTION 155.4303, "STANDARDS FOR SPECIFIC ACCESSORY USES AND STRUCTURES" TO MODIFY DEFINITION OF LIMITED MENTAL HEALTH TREATMENT FACILITY, RETAIL CLINICS AND DISTRICTS WHERE PERMITTED; BY AMENDING SECTION 155.5102, "OFF-STREET PARKING AND LOADING" TO AMEND CHART TO REFLECT SAID CHANGES AND MODIFY PARKING REQUIREMENTS; BY AMENDING PART 5, "TERMS AND USES DEFINED," BY REVISING TERMS USED OR REFERENCED IN THIS ORDINANCE; BY AMENDING APPENDIX A: "CONSOLIDATED USE TABLE," TO REVISE TABLE TO CONFORM TO AMENDMENTS MADE BY THIS ORDINANCE; PROVIDING FOR SEVERABILITY; PROVIDING AN EFFECTIVE DATE.

WHEREAS, in accordance with Florida Statutes, Section 166.041(3)(c)2, advertisements in accordance with said statute have been published in a newspaper of general paid circulation in the City of Pompano Beach and of general interest and readership in the community, notifying the public of two public hearings on this proposed Ordinance; and

WHEREAS, two public hearings have been held pursuant to said published hearings and all persons so desiring had the opportunity to be, and were, in fact, heard; now, therefore,

BE IT ENACTED BY THE CITY OF POMPANO BEACH, FLORIDA:

SECTION 1. That Section 155.4209., "Institutional: Health Care Uses," of Chapter 155, "Zoning Code," of the Code of Ordinances of the City of Pompano Beach is hereby amended to read as follows:

A. MEDICAL OFFICE

1. Districts Where Permitted

RS-1	RS-2	RS-3	RS-4	RS-L	RD-1	RM-7	RM-12	RM-20	RM-30	RM-45	MH-12	B-1	B-2	B-3	B-4
												P	P	P	P

M-1	CR	I-1	I-IX	OIP	M-2	TO	PR	CF	PU	T	BP	RPUD	PCD	PD-TO	LAC	PD-I
		P		P		P		P					P	P	P	P

2. Definition

A medical office is a small-scale office providing medical or dental treatment. A small-scale office shall mean a maximum gross floor area of 5,000 sq ft. This use shall not include any uses specified as a Specialty Medical Facility. An office which is greater than 5,000 sq gfa shall be considered a Specialty Medical Facility.

3. Standards

A medical office shall comply with the following standards:

- a. Separation from Residential Uses. A medical office is not required to be separated from residential uses.
- b. Overnight Treatment. Overnight Treatment is prohibited.
- c. Hours of Operations.
 - i. Medical offices shall not offer treatment or similar services between the hours of 10:00 p.m. and 7:00 a.m.
 - ii. Medical offices within 500 feet of a Single Family (RS) or Two-Family (RD) Zoning District shall not offer treatment or similar services between the hours of 7:00 p.m. and 7:00 a.m.

B. SPECIALTY MEDICAL FACILITY

1. Districts Where Permitted

RS-1	RS-2	RS-3	RS-4	RS-L	RD-1	RM-7	RM-12	RM-20	RM-30	RM-45	MH-12	B-1	B-2	B-3	B-4	
															<u>S</u>	<u>P</u>

M-1	CR	I-1	I-IX	OIP	M-2	TO	PR	CF	PU	T	BP	RPUD	PCD	PD-TO	LAC	PD-I
		<u>P</u>		<u>P</u>				<u>P</u>					<u>P</u>		<u>P</u>	<u>P</u>

2. Definition

A specialty medical facility is a facility, regardless of size, offering specialized treatment and services including, but not limited to, ambulatory surgical facilities, dialysis centers, substance abuse treatment facilities, outpatient rehabilitation facilities, birthing facilities, and urgent care facilities (not including a 24-hour urgent care facility). This use also includes medical or dental offices which are larger than 5,000 sq ft gfa.

3. Standards

A specialty medical facility shall comply with the following standards:

- a. Separation from Residential Uses. The facility shall be at least 500 feet from a Single Family (RS) or Two-Family (RD) Zoning District.
- b. Overnight Treatment. Overnight Treatment is prohibited.
- c. Hours of Operations. The Facility shall not offer treatment or similar services between the hours of 10:00 p.m. and 7:00 a.m.

C. URGENT CARE FACILITY 24-HOURS

1. Districts Where Permitted

RS-1	RS-2	RS-3	RS-4	RS-L	RD-1	RM-7	RM-12	RM-20	RM-30	RM-45	MH-12	B-1	B-2	B-3	B-4	
															<u>S</u>	<u>P</u>

M-1	CR	I-1	I-IX	OIP	M-2	TO	PR	CF	PU	T	BP	RPUD	PCD	PD-TO	LAC	PD-I
		<u>P</u>		<u>P</u>				<u>P</u>					<u>P</u>		<u>P</u>	<u>P</u>

2. Definition

An urgent care facility 24-hours is a facility which holds itself out to the general public as a walk-in, extended-hour access facility where immediate, but not emergent, care is provided. Patients shall be served solely on an outpatient basis and such services shall not include overnight stays

3. Standards

An urgent care facility 24-hours shall comply with the following standards:

- a. Separation from Residential Uses. The facility shall be at least 500 feet from a Single Family (RS) or Two-Family (RD) Zoning District.
- b. Overnight Treatment. Overnight Treatment is prohibited.
- c. Hours of Operations. The facility may be open 24 hours per day.
- d. Vehicular access and circulation systems and exterior signage shall be designed to provide safe and separate emergency vehicle access to the facility, with minimal conflicts with other vehicular or pedestrian traffic in the area.

D. SPECIALTY HOSPITAL

1. Districts Where Permitted

RS-1	RS-2	RS-3	RS-4	RS-L	RD-1	RM-7	RM-12	RM-20	RM-30	RM-45	MH-12	B-1	B-2	B-3	B-4
														<u>S</u>	<u>P</u>

M-1	CR	I-1	I-IX	OIP	M-2	TO	PR	CF	PU	T	BP	RPUD	PCD	PD-TO	LAC	PD-I
		<u>P</u>		<u>P</u>				<u>P</u>					<u>P</u>		<u>P</u>	

2. Definition

A specialty hospital is a hospital which offers a restricted range of services appropriate to the diagnosis, care, and treatment of patients with specific categories of medical or psychiatric illnesses or disorders which include: Specialty medical hospitals; Specialty rehabilitation hospitals; Specialty psychiatric hospitals, which may

include beds licensed to offer Intensive Residential Treatment programs; Specialty substance abuse hospitals, which may include beds licensed to offer Intensive Residential Treatment programs; and an Addictions Receiving Facility.

3. Standards

A specialty hospital shall comply with the following standards:

- a. Separation from Residential Uses. The hospital shall be at least 500 feet from a Residential Zoning District.
- b. Overnight Treatment. Overnight Treatment is permitted.
- c. Hours of Operations. The hospital may be open 24 hours per day.
- d. The specialty hospital shall be located on a site that has an area of at least three acres and fronts on or has direct access to and from an arterial or collector street.
- e. Vehicular access and circulation systems and exterior signage shall be designed to provide safe and separate emergency vehicle access to the specialty hospital, with minimal conflicts with other vehicular or pedestrian traffic in the area.
- f. A Perimeter Security Plan is required and shall address at a minimum vehicular and pedestrian access to site, parking areas, and lighting.
- g. Outdoor recreation and/or passive space shall be provided for both patients and visitors.

C E. GENERAL HOSPITAL

1. Districts Where Permitted

RS-1	RS-2	RS-3	RS-4	RS-L	RD-1	RM-7	RM-12	RM-20	RM-30	RM-45	MH-12	B-1	B-2	B-3	B-4
														P	P

M-1	CR	I-1	I-IX	OIP	M-2	TO	PR	CF	PU	T	BP	RP UD	PC D	PD-TO	LA C	PD-I
		P		P		S		P					P	P	P	

2. Definition

A general hospital is a state-licensed institution that provides primary health services and medical or surgical care to humans, primarily inpatients, who are sick or injured, and including as an integral part of the institution, related facilities such as clinical laboratories, outpatient facilities, training facilities, central services facilities, and staff offices. Hospitals offer facilities and beds for use beyond 24 hours by persons needing medical treatment or service. ~~This use type does not include nursing home facilities, medical treatment facilities, medical clinics, drug or alcohol treatment facilities, or psychiatric treatment facilities.~~

3. Standards

A general hospital shall comply with the following standards:

- a. Separation from Residential Uses. The hospital shall be at least 500 feet from a Residential Zoning District.
- b. Overnight Treatment. Overnight Treatment is permitted.
- c. Hours of Operations. The hospital may be open 24 hours per day.
- a d. The hospital shall be located on a site that has an area of at least five acres and fronts on or has direct access to and from an arterial or collector street.
- b e. Vehicular access and circulation systems and exterior signage shall be designed to provide safe and separate emergency vehicle access to the hospital, with minimal conflicts with other vehicular or pedestrian traffic in the area.
- f. A Perimeter Security Plan is required and shall address at a minimum vehicular and pedestrian access to site, parking areas, and lighting.
- g. Outdoor recreation and/or passive space shall be provided for both patients and visitors.

~~D. MASSAGE THERAPY ESTABLISHMENT~~

~~1. Districts Where Permitted~~

[REDACTED]												P	P	P	P
------------	--	--	--	--	--	--	--	--	--	--	--	---	---	---	---

[REDACTED]															
P					P		P				P	P	P	P	P

2. Definition

A massage therapy establishment is a state licensed establishment that offers, sells, or provides manipulation of the tissues or other tactile stimulation of the human body with the hand, foot, arm, leg, elbow, or part of the torso, whether or not aided by any electrical or mechanical device, by persons who are licensed as a massage therapist under Chapter 480 of the Florida Statutes. A massage may also include bathing, hydrotherapy (including colonic irrigation), thermal therapy, or application of chemicals, oils, lotions, or similar preparations to the human body.

E. MEDICAL OR DENTAL CLINIC

1. Districts Where Permitted

[REDACTED]															
												P	P	P	P

[REDACTED]															
					P		P					P	P	P	P

2. Definition

A medical or dental clinic is a small scale facility where patients are admitted for examination and treatment by one or more physicians, dentists, or other health practitioners on a short term basis. The use includes the offices of physicians, dentists, chiropractors, optometrists, podiatrists, audiologists, speech pathologists, physical therapists, acupuncturists, psychologists, and other health practitioners. It also includes facilities providing short-term outpatient care and treatment (which may or may not be overnight), such as urgent care centers, kidney dialysis centers, ambulatory surgical clinics, biofeedback centers, sleep disorder

SECTION 3. That Section 155.4303., "Standards for Specific Accessory Uses and Structures," of Chapter 155, "Zoning Code," of the Code of Ordinances of the City of Pompano Beach is hereby amended to read as follows:

§ 155.4303. STANDARDS FOR SPECIFIC ACCESSORY USES AND STRUCTURES

...

RR. LIMITED MENTAL HEALTH TREATMENT FACILITY

...

2. Definition

A limited mental health treatment facility is an accessory use for the practice of mental health counseling, practice of marriage and family therapy, and/or practice of clinical social work, as defined in F. S. § 491.003, on ~~an~~ a non-intensive out-patient basis only. This use strictly prohibits the on-site dispensing of both medicinal and non-medicinal drugs. This use strictly prohibits the written order or prescription for any medicinal and non-medicinal drugs.

...

UU. RETAIL CLINIC

1. Districts Where Permitted

<u>RS-1</u>	<u>RS-2</u>	<u>RS-3</u>	<u>RS-4</u>	<u>RS-L</u>	<u>RD-1</u>	<u>RM-7</u>	<u>RM-12</u>	<u>RM-20</u>	<u>RM-30</u>	<u>RM-45</u>	<u>MH-12</u>	<u>B-1</u>	<u>B-2</u>	<u>B-3</u>	<u>B-4</u>
												A	A	A	A

<u>M-1</u>	<u>CR</u>	<u>I-1</u>	<u>I-IX</u>	<u>OIP</u>	<u>M-2</u>	<u>TO</u>	<u>PR</u>	<u>CF</u>	<u>PU</u>	<u>T</u>	<u>BP</u>	<u>RP-UD</u>	<u>PC-D</u>	<u>PD-TO</u>	<u>LA-C</u>	<u>PD-I</u>
		A				A						A	A	A	A	A

2. Definition

A retail clinic is an accessory use located within a grocery store, pharmacy, or large retail store for the diagnosis and treatment of common household illnesses such as strep throat and eye, ear, sinus and other similar infections; the treatment of minor wounds; abrasions and joint sprains; the injection of common vaccinations; wellness services; and routine lab tests.

SECTION 4. That Section 155.5102., "Off-Street Parking and Loading," of Chapter 155, "Zoning Code," of the Code of Ordinances of the City of Pompano Beach is hereby amended to read as follows:

§ 155.5102. OFF-STREET PARKING AND LOADING

...

D. OFF-STREET PARKING SPACE REQUIREMENTS

1. Minimum Number of Off-Street Parking Spaces

...

TABLE 155.5102.D.1: MINIMUM NUMBER OF OFF-STREET PARKING SPACES		
Use Category	Use Type	Minimum Number of Parking
INSTITUTIONAL USES		
...
Health Care Uses	Blood/tissue collection facility	1 per 300 sq ft
	Drug or alcohol treatment facility	
	Medical office	1 per 200 sq ft
	Specialty medical facility	1 per 200 sq ft floor area for treatment + 1 per 300 sq ft for remaining areas
	Urgent care facility 24-hour	
	Specialty hospital	1 per 1 bed + 1 per 250 sq ft of areas not used for beds or Parking Study per Section 155.5102.D.2
	General hospital	1 per 3 inpatient beds 1 per 1 bed + 1 per 250 sq ft of areas not used for beds or Parking Study per Section 155.5102.D.2
	Massage therapy establishment	1 per 300 sq ft
	Medical or dental clinic ¹⁰	
	Medical or dental lab	1 per 300 500 sq ft
	Nursing home facility	1 per 5 beds
Psychiatric treatment facility	1 per 3 beds	
...
INDUSTRIAL USES		
Accessory Uses
	Dormitory (as accessory to educational use)	See Section 155.5102.D.2.
	Limited mental health treatment facility	1 per 200 sq ft
	Retail clinic	1 per 200 sq ft
...		

SECTION 5. That Article 9, "Definitions and Interpretations, Part 5, "Terms and Uses Defined," of Chapter 155, "Zoning Code," of the Code of Ordinances of the City of Pompano Beach is hereby amended to read as follows:

ARTICLE 9: DEFINITIONS AND INTERPRETATION

...

PART 5 TERMS AND USES DEFINED

The following words, terms, and phrases, when used in this Code, shall have the meaning ascribed to them in this section.

...

~~BLOOD/TISSUE COLLECTION CENTER~~

~~A state licensed facility where human blood, organs, skin, or other human tissue are either withdrawn or collected from patients or assembled after being withdrawn or collected elsewhere from patients for subsequent delivery to a clinical laboratory for examination. A collection facility is maintained at a separate physical location not on the grounds or premises of the main licensed laboratory or institution which performs the testing.~~

...

~~DRUG OR ALCOHOL TREATMENT FACILITY~~

~~A state licensed substance abuse treatment facility that provides residential treatment, intensive outpatient treatment and addictions receiving facility, as defined in Fla. Stat. §397.311.~~

...

GAZEBO

An ornamental garden pavilion, with a covered roof and open sides, constructed of wood, metal, or vinyl. This term also includes a chickee hut, which has a thatched roof of palm or palmetto materials.

GENERAL HOSPITAL

A state-licensed institution that provides primary health services and medical or surgical care to humans, primarily inpatients, who are sick or injured, and including as an integral part of the institution, related facilities such as clinical laboratories, outpatient facilities, training facilities, central services facilities, and staff offices. Hospitals offer facilities and beds for use beyond 24 hours by persons needing medical treatment or service. ~~This~~

~~use type does not include nursing home facilities, medical treatment facilities, medical clinics, drug or alcohol treatment facilities, or psychiatric treatment facilities.~~

...

LIMITED MENTAL HEALTH TREATMENT FACILITY

An accessory use for the practice of mental health counseling, practice of marriage and family therapy, and/or practice of clinical social work, as defined in F. S. § 491.003, on a non-intensive out-patient basis only. This use strictly prohibits the on-site dispensing of both medicinal and non-medicinal drugs. This use strictly prohibits the written order or prescription for any medicinal and non-medicinal drugs.

...

MASSAGE THERAPY ESTABLISHMENT

~~a state-licensed establishment that offers, sells, or provides manipulation of the tissues or other tactile stimulation of the human body with the hand, foot, arm, leg, elbow, or part of the torso, whether or not aided by any electrical or mechanical device, by persons who are licensed as a massage therapist under Chapter 480 of the Florida Statutes. A massage may also include bathing, hydrotherapy (including colonic irrigation), thermal therapy, or application of chemicals, oils, lotions, or similar preparations to the human body.~~

...

MEDICAL OR DENTAL CLINIC

~~a small-scale facility where patients are admitted for examination and treatment by one or more physicians, dentists, or other health practitioners on a short-term basis. The use includes the offices of physicians, dentists, chiropractors, optometrists, podiatrists, audiologists, speech pathologists, physical therapists, acupuncturists, psychologists, and other health practitioners. It also includes facilities providing short-term outpatient care and treatment (which may or may not be overnight), such as urgent care centers, kidney dialysis centers, ambulatory surgical clinics, biofeedback centers, sleep disorder clinics, family planning clinics, community health clinics, and health maintenance organization (HMO) medical clinics. Such facilities that provide overnight care and treatment may include sleeping rooms for care workers and members of patients' families. This use does not include hospitals (which are much larger in scale) or blood/tissue collection centers, drug or alcohol treatment facilities, massage therapy establishments, or psychiatric treatment facilities (which provide specialized medical services).~~

...

MEDICAL OR DENTAL LAB

Consists of facilities and offices for performing diagnostic or therapeutic medical procedures of a non-surgical nature. providing diagnostic analysis of medical tests (such as blood test urinalysis, CT Scan, X-ray or other medical tests related to diagnostic

treatment); collecting or withdrawing human blood, organs, skin, or other human tissue; or producing such items as dentures, caps, bridges and optical prescriptions.

...

MEDICAL OFFICE

A small-scale office providing medical or dental treatment. A small-scale office shall mean a maximum gross floor area of 5,000 sq ft. This use shall not include any uses specified as a Specialty Medical Facility. An office which is greater than 5,000 sq gfa shall be considered a Specialty Medical Facility.

...

PERSONAL SERVICES ESTABLISHMENT

An establishment primarily engaged in the provision of frequent or recurrent needed services of a personal nature that are not typically medically related. Examples include but are not limited to, hair salons, tanning salons, ~~and~~ nail care, salons, barber shops, yoga studios, martial arts studios, massage therapy (by persons who are licensed as a massage therapist under Chapter 480 of the Florida Statutes), hearing aids and/or optometry services, and similar establishments—but not including any sexually oriented business.

...

~~PSYCHIATRIC TREATMENT FACILITY~~

~~An inpatient facility that provides care for persons with psychiatric problems and that may include outpatient follow-up care to the facility's patients.~~

...

RESTAURANT

An establishment where meals or prepared food, including beverages and confections, are served to customers. Accessory uses may include bars, banquet rooms, catering services, pick-up facilities for take-out orders, windows for walk-up service, outdoor seating, and facilities providing for drive-through service. An establishment that sells both alcoholic beverages and food is classified as a bar or lounge if it derives no more than ten percent of its gross revenue from the sale of food consumed on the premises.

RETAIL CLINIC

An accessory use located within a grocery store, pharmacy, or large retail store for the diagnosis and treatment of common household illnesses such as strep throat and eye, ear, sinus and other similar infections; the treatment of minor wounds; abrasions and joint sprains; the injection of common vaccinations; wellness services; and routine lab tests.

...

SPECIALTY EATING OR DRINKING ESTABLISHMENT

An establishment selling specialty food or beverage items that normally do not constitute a full meal – including, but not limited to, ice cream parlors, dessert cafes, snack shops, juice and coffee houses, and retail bakeries. Accessory uses may include pick-up facilities for take-out orders, windows for walk-up service, outdoor seating, and facilities providing for drive-through service.

SPECIALTY HOSPITAL

A hospital which offers a restricted range of services appropriate to the diagnosis, care, and treatment of patients with specific categories of medical or psychiatric illnesses or disorders which include: Specialty medical hospitals; Specialty rehabilitation hospitals; Specialty psychiatric hospitals, which may include beds licensed to offer Intensive Residential Treatment programs; Specialty substance abuse hospitals, which may include beds licensed to offer Intensive Residential Treatment programs; and an Addictions Receiving Facility.

SPECIALTY MEDICAL FACILITY

A specialty medical facility is a facility, regardless of size, offering specialized treatment and services including, but not limited to, ambulatory surgical facilities, dialysis centers, substance abuse treatment facilities, outpatient rehabilitation facilities, birthing facilities, and urgent care facilities (not including a 24-hour urgent care facility). This use also includes medical or dental offices which are larger than 5,000 sq ft gfa.

...

UNCOVERED PORCHES, DECKS, PATIOS, TERRACES, OR WALKWAYS

Hard surfaces often adjacent to an enclosed structure and used for outdoor seating and access.

URGENT CARE FACILITY 24-HOURS

A facility which holds itself out to the general public as a walk-in, extended-hour access facility where immediate, but not emergent, care is provided. Patients shall be served solely on an outpatient basis and such services shall not include overnight stays

...

SECTION 6. That Appendix A, "Consolidated Use Table," of Chapter 155, "Zoning Code," of the Code of Ordinances of the City of Pompano Beach is hereby amended to read as follows:

APPENDIX A: CONSOLIDATED USE TABLE

P = PERMITTED PRINCIPAL USE S = USE ALLOWED AS A SPECIAL EXCEPTION A = PERMITTED ACCESSORY USE
T = TEMPORARY USE ALLOWED WITH A MAJOR TEMPORARY USE PERMIT t = TEMPORARY USE ALLOWED WITH A MINOR TEMPORARY USE PERMIT
√ = TEMPORARY USE ALLOWED WITHOUT TEMPORARY USE PERMIT
I = INTERIM USE ALLOWED WITH AN INTERIM USE PERMIT BLANK CELL = PROHIBITED USE

USE CATEGORY (PRINCIPAL USES) AND/OR USE TYPE	RESIDENTIAL DISTRICTS										COMMERCIAL DISTRICTS					INDUSTRIAL DISTRICTS				SPECIAL DISTRICTS					PLANNED DEVELOPMENT DISTRICTS					USE-SPECIFIC STANDARDS							
	RS-1	RS-2	RS-3	RS-4	RS-L	RD-1	RM-7	RM-12	RM-20	RM-30	RM-45	MH-12	B-1	B-2	B-3	B-4	M-1	CR	I-1	I-IX	OIP	M-2	TO	PR	CF	PU	T	BP	RPUD		PCD	PD-TO	LAC	PD-I			
ACCESSORY USES AND STRUCTURES																																					
...																																					
Recycling drop-off stations																																					155.4303.AA
Retail clinic																																					155.4303.UU
...																																					

SECTION 7. If any provision of this Ordinance or the application thereof to any person or circumstance is held invalid, such invalidity shall not affect other provisions or applications of this Ordinance that can be given effect without the invalid provision or application, and to this end the provisions of this Ordinance are declared to be severable.

SECTION 8. This Ordinance shall become effective upon passage.

PASSED FIRST READING this _____ day of _____, 2016.

PASSED SECOND READING this _____ day of _____, 2016.

LAMAR FISHER, MAYOR

ATTEST:

ASCELETA HAMMOND, CITY CLERK

:jrm
1/26/16 - 1/6/16
L:ord/ch155/2016-80

**PLANNING AND ZONING BOARD/ LOCAL PLANNING AGENCY
MEMORANDUM #15-075**

DATE: January 11, 2016
TO: City Commission
FROM: Planning and Zoning Board/ Local Planning Agency
SUBJECT: Proposed Text Amendments to Zoning Code,
Health Care Uses

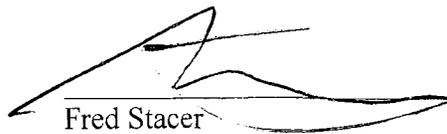
At the special set meeting of the Planning and Zoning Board/ Local Planning Agency held on November 30, 2015 to review the Moratorium Studies and Recommendations, the Board considered proposed text amendments to the Article 3 (Zoning Districts), Article 4 (Use Standards), Article 5 (Development Standards), Article 9 (Definitions and Interpretation), and Appendix A (Consolidated Use Table) of the Zoning Code, as set forth in the Department of Development Services Administrative Report 15-621 as well as the Staff Report entitled "The Right Use in the Right Location: Health Care Uses".

Within Article 3 (Zoning Districts) Staff recommends revising the Atlantic Boulevard Overlay District and Downtown Pompano Beach Overlay District to prohibit "Specialty Medical Facility", "Medical or Dental Lab", "Urgent Care Facility – 24 Hours", "Specialty Hospital", and "General Hospital"; add standards for "Medical Offices"; and standards for "Personal Services Establishment which only offer Massage Therapy".

Within Article 4 (Use Standards) Staff recommends deleting "Blood/tissue collection center," "Drug or Alcohol Treatment Facility," "Massage therapy establishment," "Medical or dental clinic," and "Psychiatric treatment facility"; adding "Medical office," "Specialty Medical facility," "Urgent care facility 24-hours"; and modifying "Hospital" and "Medical or dental lab"; revising the definition of "Personal Services Establishment"; revising the definition of "Limited mental health treatment facility"; and adding "Retail Clinic".

Within other Articles Staff recommends revising Table 155.5102.D.1 "Minimum number of off-street parking spaces"; revising Article 9 Part 5; and revising Appendix A: Consolidated Use Table.

With a 5-2 vote for the approval of the amendments, Jerry Mills and Dwight Evans casting the dissenting votes, it is the recommendation of the Board that the text amendments be approved.



Fred Stacer
Chairman
Planning and Zoning Board/ Local Planning Agency



CITY OF POMPANO BEACH
FLORIDA

CITY HALL OFFICES:

100 W. Atlantic Boulevard
Pompano Beach, Florida
PHONE: (954) 786-4662

Visit Our Website At:
<http://www.pompanobeachfl.gov>

MAILING ADDRESS:

City of Pompano Beach
P.O. Box 1300
Pompano Beach, FL 33061

PLANNING AND ZONING BOARD/LOCAL
PLANNING AGENCY

November 30th, 2015
Monday

City Commission Chambers

7:00 P.M.

SPECIAL MEETING AGENDA

A. Call to order by the Chairman of the Board, Mr. Fred Stacer at 7:03pm.

ROLL CALL:

- Elizabeth Anderson
- M. Dwight Evans
- Richard Klosiewicz
- Joan Kovac
- Jerold Mills
- Fred Stacer
- Tobi Aycock *for Jeff Torrey*

Also Present

- Karen Friedman
- Robin Bird
- Carrie Sarver
- Kerrie MacNeil
- Cecelia Ward
- Patrick Jovanov
- Tara Patton
- Vincente Thrower

Mr. Evans asked for a vocal or silent moment for prayer. Mr. Stacer called for a moment of silence.

C. INDIVIDUALS TESTIFYING PLACED UNDER OATH

Mr. Robin Bird reminded the Chairman that this is not a quasi-judicial hearing and it is not necessary to place individuals under oath. Carrie Sarver agreed that placing the audience who wishes to speak under oath is above the requirements.

City Staff and members of the public testifying before the Board at the meeting were placed under oath by Kerrie MacNeil, Zoning Technician and Notary Public in the State of Florida.

D. OTHER BUSINESS

1. Temporary Moratorium - Staff Reports

Staff has prepared reports and recommendations regarding several uses subject to the Temporary Moratorium. The reports are as follows: Health Care Uses, Thrift and Consignment Shops, and Liquor Stores (and other retail sales of alcoholic beverages), and Alternative Financing Uses.

Mr. Robin Bird introduced himself to the Board as the Director of Development Services and reviewed the temporary moratorium and the reasons why it was enacted. Mr. Bird stated that four reports are being presented tonight and a significant size team worked on the reports. Mr. Bird added that staff reserves the ability to bring items back to the next Planning and Zoning Board meeting.

Mrs. Kovac asked why restaurants were not included in the reports. Mr. Bird replied that the City Commission did not select restaurants to be placed under moratorium.

Mrs. Friedman, Principal Planner, introduced herself to the Board and stated that she would be presenting condensed versions of the reports that were included in staff's back up material and she will be focusing mostly on the recommendations. Mrs. Friedman stated that the various recommendations have the same theme: the City's need to balance access to these uses, economic development, protect single family neighborhoods and regulate secondary effects of the uses. Distance requirements.

Mrs. Friedman introduced the first topic: Thrift and consignment shops. Mrs. Friedman stated that often times the difference between thrift and consignment shops is not understood. Mrs. Friedman delivered a PowerPoint presentation to the Board which included staff's recommendations.

Mrs. Friedman introduced the next topic and began the PowerPoint presentation on Alternative Financing Uses. Mrs. Friedman presented the definition, location, history, problems, and staff's recommendations for these uses.

Mrs. Friedman gave the next presentation on Liquor Stores and other retail sales of alcoholic beverages.

Mrs. Friedman presented the next report on Health Care Uses.

Mr. Bird informed the Board that there will be four separate ordinances and suggested that the Board discuss and vote on one topic at a time. The Board agreed to discuss the reports in the order that they were presented in by staff. Mr. Stacer asked the Board if they had any questions for staff regarding Thrift and Consignment shops.

Mrs. Anderson if the consignment stores that were in B-3 that will now be considered thrift stores are considered nonconforming. Mrs. Friedman replied that they would likely be treated under the lawfully existing special exception use. Mrs. Anderson asked if this would be true even if they do not apply and Mrs. Friedman responded that it is just the designation.

Dr. Mills stated that he is unclear on the difference between consignment and thrift shop. Mrs. Friedman explained the difference between the two. Dr. Mills asked if no new business can be established under the moratorium and what is the length of the Moratorium. Mrs. Friedman responded that the Moratorium was enacted by the City Commission on July 14, 2015 and it is set to expire on January 14, 2016 unless further action is taken by the Commission. Dr. Mills asked if no new business can be established during this time and Mrs. Friedman replied that no new permits and no new business tax receipts were issued to any of the uses that have been subject to the Temporary Moratorium.

Mrs. Aycock asked why consignment boutiques are prohibited from fronting Atlantic Boulevard in the AOD but not thrift. Mrs. Friedman responded that they Thrift Shops are a prohibited use in the AOD; therefore, we would not have to regulate where they would be located.

Mr. Klosiewicz asked who will determine what is considered "luxury merchandise." Mrs. Friedman responded that staff will be looking to see if the business is focusing on selling one type of merchandise or if they focusing on multiple items (this is a way to determine the difference between thrift and consignment). Mrs. Friedman added that this is a standard used by several other cities in South Florida and staff will make their best determination. Mr. Klosiewicz expressed that he does not believe the word luxury should be included because the word luxury may be interpreted differently by different people. Mr. Klosiewicz stated that he suggests the word be stricken from the text amendment.

Dr. Mills asked what happens to the places that are not in compliance once this goes into effect. Mrs. Friedman responded that the use will become a legal non-conforming use or lawfully existing special exception use. Mrs. Friedman added that we do not force them to comply.

Mr. Evans asked for the distinction between a shop and a boutique and if a boutique is a more specialized. Mrs. Friedman answered that it is a more specialized type of retail establishment (ex. vintage clothing or furniture).

Any person who decides to appeal any decision of the PLANNING AND ZONING BOARD/LOCAL PLANNING AGENCY with respect to any matter considered at this meeting will need a record of the proceedings and for such purpose may need to ensure that a verbatim record of the proceedings is made, which record includes the testimony and evidence upon which the appeal is to be based. // kem

Mrs. Anderson asked if the lawfully existing special exception is held to the same improvement as the legal nonconforming use. Mr. Bird responded that a lawful special exception use is held to a different standard.

Mr. Stacer asked if staff is looking for a recommendation to extend the Moratorium and Mrs. Friedman responded that they are only looking for a recommendation on the text amendments.

Mr. Stacer opened up the discussion to the public.

Patrick Jovanov (411 NE 18th Avenue Pompano Beach, FL) introduced himself to the Board and complimented Mrs. Friedman and the rest of the team on their research. Patrick stated that he has visited the Salvation Army over the years and he wishes that staff would come up with more equitable regulations. Patrick stated that this was a part of history. Patrick stated that "this is very good."

Tara Patton introduced herself to the Board as the representative of Festival Flea Market (2900 West Sample Road Pompano Beach, FL) and asked how outlet stores like Nordstrom Rack are categorized since they are selling goods below market value. Mrs. Friedman responded that there is a use in the code called "other retail establishment" that does not take into account the prices of the items sold. Mrs. Patton asked if there was an umbrella that grouped alike types of "luxury items." Mrs. Friedman answered that it would be related accessories (example: purses and jewelry). Mrs. Patton asked that her concern was who gets to make that determination.

Mrs. Kovac asked if clothing, jewelry and purses would be considered consignment and Mrs. Friedman confirmed.

Dr. Mills asked staff why the moratorium is necessary. Mr. Bird answered that staff and the City Commission have determined that the location of many of these uses were creating side effects that were concerning. The moratorium gives staff time to study the issues and decide how to go forward. Dr. Mills asked if we are currently under moratorium and Mr. Bird confirmed.

Mr. Klosiewicz asked the Chairman if the Board is going to have the opportunity, at this time, to amend the language in the text amendments. Mr. Stacer confirmed.

Mr. Stacer closed the public hearing.

MOTION made by Richard Klosiewicz and seconded by Dwight Evans to recommend approval of the proposed text amendments to Thrift and Consignment shops with the word "luxury" stricken from code sections 155.4222.E.2 and Article 9, Part 5. All vote in favor of the above motion; therefore, the motion passed.

Mr. Stacer asked the Board if anyone had questions on the Alternative Financing presentation and recommendations.

Any person who decides to appeal any decision of the PLANNING AND ZONING BOARD/LOCAL PLANNING AGENCY with respect to any matter considered at this meeting will need a record of the proceedings and for such purpose may need to ensure that a verbatim record of the proceedings is made, which record includes the testimony and evidence upon which the appeal is to be based. // kem

Dr. Mills asked if the proposed changes would mean that he cannot go into a bank and cash a check. Mrs. Friedman answered that one would be able to cash a check at a bank and they are separate uses. Dr. Mills asked why staff is recommending to modify the definition of bank to exclude these items. Mrs. Friedman answered that the definition of "Bank or Financial Institution" today includes a check cashing store. If we do not exclude them, we would be treating them under two different categories. We are not taking the ability to cash a check away from a bank, but we are removing the description of a check cashing facility from the "Bank or Financial Institution" use.

Mrs. Aycock asked staff why there is no separation distance between these uses and residential uses. Mrs. Friedman responded that she found separation of like uses in her research and the intent of this is to prevent clustering.

Mr. Evans asked if staff stated that these uses cause an area to become blighted. Mrs. Friedman confirmed that this is what the report indicated and the secondary effects blight the area, attract crime, cause deterioration of shopping centers, and they have certain appearance issues that may cause blighting (ex. bullet proof glass windows). Mr. Evans asked about the benefits staff identified on page 8 of the report and stated that he thinks there is a greater benefit to keeping the uses rather than removing them. Mr. Evans asked if we have this blight in Pompano. Mrs. Friedman responded that we have four distinct clusters of these uses and three of four are within or directly adjacent to the Northwest CRA which is a blighted area of the City. Mr. Evans asked if there was more than one facility located on Atlantic Blvd just west of Dixie Highway. Mrs. Friedman pulled up the map and responded that there are multiple locations in Cluster #4.

Mr. Klosiewicz stated that he believes that these stores would not have opened if they were not needed and that competition may benefit the people that are being served.

Mr. Stacer asked staff about an inconsistency between what is permitted in the PD-I in the appendix and the backup material. Mrs. Friedman stated that check cashing facility should not be permitted in the PD-I and confirmed it is an error and the Appendix is correct.

Mrs. Anderson asked if staff considered implanting design criteria for these uses. Mrs. Friedman responded design guidelines were not one of the considerations.

Mr. Klosiewicz asked if the State of Florida has some control over the rates that can be charged. Mrs. Friedman answered that the state has some rates but she does not know them off hand. Mr. Klosiewicz asked why people would use this type of service. Mrs. Kovac answered that it is possible that clients of these uses do not have checking accounts. Mr. Klosiewicz asked what people would do if this use is reduced or eliminated. Mrs. Friedman responded that staff's recommendation is not to eliminate the use.

Mrs. Kovac asked staff for confirmation that we are only talking about going forward and not talking about closing any existing Alternative Financing stores. Mrs. Friedman confirmed.

Mrs. Anderson asked if any of the existing uses will become nonconforming due to the separation requirements and Mrs. Friedman confirmed (legal non-conforming use).

Mr. Klosiewicz stated that he did not say anything that expressed that he believed that the uses were being eliminated.

Mrs. Aycock stated that, according to the research, the goal is to spread them out in order to lower the crime rates and help with appearance.

Mr. Klosiewicz asked how many stores on the map would be nonconforming. Mrs. Friedman responded that she could not provide that information at that very moment; however she could return with the requested information. Mr. Bird suggested a cover memo to the Board.

Mr. Stacer opened up the discussion to the public.

Vincente Thrower (1890 NW 6 AV Pompano Beach, FL) stated that the check cashing stores are needed in the minority community. Vincente stated that he believes this is a neighborhood discussion and not a board discussion on whether the neighbors want the stores in the area. Vincente expressed that the check cashing stores are important for people who have bad credit and are not able to open a bank account.

Patrick Jovanov (411 NE 18th Avenue Pompano Beach, FL) asked staff why the research includes military bases if there are no military bases in Pompano Beach. Mr. Jovanov expressed that he does not understand why there is a reference to military bases. Mr. Jovanov shared a quote from Mark Twain and stated that what is being proposed is a recurring prejudice that was discussed at City Commission meetings several times. The lack of financial institutions in the Northwest CRA was planned or discouraged.

The Chairman closed the public hearing and asked if the Board had any additional questions.

MOTION made by Joan Kovac and seconded by Tobi Aycock to recommend approval of the text amendments to Alternative Financing Uses. All voted in favor of the above motion with the exception of Jerry Mills and Dwight Evans.

The Board moved on to discussing Liquor Stores and other retail sales of alcoholic beverages.

Dr. Mills asked if these amendments will affect the American Legion, the Elks Lodge etc. Mrs. Friedman responded that these uses are not included. Dr. Mills if regular bars are included. Mrs. Friedman responded that bars with accessory package sales will be affected because the package sales will now be a new accessory use that would require approval.

Mr. Stacer asked staff for clarification on the difference between a brew pub and a distillery. Mrs. Friedman answered that the City has both brew pubs and food and beverage manufacturing and she briefly explained the differences between the two.

Any person who decides to appeal any decision of the PLANNING AND ZONING BOARD/LOCAL PLANNING AGENCY with respect to any matter considered at this meeting will need a record of the proceedings and for such purpose may need to ensure that a verbatim record of the proceedings is made, which record includes the testimony and evidence upon which the appeal is to be based. // kem

Patrick Jovanov (411 NE 18th Avenue Pompano Beach, FL) asked how the Costco Liquor store would be grouped. Mrs. Friedman stated that we treat these membership stores as retail establishments.

The Chairman closed the public hearing and asked if any Board members had any additional questions.

MOTION made by Richard Klosiewicz and seconded by Dwight Evans to recommend approval of the text amendments to Liquor Stores and other retail sales of alcoholic beverages. All voted in favor of the above motion; therefore, the motion passed.

The Chair asked the Board if they had any questions concerning the proposed text amendments regarding Health Care uses.

Dr. Mills asked for the geographic definition of the AOD and Mr. Bird provided Dr. Mills with an explanation. Dr. Mills asked if he could open a one story office and have treatment on the first floor. Dr. Mills also asked why someone would not be able to have a doctor's office open after 7pm and expressed that he does not agree with the proposed changes.

Mrs. Friedman stated that the intent is to balance the various needs including access (ex. hours of operation) as well as taking into consideration the impact on neighboring properties (especially the residential community). Mrs. Friedman answered that the hours of operation in the AOD would be affected. Dr. Mills mentioned that there are many senior citizens living east and he expressed that he thinks the restrictions are wrong.

Cecelia Ward introduced herself to the Board as the Planning Consultant for the Pompano CRA and stated that she would like to address a few of the comments. Mrs. Ward stated that they have performed an extensive analysis of the medical facilities in the AOD and the DPOD. The research discovered that facilities exist that close before 7pm and open after 7am. Mrs. Ward informed the Board that the purpose of the restriction on the hours of operation is to utilize the evening activity to support the pedestrian oriented uses that will help revitalize the area. The research shows that the restriction on the hours is consistent with the current operating hours of the existing facilities.

Mr. Stacer asked why Health Care uses are not proposed to be permitted in the I-1X zoning district. Mrs. Friedman stated that this district is intended for heavier uses. Mr. Bird added that no I-1X locations would be on a major corridor.

The Chairman opened up the discussion to the public.

Vincente Thrower (1890 NW 6th Ave Pompano Beach, FL) asked if someone would be prohibited from building an urgent care facility on Martin Luther King Boulevard. Mrs. Friedman responded that on MLK, a Specialty Medical Facility would be prohibited in the Downtown Pompano Beach Overlay District. Mr. Thrower asked staff why we would prohibit an urgent care facility from being constructed when there are no existing facilities in the Northwest CRA community. Mr. Bird stated that this would not prohibit an urgent

Any person who decides to appeal any decision of the PLANNING AND ZONING BOARD/LOCAL PLANNING AGENCY with respect to any matter considered at this meeting will need a record of the proceedings and for such purpose may need to ensure that a verbatim record of the proceedings is made, which record includes the testimony and evidence upon which the appeal is to be based. // kem

care center in the Northwest CRA, only in the downtown overlay district (DPOD). Mr. Thrower stated that he objects this item. Mr. Thrower asked the Chair what the logic is behind this regulation.

Mr. Stacer asked staff if it is permitted today. Mr. Bird responded that it is allowed today. Mr. Thrower asked if the text amendment is adopted it will not be permitted. Mr. Bird responded that the use would be permitted west of I-95 on MLK but not east of I-95.

Mr. Thrower asked why there would not be urgent care center allowed near the new residential development across from the E. Pat Larkins Center. Mr. Thrower asked the Board to not support the text amendment. Mr. Thrower asked if the item will need to pass the City Commission and staff confirmed. Mr. Thrower stated that he believes that it does not make economic sense to restrict the urgent care centers from the MLK corridor in the DPOD.

Patrick Jovanov (411 NE 18th Avenue Pompano Beach, FL) stated that the slide 17 of the presentation lists the "Lamb of God Recovery Centers" as being licensed since 2007 when it has been here for decades. Mr. Jovanov shared a personal account regarding a sober home and an attempted kidnapping of a small child. Mr. Stacer asked what part of the code Mr. Jovanov is referring to. Mr. Jovanov stated that the issue is allowing sober homes to be located in a residential district adjacent to schools. Mr. Jovanov stated that he does not have proof, but it is the only explanation for something like this happening in his neighborhood. Mr. Jovanov asked if sober homes are still permitted in the City under the temporary moratorium. Mrs. Friedman answered that the recommended text amendments do not deal with any housing uses and added that the question is unrelated to the topic at hand. Mr. Jovanov stated that he agrees with Mr. Thrower that not allowing urgent care is discrimination, prejudice, etc.

Mr. Stacer asked if this will happen in the east and west CRA. Mrs. Friedman responded that the use "Specialty medical facility" would be a special exception in B-3, permitted in B-4, I-1 and OIP. However, it would be prohibited in the AOD and DPOD. Mrs. Friedman stated that it is consistent with the goals of these districts in terms of promoting pedestrian activity uses and active night life activity. Mr. Stacer asked which uses are allowed in the AOD and DPOD and Mrs. Friedman answered that retail clinics, personal care services, and medical offices are all permitted uses in these districts.

Mr. Klosiewicz asked if an urgent medical facility open from 7am to 7pm would be permitted and Mrs. Friedman responded that it would not because the hours of operation are not the only issue. Other issues are ambulances (noise) and medical waste etc.

Mrs. Friedman answered that it is also ambulances, medical waste, (specialty medical uses), more intense than a regular doctor's office. Go here in lieu of the ER. Mr. K asked if these uses are permitted in the area that Vincente was worried about.

Mr. Evans said he thought that being transported in an ambulance to an urgent care facility occurs very infrequently. Mrs. Friedman stated that these uses have some deleterious secondary effects and we need to treat them with more regulation. Mr. Evans asked why

Any person who decides to appeal any decision of the PLANNING AND ZONING BOARD/LOCAL PLANNING AGENCY with respect to any matter considered at this meeting will need a record of the proceedings and for such purpose may need to ensure that a verbatim record of the proceedings is made, which record includes the testimony and evidence upon which the appeal is to be based. // kem

it is necessary to go outside of the core area if there are not significant adverse effects. Mr. Bird stated that these uses will negatively affect redevelopment efforts.

Mrs. Kovac asked how many blocks from Martin Luther King Boulevard could there be an urgent care center.

Cecilia Ward explained the purpose of the redevelopment efforts for the DPOD area.

Mrs. Friedman explained the boundaries of the DPOD.

Mr. Evans asked if the zoning regulations of the area should adjust in the area as time goes on and be updated to reflect changes. Mrs. Friedman stated that this is what staff is trying to do and the point of the moratorium. Mr. Evans asked staff if it is their belief if a specialty medical facility located in the DPOD on MLK Boulevard would adversely affect development of the area.

Mr. Bird stated that there are many uses within the specialty medical facility (not just the urgent care center). Dr. Mills stated that he is asking specifically about medical offices and how these text amendments would eliminate these uses from the area. Mrs. Friedman stated that these uses are not consistent with the redevelopment efforts in the AOD and DPOD.

Mrs. Kovac asked if Dr. Mills is aware the urgent care centers close at 7pm as well.

Dr. Evans asked if the Board will be making a recommendation regarding one of staff's recommendations and Mrs. Friedman responded that those (that Mr. Evans is referring to) are the overriding recommendations and the proposed text amendments came from these recommendations. Mrs. Friedman stated that the Board could think of them as "Considerations 1, 2, 3 and 4" and the text amendments were prepared from these considerations.

Mr. Stacer asked if staff mapped the locations of the medical facilities. Mrs. Friedman replied that staff did mapping and staff was able to conclude from the mapping is that the change in the location of uses has not changed significantly from 2005 to 2015. The maps would not be useful because they would be so cluttered with the multiple locations.

Mr. Stacer closed the discussion to the public.

MOTION made by Elizabeth Anderson and seconded by Richard Klosiewicz to recommend approval of the proposed text amendments. All voted in favor of the above motion, with the exception of Jerry Mills and Dwight Evans, therefore the motion passed.

Mr. Stacer stated that he has questions for staff that are specific to the AOD. Mrs. Friedman placed a document on the screens for the Board to see and Mr. Stacer directed her to page 2, item number 3. Mr. Stacer asked what uses fall under 3b. Mrs. Friedman stated that the changes that were made reflected the changes coming out of the moratorium. Mrs.

Friedman stated that staff will meet with the CRA and discuss visitor accommodation uses being permitted in a residential mixed use project.

Dr. Mills asked for clarification on the outcome of the most recent vote on health care uses and Mr. Stacer and Carrie Sarver clarified that there were two “Nays” or a 5-2 vote.

Mr. Stacer stated that, referring to page 3 and the parking exemptions, he is concerned about big projects that would theoretically not have to provide parking. Mrs. Friedman responded that this is an incentive for smaller projects that are looking to do adaptive reuse. Mrs. Friedman stated that this is an effective mechanism to get sites to convert their use to a more desirable use without meeting the parking requirements.

Mr. Stacer said that he considers it to be potentially dangerous to not require parking for new projects such as a large retail redevelopment project (100,000 square feet of retail).

Mr. Bird stated that this regulation has been in effect for 5 years and we have seen neither benefits nor deleterious effects. Mr. Bird used Delray Beach as an example of a City not requiring restaurants to provide additional parking and there were still new parking garages constructed. Mr. Stacer stated that he is still concerned about this concept. Mr. Bird suggested having staff come back before the Board with a separate report on this item. Mr. Stacer said that he is ok with this proposal.

Mrs. Aycock suggested staff look at the parking scheme in downtown Gainesville for ideas.

Mr. Klosiewicz complimented Mr. Bird and staff for their hard work regarding the reports on the moratorium uses.

E. AUDIENCE TO BE HEARD

Mr. Stacer asked if there was anyone in the audience who wished to speak and no one responded.

F. BOARD MEMBERS DISCUSSION

Mr. Stacer asked if the Board members had anything to discuss and there was no response.

G. REPORTS BY STAFF

Mr. Stacer asked if staff had anything to report and Ms. MacNeil announced that the next regularly scheduled meeting is December 16th, 2015.

H. ADJOURNMENT

MOTION made by Richard Klosiewicz and seconded by Dwight Evans to adjourn the meeting at 9:29pm; all voted in favor of the above motion.

Approved at the meeting held on January 27, 2016.

Fred Stacer
Chairman
Planning and Zoning Board/Local Planning Agency

DRAFT

Any person who decides to appeal any decision of the PLANNING AND ZONING BOARD/LOCAL PLANNING AGENCY with respect to any matter considered at this meeting will need a record of the proceedings and for such purpose may need to ensure that a verbatim record of the proceedings is made, which record includes the testimony and evidence upon which the appeal is to be based. // kem



MEMORANDUM

Development Services

ADMINISTRATIVE MEMORANDUM NO. 15-621

DATE: November 19, 2015

TO: Planning and Zoning Board

VIA: Robin M. Bird, Director of Development Services *RB*

FROM: Karen Friedman, AICP, Principal Planner *KBF*

RE: Temporary Moratorium – Staff Reports

Staff has prepared reports and recommendations regarding several uses subject to the temporary Moratorium. A copy of each report and supporting text amendments is following.

Staff's Request

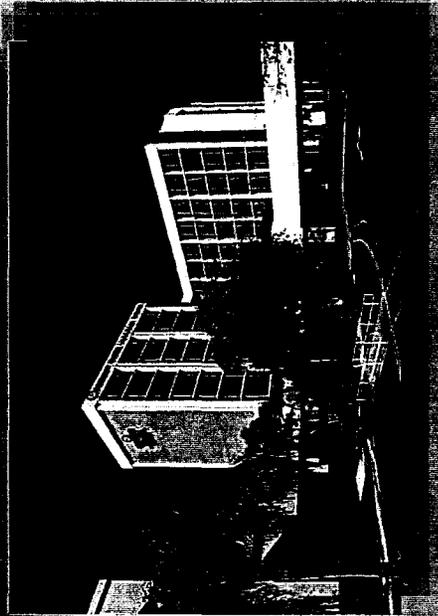
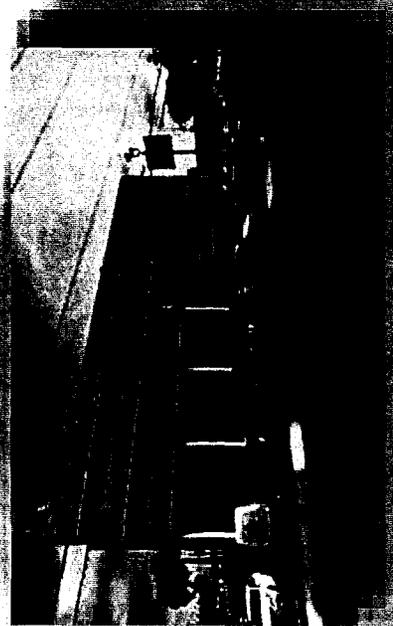
Staff is requesting the Board approve the recommended changes to the Zoning Code to the City Commission for adoption.

Copy of Study



The Right Use in the Right Location: Health Care Uses

November 2015



Introduction and Purpose

Ordinance 2015-67, Temporary Moratorium on all Health Care Uses

WHEREAS, the moratorium is intended to allow sufficient time to study the provision of these uses for the citizens of Pompano Beach and to create a long term strategy to ensure adequate access to such services is provided; and,

WHEREAS, the moratorium is intended to allow sufficient time to study the provision and location of these uses does not result in an over-concentration of these uses that will result in the blighting or downgrading of the surrounding neighborhood; and

WHEREAS, the moratorium is intended to allow sufficient time to study the provision of these uses to ensure that there is a balance between the existing residential uses and the projected demand for and location of these uses;

The health care industry is one of the largest industries in the country. It includes high paying jobs and needed services for residents and visitors alike. However as the health care industry expands and evolves, it is apparent that not all health care uses are alike. This report analyzes the changing trends of the health care industry, the state of health care uses in the city, and proposes a new Zoning scheme for classifying health care uses. The purpose of this report is to determine the right place in the city for the right health care uses.

Contents

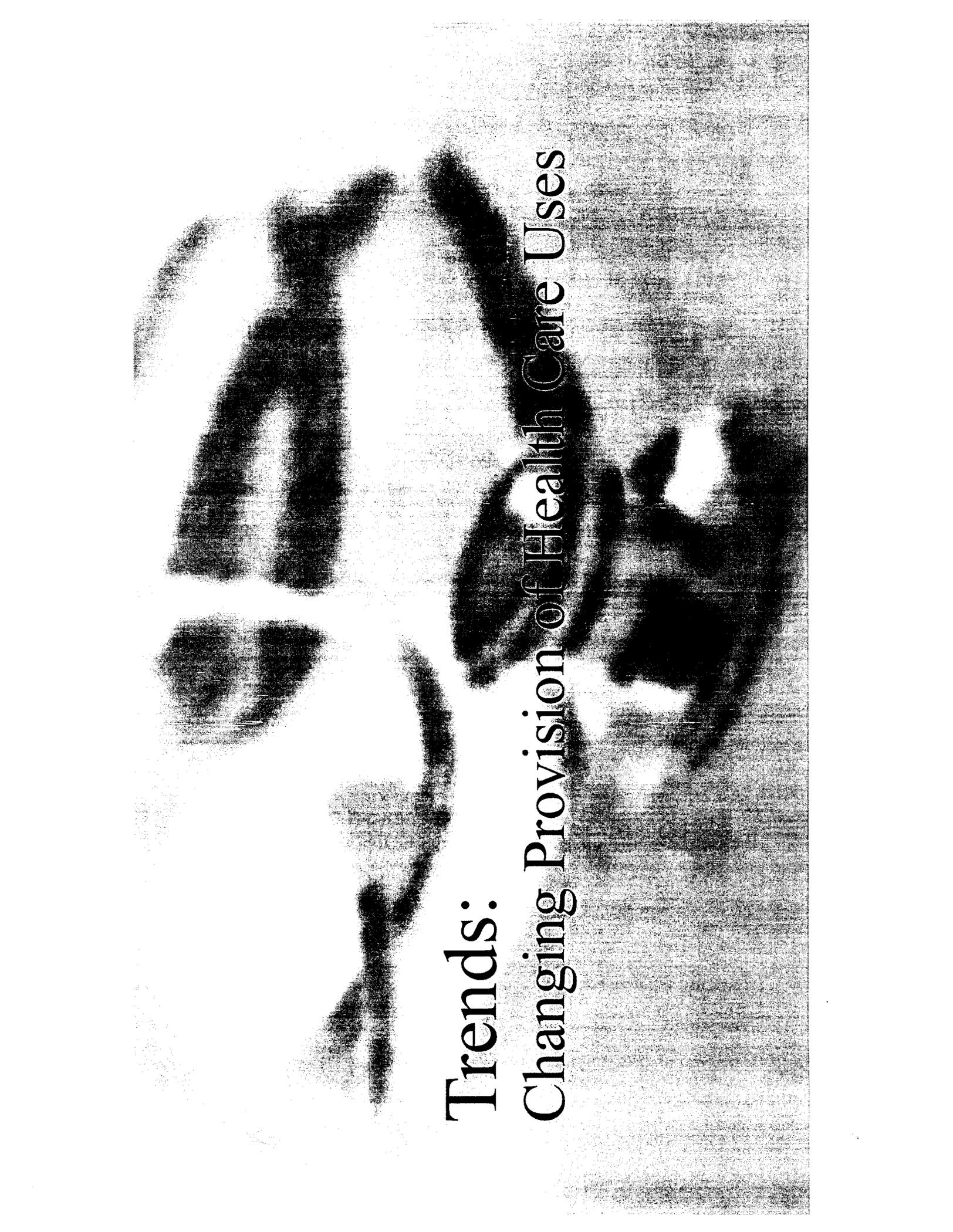
- Trends - Changing provision of health care uses
- Analysis of health care uses in Pompano Beach
 - Data from City's Business Tax Receipts Division; Florida Department of Health; Florida Department of Children and Families; and Florida Agency for Health Care Administration
 - Maps of changing locations of health care uses in city
- Recommendations
 - Recommended Principal Health Care Uses
 - Recommended Accessory Health Care Uses
 - Recommended Uses, Not Health Care
- Focus on Redevelopment Areas

City's Zoning Code: *Existing Health Care Uses* (Page 1 of 2)

CONSOLIDATED USE TABLE																							
P = PERMITTED PRINCIPAL USE S = USE ALLOWED AS A SPECIAL EXCEPTION A = PERMITTED ACCESSORY USE BLANK CELL = PROHIBITED USE																							
USE TYPE	RM-12	RM-20	RM-30	RM-45	B-1	B-2	B-3	B-4	CR	I-1	HK	OP	TO	CF	REUD	POD	PD-TO	LAC	PD-1	PARKING	USE-SPECIFIC STANDARD	DEFINITION	
Blood/ tissue collection center					P	P	P						P			P	P	P			1 per 300 sq ft	None	A state-licensed facility where human blood, organs, skin, or other human tissue are either withdrawn or collected from patients or assembled after being withdrawn or collected elsewhere from patients for subsequent delivery to a clinical laboratory for examination. A collection facility is maintained at a separate physical location not on the grounds or premises of the main licensed laboratory or institution which performs the testing.
Drug or alcohol treatment facility							P	P					S	P		P	P	P			1 per 300 sq ft	None	A state-licensed substance abuse treatment facility that provides residential treatment, intensive outpatient treatment and addictions receiving facility, as defined in Fla. Stat. §397.311.
Hospital							P	P					S	P		P	P	P			1 per 3 inpatient beds	Min. 5 acres and fronts arterial or collector	A state-licensed institution that provides primary health services and medical or surgical care to humans, primarily inpatients, who are sick or injured, and including as an integral part of the institution, related facilities such as clinical laboratories, outpatient facilities, training facilities, central services facilities, and staff offices. Hospitals offer facilities and beds for use beyond 24 hours by persons needing medical treatment or service. This use type does not include nursing home facilities, medical treatment facilities, medical clinics, drug or alcohol treatment facilities, or psychiatric treatment facilities.
Massage therapy establishment					P	P	P	P	P				P	P	P	P	P	P	P		1 per 300 sq ft	None	A state-licensed establishment that offers, sells, or provides manipulation of the tissues or other tactile stimulation of the human body with the hand, foot, arm, leg, elbow, or part of the torso, whether or not aided by any electrical or mechanical device, by persons who are licensed as a massage therapist under Chapter 480 of the Florida Statutes. A massage may also include bathing, hydrotherapy (including colonic irrigation), thermal therapy, or application of chemicals, oils, lotions, or similar preparations to the human body.
Medical or dental clinic					P	P	P	P					P	P		P	P	P			1 per 300 sq ft	None	A small-scale facility where patients are admitted for examination and treatment by one or more physicians, dentists, or other health practitioners on a short-term basis. The use includes the offices of physicians, dentists, chiropractors, optometrists, podiatrists, audiologists, speech pathologists, physical therapists, acupuncturists, psychologists, and other health practitioners. It also includes facilities providing short-term outpatient care and treatment (which may or may not be overnight), such as urgent care centers, kidney dialysis centers, ambulatory surgical clinics, biofeedback centers, sleep disorder clinics, family planning clinics, community health clinics, and health maintenance organization (HMO) medical clinics. Such facilities that provide overnight care and treatment may include sleeping rooms for care workers and members of patients' families. This use does not include hospitals (which are much larger in scale) or blood/tissue collection centers, drug or alcohol treatment facilities, massage therapy establishments, or psychiatric treatment facilities (which provide specialized medical services).

City's Zoning Code: *Existing Health Care Uses* (Page 2 of 2)

CONSOLIDATED USE TABLE																							
P = PERMITTED PRINCIPAL USE S = USE ALLOWED AS A SPECIAL EXCEPTION A = PERMITTED ACCESSORY USE BLANK CELL = PROHIBITED USE																							
USE TYPE	RM-12	RM-20	RM-30	RM-45	B-1	B-2	B-3	B-4	CR	I-1	HX	OR	TO	CF	REJUD	PCD	PD-JO	LAC	PDI	PARKING	USE-SPECIFIC STANDARD	DEFINITION	
Medical or dental lab							P	P					P				P	P	P		1 per 300 sq ft	None	Consists of facilities and offices for performing diagnostic or therapeutic medical procedures of a non-surgical nature
Nursing home facility	P	P	P	P			P		P				P	P			P	P	P		1 per 5 beds	None	A state-licensed facility or any identifiable component of any facility in which the primary function is the provision, on a continuing basis, of nursing services and health-related services for the treatment and inpatient care of two or more non-related individuals, including facilities known by varying designations such as rest homes, convalescent homes, skilled care facilities, intermediate care facilities, extended care facilities, and infirmaries. Accessory uses may include dining rooms and recreation and physical therapy facilities for residents, and offices and storage facilities for professional and supervisory staff. This use type does not include the home or residence of any individual who cares for or maintains only persons related to him or her by blood or marriage. It also does not include assisted living facilities.
Psychiatric treatment facility							P	P					S	P			P	P	P		1 per 3 beds	None	An inpatient facility that provides care for persons with psychiatric problems and that may include outpatient follow-up care to the facility's patients.
Limited mental health treatment facility (Accessory Use)												A		A							1 per 300 sq ft	Located adjacent to either a collector or arterial roadway, and within ¼ mile of a mass-transit stop.	An accessory use for the practice of mental health counseling, practice of marriage and family therapy, and/or practice of clinical social work, as defined in F. S. § 491.003, on an out-patient basis only. This use strictly prohibits the on-site dispensing of both medicinal and non-medicinal drugs. This use strictly prohibits the written order or prescription for any medicinal and non-medicinal drugs.



Trends: Changing Provision of Health Care Uses

Major Trends in Health Care Services

- Per CDC, in 1960 only 5% of the GDP was for health care expenditures; in 2013 the amount was 17.4%
- Significant increase in percentage of population with health insurance due to:
 - Continuing growth in the Medicare-eligible population
 - Affordable Care Act (ACA)
 - From September 2013 to February 2015, 22.8 million Americans became newly insured and 5.9 million lost coverage, for a net gain of 16.9 million more insured.
- Significant increase in provision of mental health and substance abuse treatment due to:
 - Mental Health Parity and Addiction Equity Act
 - An increasing component of substance abuse treatment is the use of medication assisted treatment
- Additional treatment/focus on chronic care due to aging population
- Many insurance companies no longer require referrals to see specialists
- Medical Marijuana legalized in several states, and may be legalized in Florida
- Significant increase in obesity and related diseases
- More intensive Health Care uses moving into vacant shopping center locations due to cost of land, available space, and desired increase in access to population.

*The locations of health care uses have not changed;
however, the services offered at the locations have.*

ACA and Mental Health Parity and Addiction Equity Act

	Individuals who will gain mental health, substance use disorder, or both benefits under the Affordable Care Act, including federal parity protections	Individuals with existing mental health and substance use disorder benefits who will benefit from federal parity protections	Total individuals who will benefit from federal parity protections as a result of the Affordable Care Act
Individuals currently in individual plans	3.9 million	7.1 million	11 million
Individuals currently in small group plans	1.2 million	23.3 million	24.5 million
Individuals currently uninsured	27 million	n/a	27 million
<u>Total</u>	<u>32.1 million</u>	<u>30.4 million</u>	<u>62.5 million</u>

Source: US HUD – Office of the Assistant Secretary for Planning and Evaluation – Issue Brief (February 20, 2013) – “Affordable Care Act Expands Mental Health and Substance Use Disorder Benefits and Federal Parity Protections for 62 Million Americans”

Comment: This information provided by HUD clarifies how federal acts will result in the expansion of mental health services and substance abuse treatment services, due to the amount of individuals whose insurance will now cover these services

Hospitals, schools filling up empty shopping centers: Sun-Sentinel, 7/17/2015

- Across South Florida, service businesses are moving into former retail space left vacant when stores died in the recession or moved online.
- Service uses become a good replacement for many former “Big Box” retailer sites.
- Local hospitals are leading the move into storefronts
- Hospitals have installed at least a dozen urgent care centers and clinics in shopping areas in Broward and Palm Beach counties – with more to come.
- Last fall, Holy Cross Hospital in Fort Lauderdale opened an urgent care and imaging center in a former Boca Raton mattress store after starting its first urgent care facility in a closed Blockbuster near downtown Fort Lauderdale.
- Hospitals, like other service businesses, have found that converting stores can be cheaper and easier than buying land and site planning ‘ground-up’ construction.

Comment: This article highlights the new trend of intensive healthcare uses (as well as other institutional uses) moving into vacant shopping centers.



Analysis

Health Care Uses in Pompano Beach: *City & State Records Analysis*

- In order to analyze the amount, location, and types of health care uses in Pompano Beach, four sources of information were reviewed:
 1. City Business Tax Receipts – 2005 and 2015
 2. Florida Department of Children and Families (DCF) – 2015
 3. Florida Department of Health (DOH) – 2015
 4. Florida Agency for Health Care Administration (AHCA) – 2015
- Each of the agencies use their own categories, and may license different components of one health care facility.
 - i.e. DCF might license a facility as a Substance Abuse Treatment Center, while FL DOH licenses the professionals working at the facility, including the doctor, social workers, and mental health therapists, and the facility may also be licensed by AHCA if it performs in-house lab work.
- It is not possible to simply “add” the various licenses from the various state agencies.
- The City’s BTRs are *only* useful for tracking licensed professionals
 - The City’s BTR Dept. categorizes health care “facilities” as a professional offices
 - A doctor’s office will have two BTRs: a Professional Office and a Doctor.
 - Therefore the review of the City BTR solely analyses the health care professions category.

City Business Tax Receipts – 2005 and 2015

37 categories for Health Care Professionals

- Acupuncture
- Alf (Assisted Living Facility)
- Anesthesiologist
- Blood Bank
- Chiropractor
- Chiropractor Assistant
- Colon Irrigationist
- Dental Lab
- Dentist
- Nursing (RN,LPN,PRIVT duty)
- Nursing Home
- Nutritionist
- Occupational Therapist
- Ophthalmologist
- Optical Dispensary
- Optician
- Optometrist
- Osteopath
- Physical Therapist
- Dietitian
- Hearing Aid Specialist
- Home Health Care
- Lab Technician (DNTL/MEDCL)
- Marriage Family Therapist
- Massage Therapist
- Medical Lab
- Mental Health Counselor
- Nurse Practitioner
- Physical Therapist Assistant
- Physician
- Physician Assistant
- Podiatrist
- Psychiatrist
- Psychologist
- Psychotherapist
- Radiologist
- Speech therapist

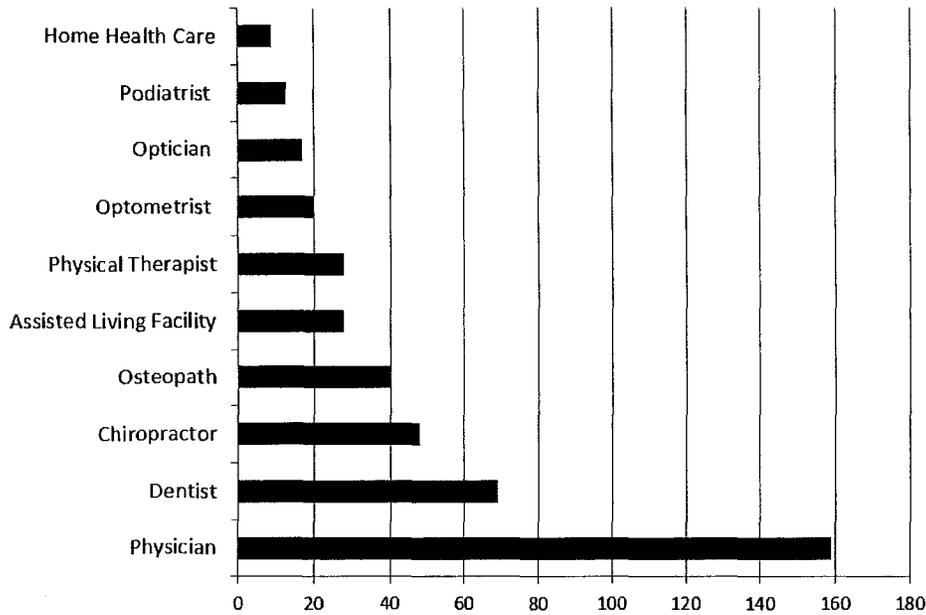
Total Number of Health Care BTRs

FY 2005 – 503

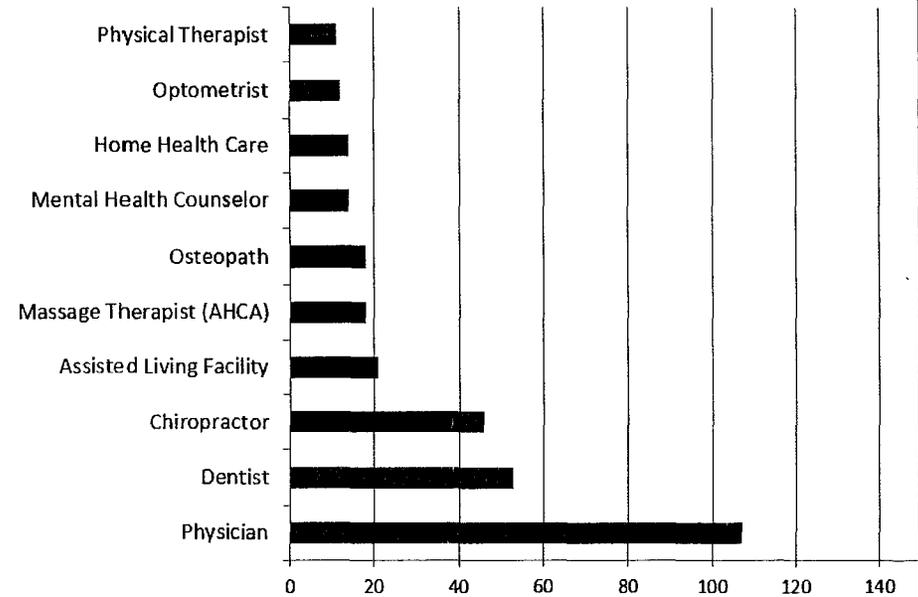
FY 2015 – 397

City Business Tax Receipts – 2005 and 2015

2005: Top 10 Categories with most BTRs



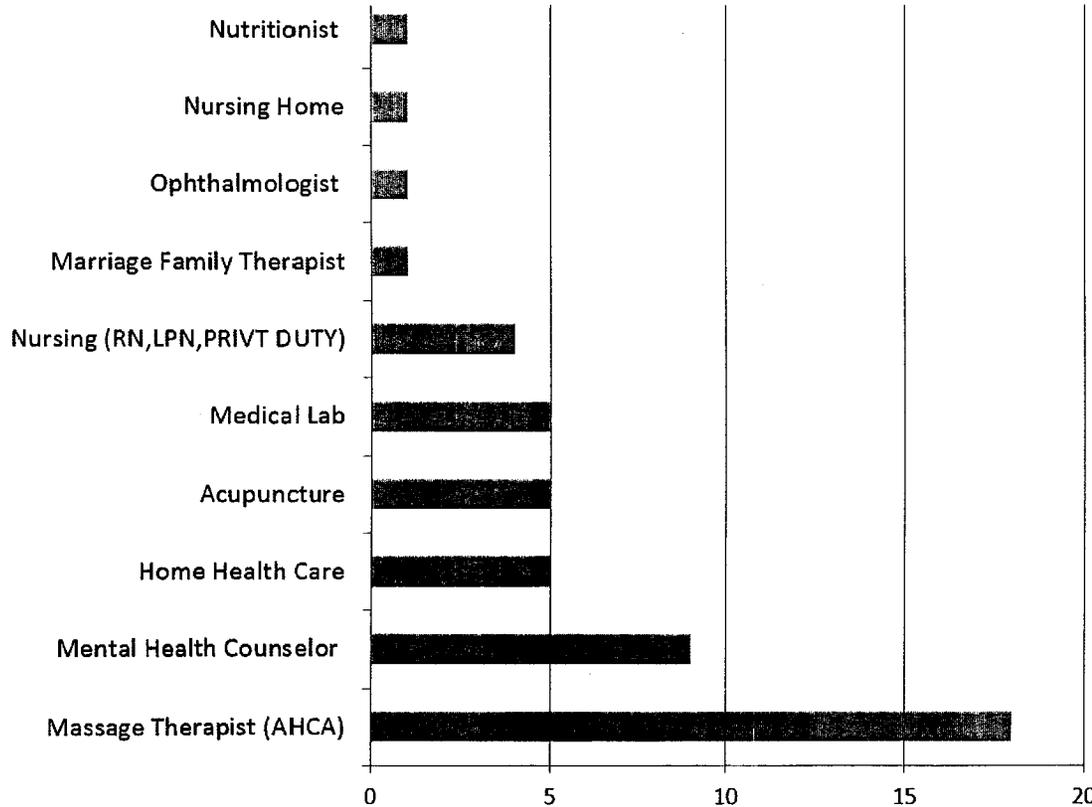
2015: Top 10 Categories with most BTRs



Comment: The above tables show the top 10 categories in 2005 and 2015. Physicians, Dentists, and Chiropractors continue to be the largest healthcare categories. In 2015, Massage Therapists and Mental Health Counselors joined the top 10 list and Optician and Podiatrist dropped off the list.

City Business Tax Receipts – 2005 and 2015

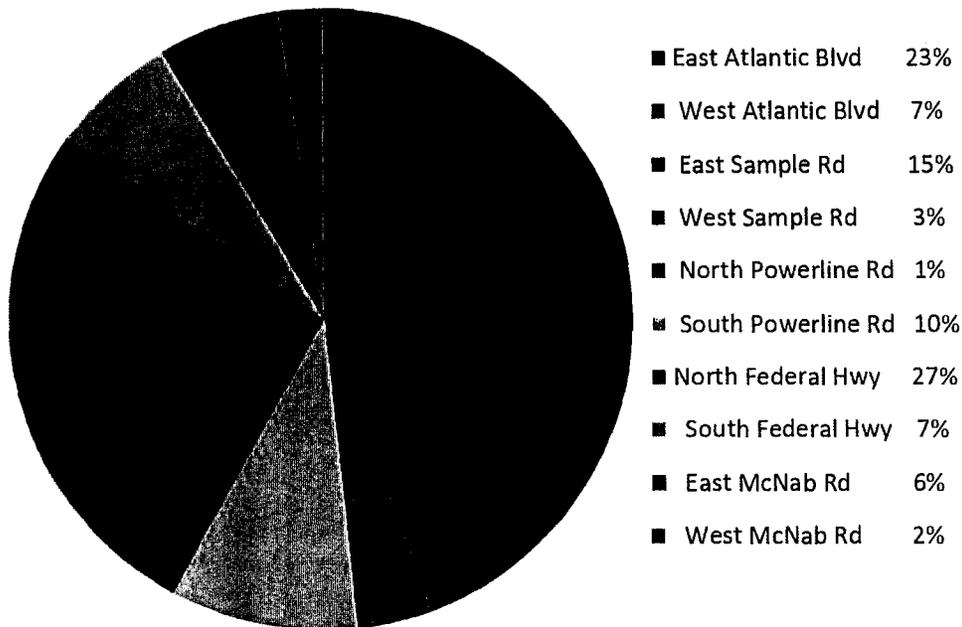
2005 to 2015: Top 10 Categories with Greatest Increase



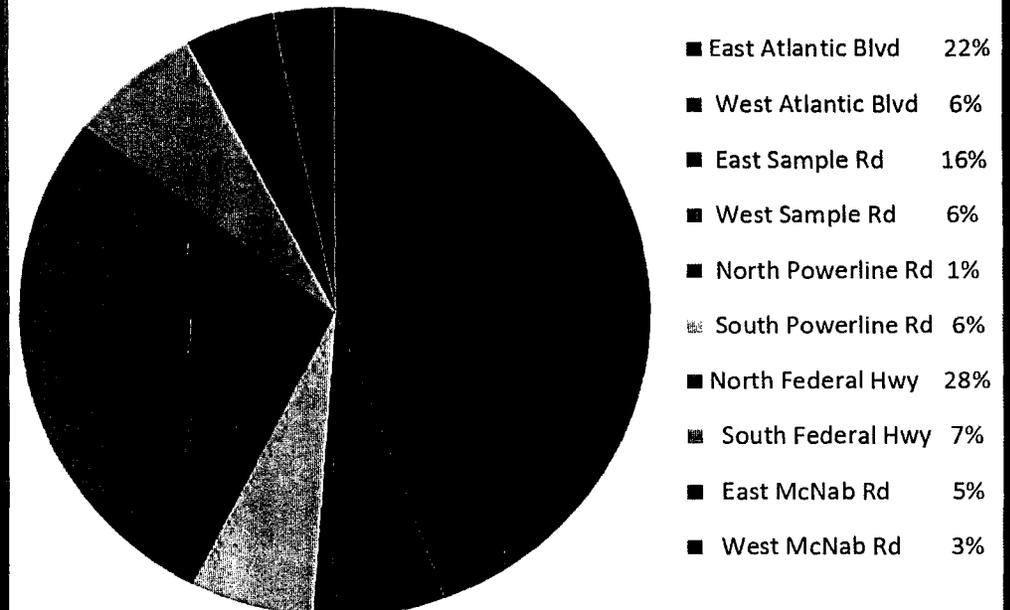
Comment: This table includes the top 10 categories with the biggest increases between 2005 and 2015. This table shows that the categories with the biggest increases are those within the "alternative" or mental health treatment realm, including massage therapists, mental health counselors, acupuncture, marriage family therapists, and nutritionists.

City Business Tax Receipts – 2005 and 2015

2005: Locations of BTRs on Major Corridors



2015: Locations of BTRs on Major Corridors



Comment: The pie charts indicate the locations of health care services along the city's major corridors have not changed since 2005. This substantiates the trend previously noted; *The locations of health care uses have not changed; however, the services offered at the locations have.*

FL Department of Children and Families

12 Licensure Categories

- Addictions Receiving Facility
- Detoxification
- Intensive Inpatient Treatment
- Residential Treatment (1 to 5*)
- Day/Night Treatment with Community Housing*
- Day/Night Treatment
- Intensive Outpatient Treatment*
- Outpatient Treatment
- Medication & Methadone Maintenance Treatment
- Aftercare
- Intervention
- Prevention

FAQ re DCF Terminology

Residential Treatment Level 5

Residential programs that provide only housing and meals at one location and who provide treatment services at alternate locations in facilities that are owned and operated by the same provider. (*Substance abuse provider is required to own and operates the housing*)

Day/Night Treatment with Community Housing

Clients live in a supportive, community housing location while participating in treatment. No treatment takes place in the housing where the clients live. The housing is utilized solely for the purpose of assisting clients in making a transition to independent living. (*Substance abuse provider is not required to own and operate the housing*)

Intensive Outpatient Treatment

Each client shall receive at least nine hours of substance abuse, mental health, and other related services per week.

Comment: The city has seen a rise in certain categories (as is shown on the next slide). A description of three common categories is provided above.

FL Department of Children and Families:

Substance Abuse and Mental Health Program Office

Licensed Substance Abuse or Behavioral Health Facilities – July 2015

Licensee	City BTR Year	Street Address	Treatment Offered										
			Day or Night Treatment	Day or Night Treatment with Community Housing	Outpatient Treatment	Intensive Outpatient Treatment	Residential Level			Detox			
							2	3	5	Intensive	Outpatient	Inpatient	
Bridges of America – The Turning Point Bridge, Inc	2000	400 SW 2 nd Street			Yes								
Metro Treatment of Florida LP (Behavioral Health only)	2003	380 S. Andrews Av			Yes								
Simple Path Recovery	2004	1990 N Federal Highway			Yes	Yes							
Lamb of God Recovery Centers	2007	971 S Dixie Highway	Yes							Yes			
Addiction Solutions by the Sea, Inc.	2011	3665 N Federal Highway	Yes	Yes	Yes	Yes							
Portner Counseling Group / Counseling of SWFL	2011	1800 N Federal Highway			Yes								
Holistix By The Sea, LLC	2011	3217 NE 9 th Street							Yes				
The Right Place Residential Detox	2012	213 NW 8 th Court							Yes		Yes	Yes	
Ocean Breeze Recovery, LLC	2013	2413 E Atlantic Blvd	Yes	Yes	Yes	Yes			Yes		Yes		
Almost There, LLC dba Lakehaven Recovery Center	2013	150 E. Sample Rd		Yes	Yes	Yes							
Northstar IOP	2013	1661 E. Sample Rd				Yes							
Henderson/Summit (Behavioral Health only)	2013	868 SW 10th Street								Yes			
Banyan Treatment and Recovery	2014	950 N Federal Highway	Yes		Yes	Yes							
Sovereign Health of Florida	2014	555 SW 12 Street		Yes	Yes	Yes							
Holistix By The Sea, LLC	2015	803 NW 2 nd Ave		Yes	Yes	Yes			Yes				
Pompano Treatment Center / Methadone Clinic	2015	555 S. Andrews Av			Yes						Yes		
Banyan Health Systems	2015	214 SW 2 nd Street						Yes					
Banyan Health Systems / Spectrum Programs	2015	220 SW 2 nd Street						Yes	Yes				
<i>(Approved by City) Changes Treatment</i>	2015	2310 E Atlantic Blvd		Yes		Yes							
<i>(Proposed) PMG Grace</i>	2015	3773 N Federal Highway		Yes									Yes
<i>(Approved by City) Ready for Recovery Treatment Center</i>	2015	1940 SE 2 nd Street		Yes		Yes							

Comment: Prior to 2011 the city only had three licensed substance abuse facilities and one behavioral health facility. Since 2011 the city has an additional 17 facilities, with seven of those opening in 2015 alone.

FL Department of Health

27 Licensure Categories

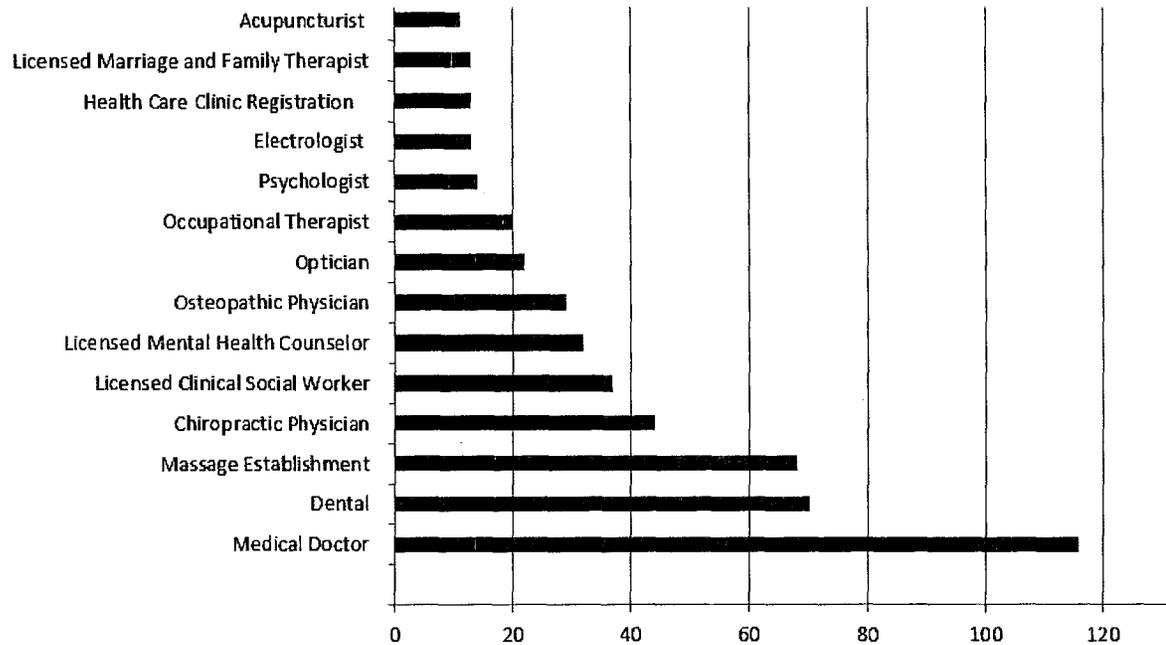
- Registered Nurse
- Medical Doctor
- Dental
- Massage Establishment
- Chiropractic Physician
- Licensed Clinical Social Worker
- Licensed Mental Health Counselor
- Osteopathic Physician
- Optician
- Occupational Therapist
- Psychologist
- Electrologist
- Health Care Clinic Registration
- Licensed Marriage and Family Therapist
- Acupuncturist
- Optical Establishment Permit
- Optometrist
- Dietetics/ Nutrients
- Medical Related Process Entity
- Pain Management Clinic
- Apprentice Optician
- Hearing Aid Specialist
- Approved Massage School
- Audiologist
- Nutrition Counselor
- Office Surgery Registration

Total Number of FL DOH Licensed Health Care Professionals in 2015

1,102

FL Department of Health

2015: Number of DOH Licenses (Top 14 Categories)



Comment: The top 14 DOH categories for the City are shown (Registered Nurse is #1, but not shown due to the 500+ licenses). Combined, the number of licensed Clinical Social Workers, Licensed Mental Health Counselors, Licensed Marriage and Family Therapists, and Psychologists is equal to the number of dentists in the city.

FL Agency for Health Care Administration

18 Licensure Categories

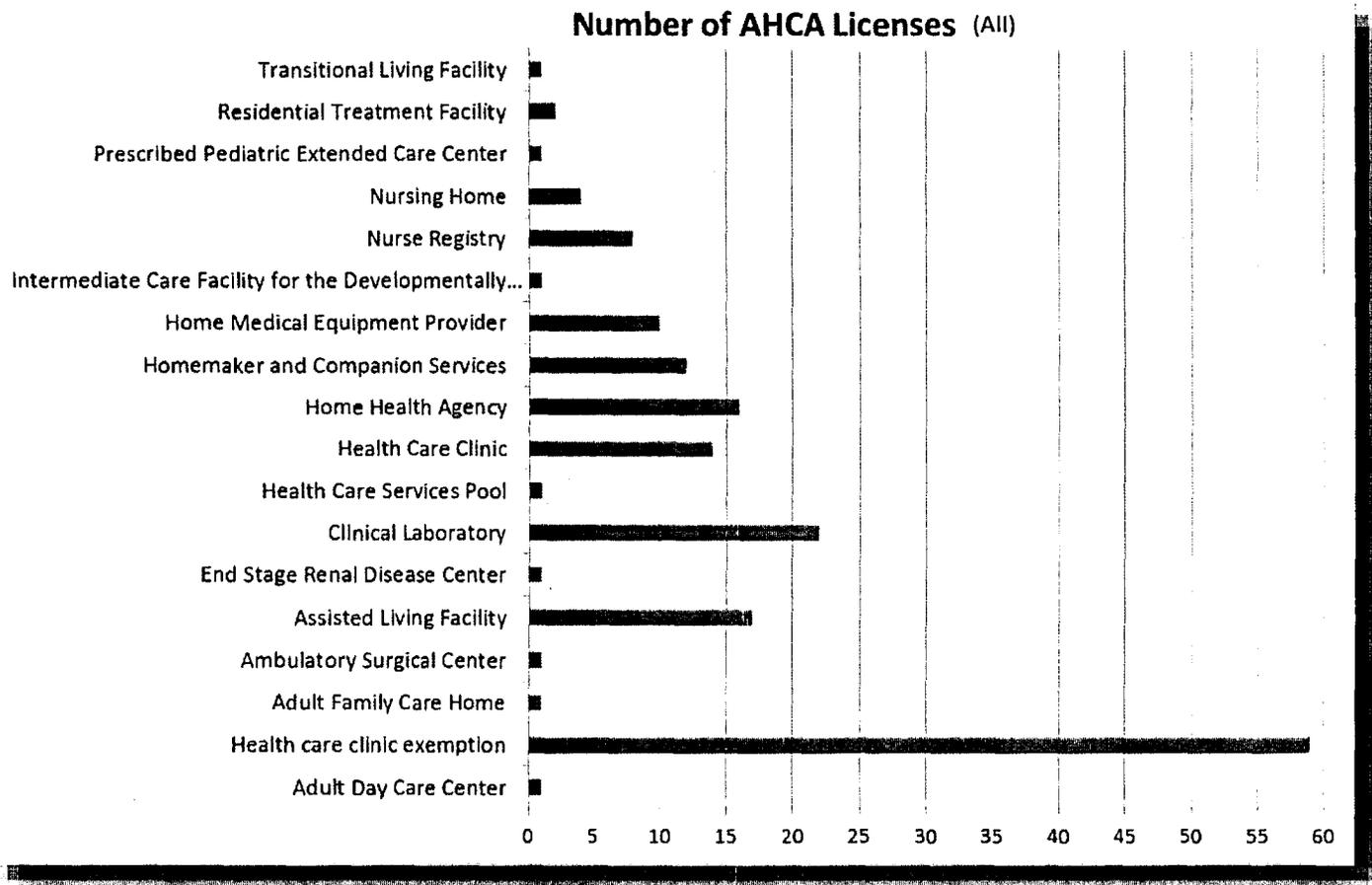
- Health Care Clinic Exemption
- Adult Day Care Center
- Adult Family Care Home
- Ambulatory Surgical Center
- End-Stage Renal Disease Center
- Clinical Laboratory
- Assisted Living Facility
- Health Care Clinic
- Health Care Services Pool
- Home Health Agency
- Home Medical Equipment Provider
- Homemaker and Companion Services
- Intermediate Care Fac. for the Dev. Disabled
- Nurse Registry
- Nursing Home
- Prescribed Pediatric Extended Care Center
- Residential Treatment Facility
- Transitional Living Facility

Total Number of AHCA Licensed Health Care Facilities in 2015

172

Comment: AHCA does not license professionals, rather it licenses health care facilities. This information is very useful since the City's BTR category for doctor's offices is "professional office". Therefore this data, plus facilities licensed by DCF, gives a better picture of the number of health care facilities in the city.

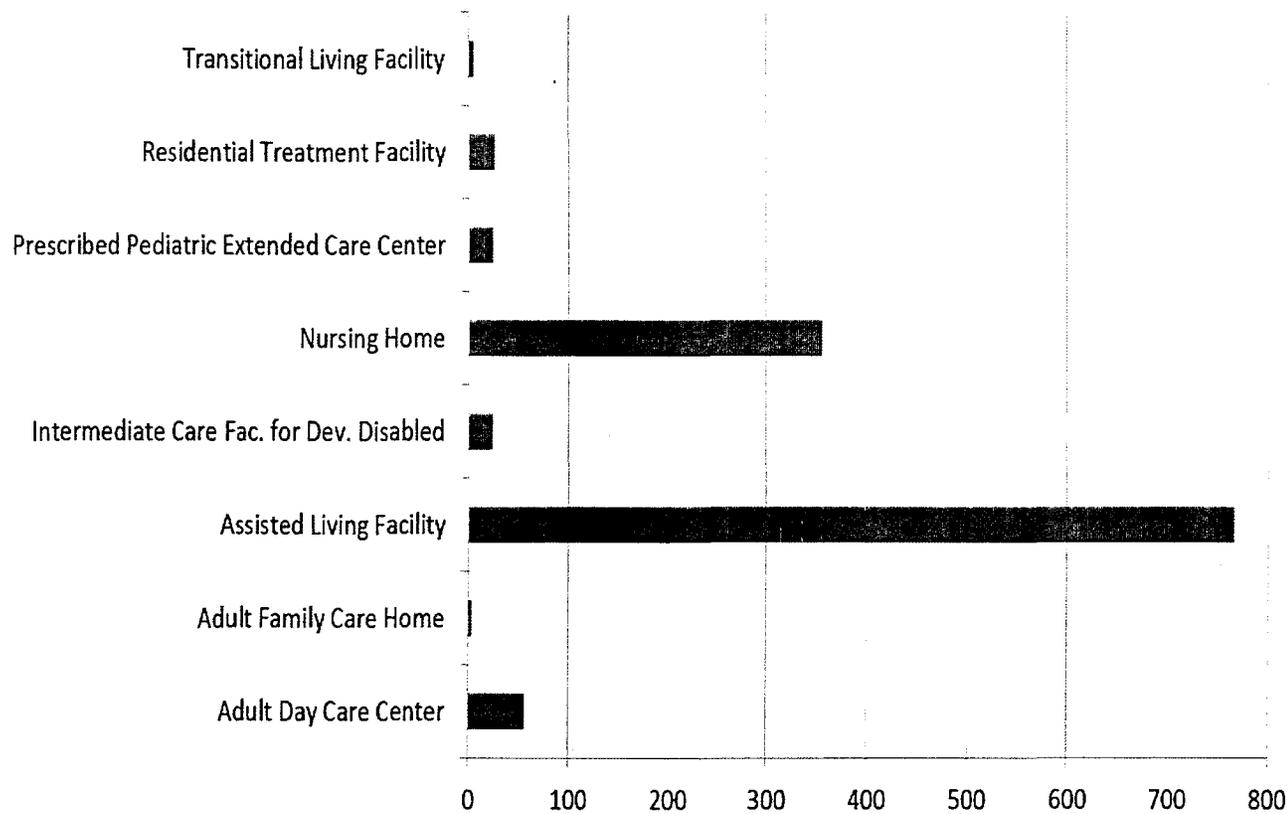
FL Agency for Health Care Administration



Comment: This chart shows the types and number of AHCA facilities in the city.

FL Agency for Health Care Administration

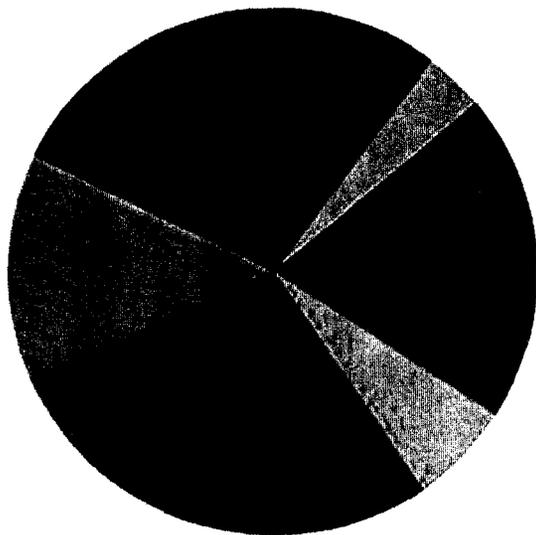
Number of AHCA Licensed Beds



Comment: This chart indicates there are over 700 ALF beds in the city, plus beds for other licensed uses.

Florida Agency for Health Care Administration: *Locations compared to City BTR locations*

2015: Locations of AHCA licenses on Major Corridors



■ East Atlantic Blvd	10%
■ West Atlantic Blvd	4%
■ East Sample Rd	15%
■ West Sample Rd	5%
■ North Powerline Rd	0%
■ South Powerline Rd	6%
■ North Federal Hwy	28%
■ South Federal Hwy	14%
■ East McNab Rd	6%
■ West McNab Rd	11%

2015: Locations of BTRs on Major Corridors



■ East Atlantic Blvd	22%
■ West Atlantic Blvd	6%
■ East Sample Rd	16%
■ West Sample Rd	6%
■ North Powerline Rd	1%
■ South Powerline Rd	6%
■ North Federal Hwy	28%
■ South Federal Hwy	7%
■ East McNab Rd	5%
■ West McNab Rd	3%

Comment: These tables indicate that the locations of licensed AHCA facilities are consistent with the locations of the City's BTRs for healthcare professionals. The only notable differences are E. Atlantic Blvd and W. McNab Rd.



Recommendations

Recommendation #1:

Regulate Health Care Uses by Intensity

APA “Planners Dictionary”: Intensity

Intensity is the degree to which land is occupied. There is no single measure of intensity of land use. Rather a land use is relatively more or less intense than another use. Generally, a particular use may be more intense due to one or more characteristics, such as:

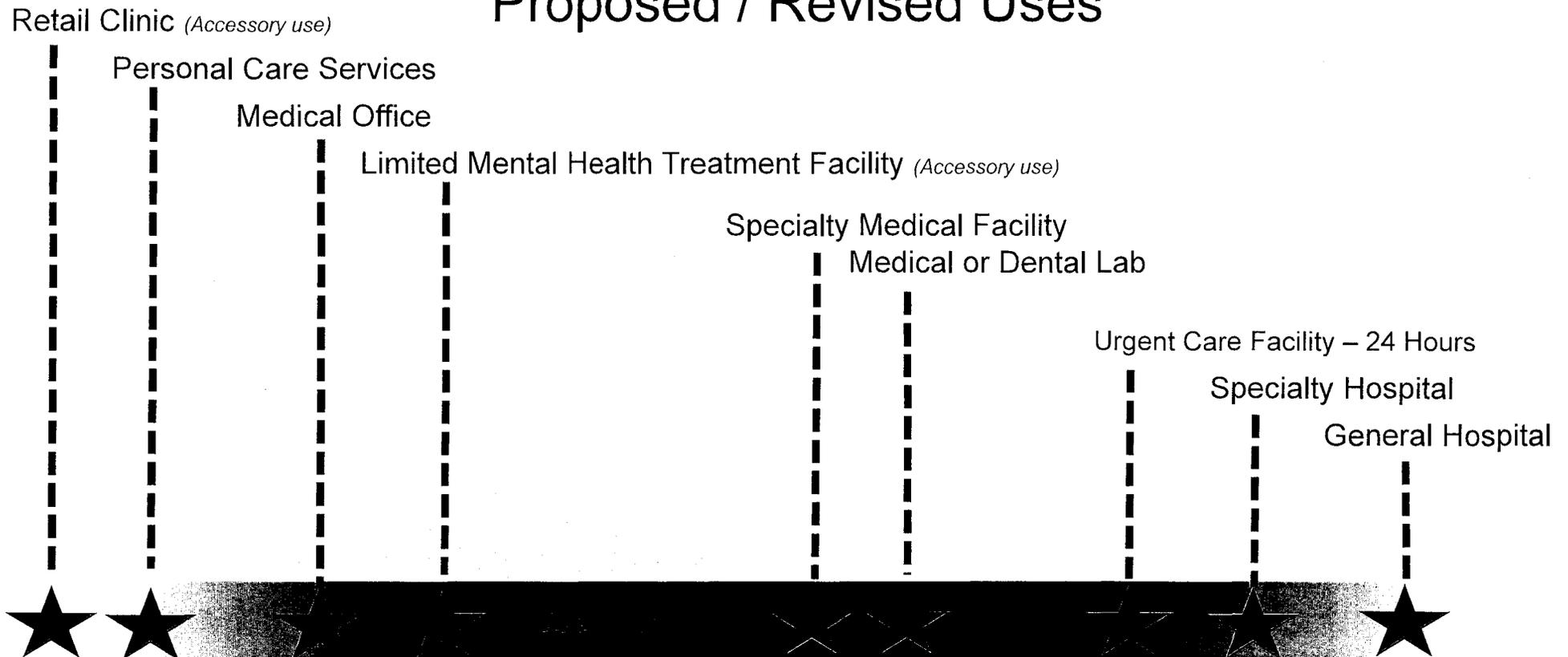
- Traffic generated
- Amount of impervious surface
- Bulk of the structures
- Number of employees
- Density
- Nuisance such as pollution, noise, light, etc...

Intensity of Health Care Uses:

- Total Number of healthcare professionals
- Number of patients per healthcare professional
- Hours of Operation
- Overnight treatment
- Type of Services Provided
- Treatment Length
- Facility Size

Recommendation #1: *Regulate Health Care Uses by Intensity*

Proposed / Revised Uses



Recommendation #2:

Permit Most Health Care Uses in City's Industrial Districts

- City's Land Use Plan does permit Office Uses, Medical or Dental Laboratories, and Community Facilities within the Industrial Land Use designation.
- City's Zoning Code does not permit health care uses in I-1 or OIP.
- A quick review of other Florida municipalities indicates some do permit healthcare uses in Industrial Districts.
- Staff is recommending most health care uses be permitted in I-1 and OIP.

Florida Cities which permit medical uses in Industrial Districts

Use	City / County	Permitted
Medical or Dental Lab/ Hospital and Specialty Hospital (in Office Park only)	Deerfield Beach	Permitted
Ophthalmologists & optometrists, emergency clinics, Osteopathic physicians, Ambulatory surgical facilities, Birthing facilities, alcohol and drug treatment, aids treatment, outpatient clinics, birth control centers, Marriage counselors, diet counseling, human services, social services, youth counselors, Hospitals, Psychiatric treatment	Orange County	Permitted
Office, medical	Tampa	Permitted
Health care facility, group III - Outpatient care facilities	Lee County	Special Exception
Hospitals or clinics	Sunrise	Special Exception
Medical Center, Rehab Center, Hospital, and Emergency Facilities	Doral	Permitted

Recommendation #3: *Revise Parking Standards for Health Care Uses*

- City currently requires parking as either 1 per 300 sq ft or 1 per 3 beds
- Staff researched parking standards in other Florida cities and other best practices.
- Staff is recommending revisions to parking requirements including:
 - ✓ Increased off-street parking
 - ✓ Reservation of spaces for emergency vehicles

Comment: While staff is recommending increasing the number of off-street parking spaces required, the impact on existing sites established for health care uses should be considered.

ANALYSIS OF FLORIDA STANDARDS

USE	CITY / COUNTY	PARKING
Medical clinics	Deerfield Beach	1 per 50 sq ft floor area for Group Counseling or treatment + 1 per 200 sq ft of remaining floor area
Medical Office (Doctor, dentist, clinic)	Fort Lauderdale	1 per 150 sf GFA
Dental clinic / Medical and dental offices / Medical clinic	Coral Springs	1 per 200 sq ft GFA
Medical offices, urgent care centers, dental clinics	Sunrise	1 per 150 sq ft GFA
Eye and hearing doctors, and outpatient medical clinics not open to the general public	Sunrise	1 per 250 sq ft GFA
Medical and dental office buildings or clinics; medical or dental laboratories	Plantation	1 per 150 sq ft GFA
Medical dental, optical clinics and offices	Orange County	1 per employee + 2 per exam room
Outpatient care facilities / Medical office	Lee County	1 per 222 sq ft GFA (Single Use Bldg) OR 1 per 250 sq ft GFA (Mult-Use Bldg.)
Medical, dental, eye, veterinary and other health-related uses	Tampa	1 per 167 sq ft GFA
Clinic	Tampa	1 per 143 sq ft GFA
Hospitals, sanitariums, and convalescent homes	Deerfield Beach	1 per bed + 1 / 250 sq ft
Hospital, specialty	Deerfield Beach	1 per 2 beds + 1 / 400 sq ft of remaining floor area
Hospital	Fort Lauderdale	2 per Bed (not including nursery beds)
Hospitals	Coral Springs	1.5 per bed
Hospitals	Sunrise	1 per bed
Hospitals	Plantation	2 per Bed (not including nursery beds)
Hospitals, sanitariums, rest and convalescent homes, foster group homes, all similar institutions	Orange County	2 per bedroom + 1 per 200 sq ft for office area
Hospitals.	Miami-Dade County	1 per bed for first 300 beds + 1 per 2 beds after 300 beds + 1 per 3 employees
Hospitals.	Lee County	1 per bed (except nursery) + 1 per employee on largest shift
Hospitals and associated uses	Tampa	1.2 per bed

Recommendation #4:

Separate Intense Uses from Residential Uses by 500 ft

Intensive health care uses are incompatible with residential uses due to:

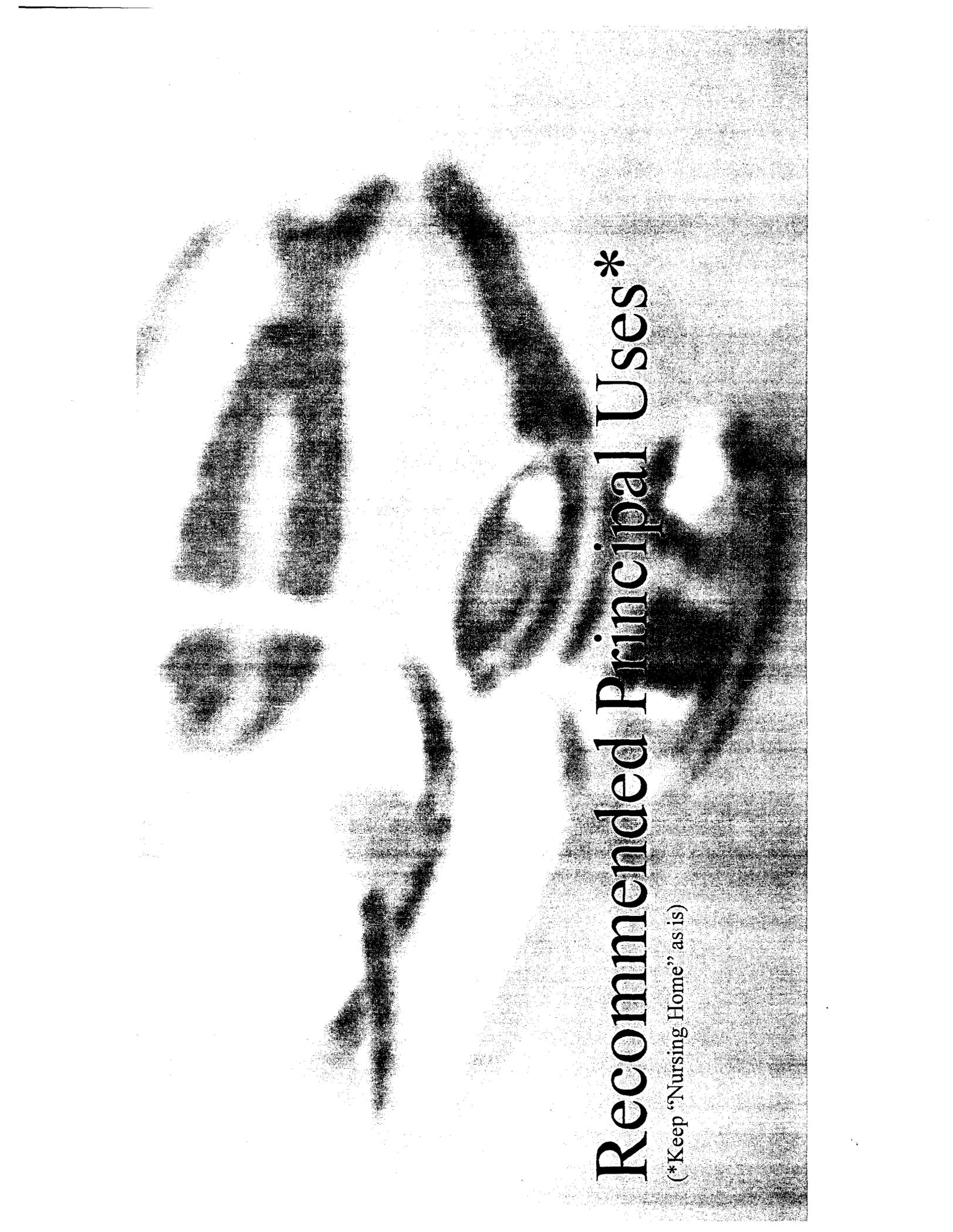
- Hours of operation
- Medical and Biomedical Waste
- Noise from ambulances, emergency vehicles, and heliports
- Lighting and glare from security lighting for patient / visitor safety and from vehicles entering and exiting facility
- Late-night deliveries
- Storage of fuel for generators and other explosive / flammable gasses

Why 500 ft?

- 500 ft is average length of a “block”
- Ensures that a use is reasonably accessible by residents, yet is far enough away to protect residents from impacts

Additional Considerations

- City's current Zoning Code treats intensive health care uses the same as less intensive uses
 - Use Intensity is a reflection of quantitative and qualitative components, such as hours of operations, number of doctors and staff, building size, numbers of clients, types of services provided, noise generated, parking needs, architecture and exterior appearance
 - Health Care uses locally and nationally are trending towards more intensive uses which may have significant impacts on adjacent properties
- Intensity of health care uses is not always reflective of the "size" of the health care facility or the number of medical professionals. However facility size is a reasonable indicator of impacts.
- The proposed recommendations seek to balance the city's objectives of protecting residential areas, ensuring uses are in the appropriate location, encouraging high paying jobs, and focusing on economic development.
 - Existing Uses will likely not be impacted by code changes, either due to legal conforming use status or lawfully existing special exception status.
 - Existing uses that want to expand may be required to provide additional parking or comply with standards related to hours of operation.
 - While this report strongly recommends allowing health care uses in the I-1 and OIP Districts, many of the existing buildings / sites in these districts were developed with parking requirement for industrial uses (1 space per 1,000 sq ft). The city could implement an administrative relief procedure specific to parking in the Industrial Districts.



Recommended Principal Uses*

(*Keep "Nursing Home" as is)

RECOMMENDED USE: *Medical Office*

- ✓ “Small-scale offices” for medical professionals
 - ✓ Defines “small-scale” as a maximum of 5,000 sq ft gfa.
 - ✓ No overnight stays
 - ✓ No treatment or similar services between 10:00 p.m. and 7:00 a.m.
 - ✓ If within 500 feet from RS and RD Districts, the hours of operation are 7:00 p.m. until 7:00 a.m.
- ❖ PARKING: Change from 1 per 300 sq ft to 1 per 200 sq ft



Use



A. MEDICAL OFFICE

1. Districts Where Permitted

RS-1	RS-2	RS-3	RS-4	RS-L	RD-1	RM-7	RM-12	RM-20	RM-30	RM-45	MH-12	B-1	B-2	B-3	B-4
												P	P	P	P

M-1	CR	I-1	I-IX	OIP	M-2	TO	PR	CF	PU	T	BP	RP UD	PC D	PD-TO	LA C	PD-I
		P		P		P		P					P	P	P	P

2. Definition

A medical office is a small-scale office providing medical or dental treatment. A small-scale office shall mean a maximum gross floor area of 5,000 sq ft. This use shall not include any uses specified as a Specialty Medical Facility. An office which is greater than 5,000 sq gfa shall be considered a Specialty Medical Facility.

3. Standards

A medical office shall comply with the following standards:

- a. Separation from Residential Uses. A medical office is not required to be separated from residential uses.
- b. Overnight Treatment. Overnight Treatment is prohibited.
- c. Hours of Operations.
 - i. Medical offices shall not offer treatment or similar services between the hours of 10:00 p.m. and 7:00 a.m.
 - ii. Medical offices within 500 feet of a Single Family (RS) or Two-Family (RD) Zoning District shall not offer treatment or similar services between the hours of 7:00 p.m. and 7:00 a.m.

RECOMMENDED USE: *Specialty Medical Facility*

- ✓ More intensive than Medical Office, either due to higher ratio of patients per doctor (i.e. group treatment), or the length of treatment (typically greater than one hour), or the hours of operation (treatment occurs after 7:00 p.m.), or the size of the facility
- ✓ Regardless of size, includes Dialysis Centers, Substance Abuse Treatment Facilities, Outpatient Rehabilitation Centers, Urgent Care facilities (not 24 hours), Outpatient Surgical Centers, and Health and Wellness Centers.
- ✓ Also Includes medical offices that are larger than 5,000 sq ft gfa
- ✓ No overnight stays
- ✓ No treatment or similar services between 10:00 p.m. and 7:00 a.m.
- ✓ Major difference from Medical Office:
 - Must be at least 500 feet from RS and RD Districts
 - Special Exception in B-3.
 - Not permitted in B-1, B-2, and TO
- ❖ **PARKING:** Change from 1 per 300 sq ft to 1 per 200 sq ft floor area for treatment + 1 per 300 sq ft for remaining areas

B. SPECIALTY MEDICAL FACILITY

1. Districts Where Permitted

RS-1	RS-2	RS-3	RS-4	RS-L	RD-1	RM-7	RM-12	RM-20	RM-30	RM-45	MH-12	B-1	B-2	B-3	B-4	
															S	P

M-1	CR	I-1	I-IX	OIP	M-2	TO	PR	CF	PU	T	BP	RP UD	PC D	PD-TO	LA C	PD-I
		P		P				P					P		P	P

2. Definition

A specialty medical facility is a facility, regardless of facility size, which offers specialized treatment and services including, but not limited to, ambulatory surgical facilities, dialysis centers, substance abuse treatment facilities, outpatient rehabilitation facilities, birthing facilities, and urgent care facilities (not including a 24-hour urgent care facility). This use also includes medical or dental offices which are larger than 5,000 sq ft gfa.

3. Standards

A specialty medical facility shall comply with the following standards:

- a. **Separation from Residential Uses.** The facility shall be at least 500 feet from a Single Family (RS) or Two-Family (RD) Zoning District.
- b. **Overnight Treatment.** Overnight Treatment is prohibited.
- c. **Hours of Operations.** The Facility shall not offer treatment or similar services between the hours of 10:00 p.m. and 7:00 a.m.

RECOMMENDED USE: *Urgent Care Facility – 24 hours*

- ✓ More intensive than Specialty Medical Facility due to hours of operation
- ✓ 24 hour operations are permitted but no “residential” treatment
- ✓ 500 feet from RS and RD Districts
- ✓ Same parking as Specialty Medical Facility
- ✓ Major difference from Specialty Medical Facility:
 - Require use to address vehicular access, and particularly emergency vehicular access
- ❖ PARKING: Change from 1 per 300 sq ft to 1 per 200 sq ft floor area for treatment + 1 per 300 sq ft for remaining areas

C. URGENT CARE FACILITY 24-HOURS

1. Districts Where Permitted

RS-1	RS-2	RS-3	RS-4	RS-L	RD-1	RM-7	RM-12	RM-20	RM-30	RM-45	MH-12	B-1	B-2	B-3	B-4
														<u>S</u>	<u>P</u>

M-1	CR	I-1	I-IX	OIP	M-2	TO	PR	CF	PU	T	BP	RP UD	PC D	PD-TO	LA C	PD-I
		<u>P</u>		<u>P</u>				<u>P</u>					<u>P</u>		<u>P</u>	<u>P</u>

2. Definition

An urgent care facility 24-hours is a facility which holds itself out to the general public as a walk-in, extended-hour access facility where immediate, but not emergent, care is provided. Patients shall be served solely on an outpatient basis and such services shall not include overnight stays.

3. Standards

An urgent care facility 24-hours shall comply with the following standards:

- a. **Separation from Residential Uses.** The facility shall be at least 500 feet from a Single Family (RS) or Two-Family (RD) Zoning District.
- b. **Overnight Treatment.** Overnight Treatment is prohibited.
- c. **Hours of Operations.** The facility may be open 24 hours per day.
- d. **Vehicular access and circulation systems and exterior signage** shall be designed to provide safe and separate emergency vehicle access to the facility, with minimal conflicts with other vehicular or pedestrian traffic in the area.

RECOMMENDED USE: *Specialty Hospital*

- ✓ More intensive than Urgent Care Facility 24-Hours due to overnight stays/residential treatment
- ✓ “Specialty Hospital” is a term found in FL SS / Hospital which offers a restricted range of services
 - Cancer Treatment Center of America
 - Fort Lauderdale Hospital (Psychiatric and Substance Abuse)
 - Children’s Hospital
- ✓ 500 ft from all Residential Districts
- ✓ Minimum 3 acres
- ✓ Requires Perimeter Security Plan
- ✓ Requires outdoor recreation space

- ❖ **PARKING:** Change from 1 per 3 inpatient beds to 1 per 1 bed + 1 per 250 sq ft of areas not used for beds or applicant can submit Parking Study



D. SPECIALTY HOSPITAL

1. Districts Where Permitted

RS-1	RS-2	RS-3	RS-4	RS-L	RD-1	RM-7	RM-12	RM-20	RM-30	RM-45	MH-12	B-1	B-2	B-3	B-4	
															<u>S</u>	<u>P</u>

M-1	CR	I-1	I-IX	OIP	M-2	TO	PR	CF	PU	T	BP	RPUD	PCD	PD-TO	LAC	PD-I
		<u>P</u>		<u>P</u>				<u>P</u>					<u>P</u>		<u>P</u>	

2. Definition

A specialty hospital is a hospital which offers a restricted range of services appropriate to the diagnosis, care, and treatment of patients with specific categories of medical or psychiatric illnesses or disorders which include: Specialty medical hospitals; Specialty rehabilitation hospitals; Specialty psychiatric hospitals, which may include beds licensed to offer Intensive Residential Treatment programs; Specialty substance abuse hospitals, which may include beds licensed to offer Intensive Residential Treatment programs; and an Addictions Receiving Facility.

3. Standards

A specialty hospital shall comply with the following standards:

- a. Separation from Residential Uses. The hospital shall be at least 500 feet from a Residential Zoning District.
- b. Overnight Treatment. Overnight Treatment is permitted.
- c. Hours of Operations. The hospital may be open 24 hours per day.
- d. The specialty hospital shall be located on a site that has an area of at least three acres and fronts on or has direct access to and from an arterial or collector street.
- e. Vehicular access and circulation systems and exterior signage shall be designed to provide safe and separate emergency vehicle access to the specialty hospital, with minimal conflicts with other vehicular or pedestrian traffic in the area.
- f. A Perimeter Security Plan is required and shall address at a minimum vehicular and pedestrian access to site, parking areas, and lighting.
- g. Outdoor recreation and/or passive space shall be provided for both patients and visitors.

REVISED USE: *General Hospital*

- ✓ More intensive than Specialty Hospital as this use is for broad range of services.
 - ✓ 500 ft from all Residential Districts
 - ✓ Minimum 5 acres
 - ✓ Requires Perimeter Security Plan
 - ✓ Requires outdoor recreation space
- ❖ **PARKING:** Change from 1 per 3 inpatient beds to 1 per 1 bed + 1 per 250 sq ft of areas not used for beds or applicant can submit Parking Study



C E. GENERAL HOSPITAL

1. Districts Where Permitted

RS-1	RS-2	RS-3	RS-4	RS-L	RD-1	RM-7	RM-12	RM-20	RM-30	RM-45	MH-12	B-1	B-2	B-3	B-4
														PS	P

M-1	CR	I-1	I-IX	OIP	M-2	TO	PR	CF	PU	T	BP	RPUD	PCD	PD-TO	LAC	PD-I
		P		P		S		S					P	P	P	

2. Definition

A general hospital is a state-licensed institution that provides primary health services and medical or surgical care to humans, primarily inpatients, who are sick or injured, and including as an integral part of the institution, related facilities such as clinical laboratories, outpatient facilities, training facilities, central services facilities, and staff offices. Hospitals offer facilities and beds for use beyond 24 hours by persons needing medical treatment or service. ~~This use type does not include nursing home facilities, medical treatment facilities, medical clinics, drug or alcohol treatment facilities, or psychiatric treatment facilities.~~

3. Standards

A hospital shall comply with the following standards:

- a. Separation from Residential Uses. The hospital shall be at least 500 feet from a Residential Zoning District.
- b. Overnight Treatment. Overnight Treatment is permitted.
- c. Hours of Operations. The hospital may be open 24 hours per day.
- ad. The hospital shall be located on a site that has an area of at least five acres and fronts on or has direct access to and from an arterial or collector street.
- be. Vehicular access and circulation systems and exterior signage shall be designed to provide safe and separate emergency vehicle access to the hospital, with minimal conflicts with other vehicular or pedestrian traffic in the area.
- f. A Perimeter Security Plan is required and shall address at a minimum vehicular and pedestrian access to site, parking areas, and lighting.
- g. Outdoor recreation and/or passive space shall be provided for both patients and visitors.

REVISED USE: *Medical or Dental Lab*

- ✓ Revise Definition to include definitions of Blood and Tissue Collection Center and Blood Plasma Donation Centers
- ✓ Make Special Exception in B-3
- ✓ Permit in I-1 and OIP

- ❖ PARKING: Change from 1 per 300 sq ft to 1 per 500 sq ft

F. MEDICAL OR DENTAL LAB

1. Districts Where Permitted

RS-1	RS-2	RS-3	RS-4	RS-L	RD-1	RM-7	RM-12	RM-20	RM-30	RM-45	MH-12	B-1	B-2	B-3	B-4	
														P	S	P

M-1	CR	I-1	I-IX	OIP	M-2	TO	PR	CF	PU	T	BP	RP UD	PC D	PD-TO	LA C	PD-I
		P		P		P		P					P	P	P	

2. Definition

A medical or dental lab consists of facilities and offices for performing diagnostic or therapeutic medical procedures of a non-surgical nature; providing diagnostic analysis of medical tests (such as blood test urinalysis, CT Scan, X-ray or other medical tests related to diagnostic treatment); collecting or withdrawing human blood, organs, skin, or other human tissue; or producing such items as dentures, caps, bridges and optical prescriptions.



Recommended Accessory Uses

REVISED USE: *Limited Mental Health Treatment Facility*

- ✓ Revise Definition to exclude facilities with intensive outpatient
- ❖ PARKING: Require portion of building used for use to provide 1 per 200 sq ft

RR. LIMITED MENTAL HEALTH TREATMENT FACILITY

2. Definition

A limited mental health treatment facility is an accessory use for the practice of mental health counseling, practice of marriage and family therapy, and/or practice of clinical social work, as defined in F. S. § 491.003, on an a non-intensive out-patient basis only. This use strictly prohibits the on-site dispensing of both medicinal and non-medicinal drugs. This use strictly prohibits the written order or prescription for any medicinal and non-medicinal drugs.

RECOMMENDED USE: *Retail Clinic*

- ✓ Permitted locations – same as grocery stores, big box stores, and pharmacies

BACKGROUND INFORMATION:

- Retail clinics range in size from one exam room to multiple exam rooms, with sinks and exam tables. The clinics generally occupy 200-500 square feet and are outfitted with all the necessities of an outpatient health care office. Most of the clinics are open seven days a week – twelve hours a day during the workweek and eight hours on Saturday and Sunday.
- The clinics are primarily staffed by NPs, along with physician assistants (PAs) and physicians tied to a corporate entity.
- The first clinics opened in 2000.
- As of November 2014, there were approximately 1,805 retail clinics throughout the country, a number projected to reach upward of 2,800 by 2015
- Nearly half (44 percent) of all clinics were located in five states (Florida, California, Texas, Minnesota, and Illinois).

Health Care on Aisle 7, NY Report on Convenient Care, Retail clinics: Update and Implications

As of July 2009, there were approximately 1,107 retail clinics in operation (Figure 1) in the United States.

Figure 1. Total retail clinics in operation

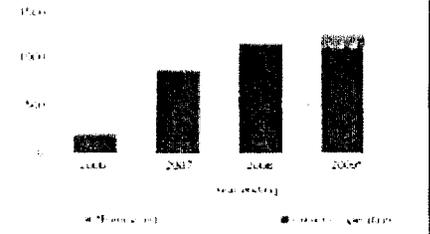
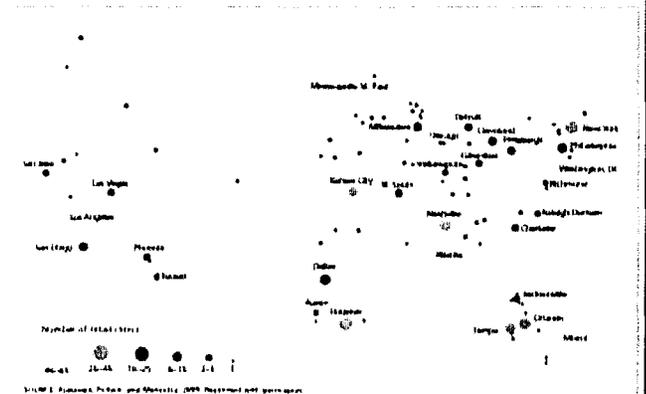


Figure 1
Location of Retail Clinics in the United States



VI. RETAIL CLINIC

1. Districts Where Permitted

<u>RS-1</u>	<u>RS-2</u>	<u>RS-3</u>	<u>RS-4</u>	<u>RS-L</u>	<u>RD-1</u>	<u>RM-7</u>	<u>RM-12</u>	<u>RM-20</u>	<u>RM-30</u>	<u>RM-45</u>	<u>MH-12</u>	<u>B-1</u>	<u>B-2</u>	<u>B-3</u>	<u>B-4</u>
												A	A	A	A

<u>M-1</u>	<u>CR</u>	<u>I-1</u>	<u>I-IX</u>	<u>OIP</u>	<u>M-2</u>	<u>TO</u>	<u>PR</u>	<u>CF</u>	<u>PU</u>	<u>T</u>	<u>BP</u>	<u>RP-UD</u>	<u>PC-D</u>	<u>PD-TO</u>	<u>LA-C</u>	<u>PD-I</u>
		A				A						A	A	A	A	A

2. Definition

A retail clinic is an accessory use located within a grocery store, pharmacy, or large retail store for the diagnosis and treatment of common household illnesses such as strep throat and eye, ear, sinus and other similar infections; the treatment of minor wounds; abrasions and joint sprains; the injection of common vaccinations; wellness services; and routine lab tests.



Recommended Uses, not Health
Care

REVISED USE: *Personal Services Establishment*

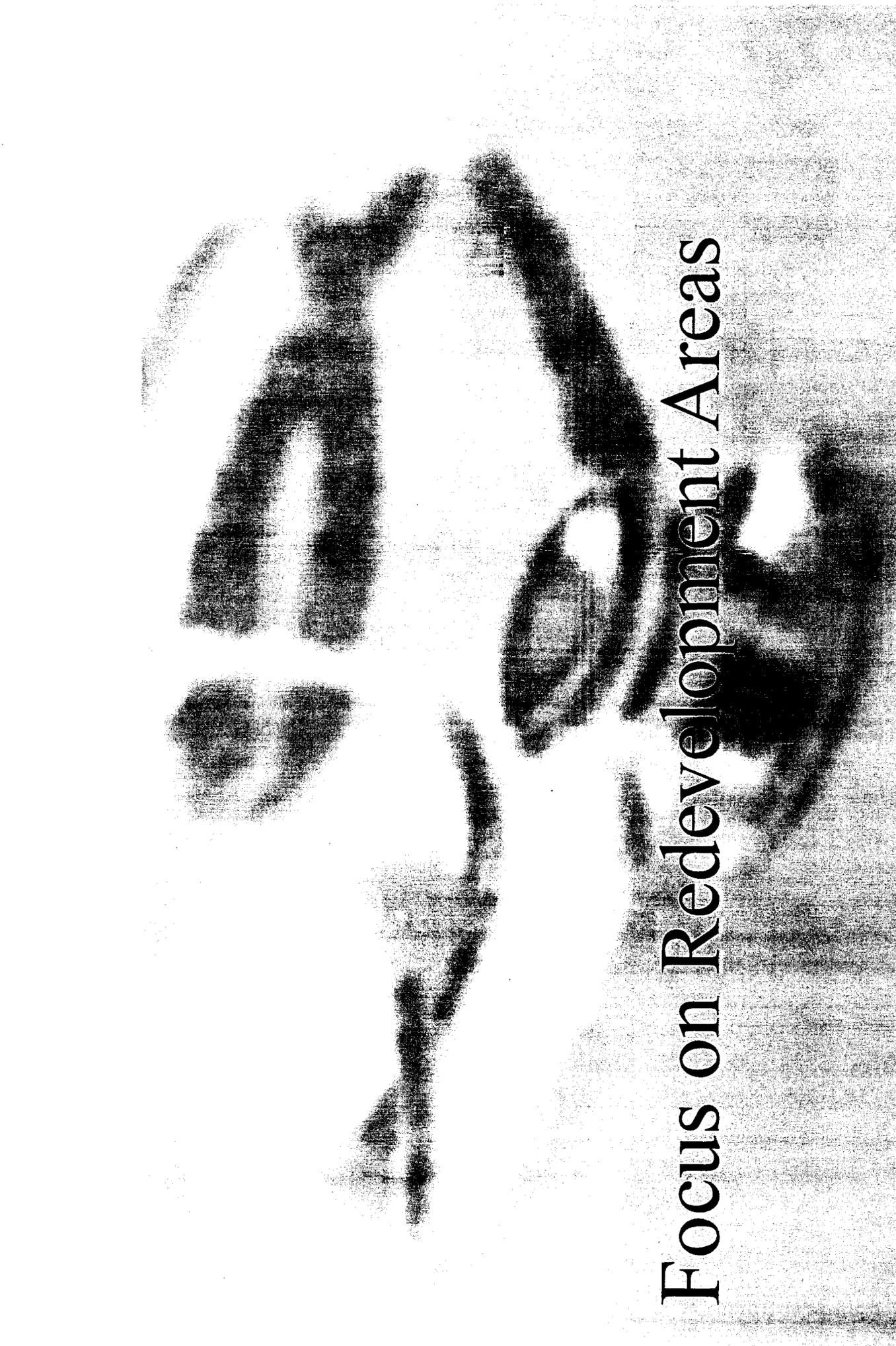
- ✓ Existing Commercial Use.
- ✓ Revise Definition to include Massage Therapy, Optometrist, and Hearing Aide
 - These services are typically offered in a retail setting and/or in conjunction with retail sales.

K. PERSONAL SERVICES ESTABLISHMENTS

1. Definition

A personal services establishment is an establishment primarily engaged in the provision of frequent or recurrent needed services of a personal nature that are not typically medically related. Examples include but are not limited to, hair salons, tanning salons, and nail care salons, barber shops, yoga studios, martial arts studios, massage therapy (by persons who are licensed as a massage therapist under Chapter 480 of the Florida Statutes), hearing aids and/or optometry services, and similar establishments—but not including any sexually oriented business.





Focus on Redevelopment Areas

Northwest Community Redevelopment Plan (1989)

- ✓ This district would strive to promote a cohesive development redevelopment of the historic downtown by implementing attractive and pedestrian oriented areas through incentives and guidelines regarding parking and landscaping.
- ✓ Viable commercial uses to revitalize MLK Boulevard and Old Downtown
- ✓ The NWCRA contains a substantial number of slums, deteriorated structures that are a menace to the health, safety or welfare of area residents. The existence of these slum and blighted conditions contribute substantially to the spread of disease and crime, decrease the tax base and substantially impair or arrest sound growth.
- ✓ Through programs aimed at the elimination of slum and blighted conditions and improving the standard of living of its residents, the CRA hopes to provide the catalyst for the revitalization of the entire area.
- ✓ Downtown has to be a unique, niche market. It offers the kind of historic character, walkable streets, and cultural amenities that are difficult to match in a conventional shopping center.
- ✓ A good downtown retail environment can also tap underserved markets that are typically not targeted by the typical consumer establishment. The uses best suited to this kind of an environment include:
 - Art, antiques, local crafts, and specialty gifts.
 - Dining and food specialties such as ice cream, bakeries, cafes
 - Entertainment, music, bars, and games
 - Specialty apparel and accessories
 - Tourist oriented items such as souvenirs, maritime themed goods etc.
 - Downtown has to be managed as a coordinated retail environment. A consistent image campaign, marketing program

East Community Redevelopment Plan (2001)

- ✓ The AOD allows for a wide range and mix of commercial entertainment, office, hotel and residential uses, creating a safe pedestrian oriented area
- ✓ The AOD is intended to foster a denser, mixed use and more pedestrian friendly character.
- ✓ Consistent approach to redevelopment that will reinforce the sense of the area as a distinctive commercial and entertainment district.
- ✓ Through programs aimed at the elimination of slum and blighted conditions and improving the standard of living, the CRA hopes to provide the catalyst for the revitalization of the entire area.
- ✓ The existence of these blighted conditions contributes substantially to the spread of crime, decrease the tax base and impair or arrest sound growth.
- ✓ The successful reprogramming and merchandising of the retail environment in the East CRA should also be mindful of certain trends and characteristics in traditional, pedestrian oriented retail districts.
- ✓ The Atlantic Boulevard corridor should also be managed as a coordinated retail environment. A consistent image campaign, marketing program, and area-wide promotions are essential.

Health Care Use Regulations from CRA's

Daytona Beach CRA:

- Added language to allow treatment facilities and residential care facilities as a conditional use.
- Prohibit massage parlors.
- The City of Daytona Redevelopment Midtown Zoning Districts prohibit:
 - Blood/tissue collection centers
 - Drug or alcohol treatment facility
 - Medical treatment facility
 - Psychiatric treatment facility.

Specific Concern: Massage Establishments

FLORIDA CRACKING DOWN ON MASSAGE PARLORS

"From May 13 to 15, across the state, a slew of "body rub" businesses was busted by the Department of Health for operating without proper massage licenses....More than a third of those orders — 24 of them — were in Broward and Palm Beach counties. "BROWARD/PALM BEACH NEW TIMES JULY 8, 2015

City of Hollywood, FL:

- Instituted distance requirements for massage establishments (2500 ft. from each use).

City of Mountain View, CA:

- Requires conditional review for massage establishments

General Recommendations for AOD and DPOD

- ✓ Prohibit health care uses that do not foster pedestrian activity and tourism.
- ✓ Prohibit health care uses that are not in accordance with CRA redevelopment plans.
- ✓ Discourage the agglomeration of health care uses that the potential to inhibit the ability to foster tourism and mixed use development in accordance with CRA redevelopment plans.

Specific Recommendations for AOD and DPOD

Uses Currently Prohibited

- Blood/tissue collection center
- Drug or Alcohol Treatment Facility which provides inpatient treatment
- Hospital
- Medical or Dental Clinic which provides overnight care and treatment
- Psychiatric Treatment Facility which provides inpatient treatment

Uses Proposed to Prohibited

- Specialty Medical Facility
 - Medical or Dental Lab
- Urgent Care Facility – 24 Hours
 - Specialty Hospital
 - General Hospital



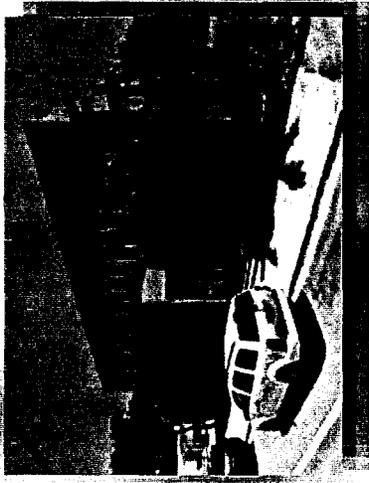
Recommended Use Specific Standards

In AOD and DPOD:

- Personal Services Establishment which only offer Massage Therapy shall be required to comply with the following use specific standards:
 - Require public entrance from the storefront (no side or rear public entrance)
 - SE approval required if they are less than 1,000 feet from another establishment only offering massage therapy (measured from public entrances)
- Medical Offices:
 - Hours of Operation are limited to 7:00 a.m. until 7:00 p.m.

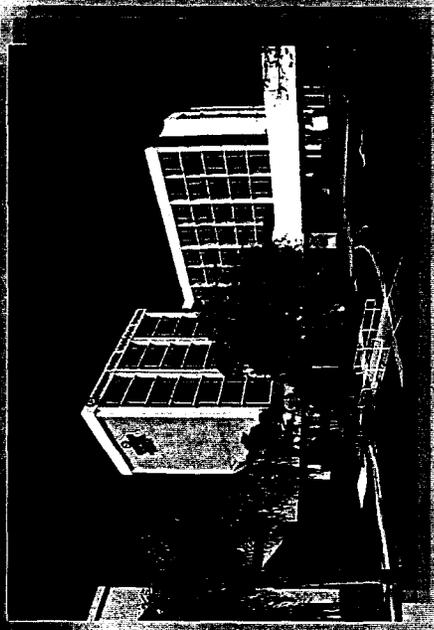
In AOD only:

- Medical Offices:
 - For properties abutting Atlantic Blvd, only the “lobby” may be located on the 1st floor. No treatment maybe provided on 1st floor.



The Right Use in the Right Location: Health Care Uses

November 2015



A. MEDICAL OFFICE

1. Districts Where Permitted

RS-1	RS-2	RS-3	RS-4	RS-L	RD-1	RM-7	RM-12	RM-20	RM-30	RM-45	MH-12	B-1	B-2	B-3	B-4
												P	P	P	P

M-1	CR	I-1	I-IX	OIP	M-2	TO	PR	CF	PU	T	BP	RP UD	PC D	PD-TO	LA C	PD-I
		P		P		P		P					P	P	P	P

2. Definition

A medical office is a small-scale office providing medical or dental treatment. A small-scale office shall mean a maximum gross floor area of 5,000 sq ft. This use shall not include any uses specified as a Specialty Medical Facility. An office which is greater than 5,000 sq gfa shall be considered a Specialty Medical Facility.

3. Standards

A medical office shall comply with the following standards:

- a. **Separation from Residential Uses.** A medical office is not required to be separated from residential uses.
- b. **Overnight Treatment.** Overnight Treatment is prohibited.
- c. **Hours of Operations.**
 - i. Medical offices shall not offer treatment or similar services between the hours of 10:00 p.m. and 7:00 a.m.
 - ii. Medical offices within 500 feet of a Single Family (RS) or Two-Family (RD) Zoning District shall not offer treatment or similar services between the hours of 7:00 p.m. and 7:00 a.m.

B. SPECIALTY MEDICAL FACILITY

1. Districts Where Permitted

RS-1	RS-2	RS-3	RS-4	RS-L	RD-1	RM-7	RM-12	RM-20	RM-30	RM-45	MH-12	B-1	B-2	B-3	B-4	
															S	P

M-1	CR	I-1	I-X	OIP	M-2	TO	PR	CF	PU	T	BP	RP UD	PC D	PD-TO	LA C	PD-I
		P		P				P					P		P	P

2. Definition

A specialty medical facility is a facility, regardless of size, offering specialized treatment and services including, but not limited to, ambulatory surgical facilities, dialysis centers, substance abuse treatment facilities, outpatient rehabilitation facilities, birthing facilities, and urgent care facilities (not including a 24-hour urgent care facility). This use also includes medical or dental offices which are larger than 5,000 sq ft gfa.

3. Standards

A specialty medical facility shall comply with the following standards:

- a. Separation from Residential Uses. The facility shall be at least 500 feet from a Single Family (RS) or Two-Family (RD) Zoning District.
- b. Overnight Treatment. Overnight Treatment is prohibited.
- c. Hours of Operations. The Facility shall not offer treatment or similar services between the hours of 10:00 p.m. and 7:00 a.m.

C. URGENT CARE FACILITY 24-HOURS

1. Districts Where Permitted

RS-1	RS-2	RS-3	RS-4	RS-L	RD-1	RM-7	RM-12	RM-20	RM-30	RM-45	MH-12	B-1	B-2	B-3	B-4	
															S	P

M-1	CR	I-1	I-IX	OIP	M-2	TO	PR	CF	PU	T	BP	RP UD	PC D	PD-TO	LAC	PD-I
		P		P				P					P		P	P

2. Definition

An urgent care facility 24-hours is a facility which holds itself out to the general public as a walk-in, extended-hour access facility where immediate, but not emergent, care is provided. Patients shall be served solely on an outpatient basis and such services shall not include overnight stays

3. Standards

An urgent care facility 24-hours shall comply with the following standards:

- a. Separation from Residential Uses. The facility shall be at least 500 feet from a Single Family (RS) or Two-Family (RD) Zoning District.
- b. Overnight Treatment. Overnight Treatment is prohibited.
- c. Hours of Operations. The facility may be open 24 hours per day.
- d. Vehicular access and circulation systems and exterior signage shall be designed to provide safe and separate emergency vehicle access to the facility, with minimal conflicts with other vehicular or pedestrian traffic in the area.

D. SPECIALTY HOSPITAL

1. Districts Where Permitted

RS-1	RS-2	RS-3	RS-4	RS-L	RD-1	RM-7	RM-12	RM-20	RM-30	RM-45	MH-12	B-1	B-2	B-3	B-4	
															S	P

M-1	CR	I-1	I-IX	OIP	M-2	TO	PR	CF	PU	T	BP	RP UD	PC D	PD-TO	LA C	PD-I
		P		P				P					P		P	

2. Definition

A specialty hospital is a hospital which offers a restricted range of services appropriate to the diagnosis, care, and treatment of patients with specific categories of medical or psychiatric illnesses or disorders which include: Specialty medical hospitals; Specialty rehabilitation hospitals; Specialty psychiatric hospitals, which may include beds licensed to offer Intensive Residential Treatment programs; Specialty substance abuse hospitals, which may include beds licensed to offer Intensive Residential Treatment programs; and an Addictions Receiving Facility.

3. Standards

A specialty hospital shall comply with the following standards:

- a. Separation from Residential Uses. The hospital shall be at least 500 feet from a Residential Zoning District.
- b. Overnight Treatment. Overnight Treatment is permitted.
- c. Hours of Operations. The hospital may be open 24 hours per day.
- d. The specialty hospital shall be located on a site that has an area of at least three acres and fronts on or has direct access to and from an arterial or collector street.
- e. Vehicular access and circulation systems and exterior signage shall be designed to provide safe and separate emergency vehicle access to the specialty hospital, with minimal conflicts with other vehicular or pedestrian traffic in the area.
- f. A Perimeter Security Plan is required and shall address at a minimum vehicular and pedestrian access to site, parking areas, and lighting.
- g. Outdoor recreation and/or passive space shall be provided for both patients and visitors.

C E. GENERAL HOSPITAL

1. Districts Where Permitted

RS-1	RS-2	RS-3	RS-4	RS-L	RD-1	RM-7	RM-12	RM-20	RM-30	RM-45	MH-12	B-1	B-2	B-3	B-4
														P	P

M-1	CR	I-1	I-X	OIP	M-2	TO	PR	CF	PU	T	BP	RP UD	PC D	PD-TO	LA C	PD-I
		P		P		S		S					P	P	P	

2. Definition

A general hospital is a state-licensed institution that provides primary health services and medical or surgical care to humans, primarily inpatients, who are sick or injured, and including as an integral part of the institution, related facilities such as clinical laboratories, outpatient facilities, training facilities, central services facilities, and staff offices. Hospitals offer facilities and beds for use beyond 24 hours by persons needing medical treatment or service. ~~This use type does not include nursing home facilities, medical treatment facilities, medical clinics, drug or alcohol treatment facilities, or psychiatric treatment facilities.~~

3. Standards

A hospital shall comply with the following standards:

- a. Separation from Residential Uses. The hospital shall be at least 500 feet from a Residential Zoning District.
- b. Overnight Treatment. Overnight Treatment is permitted.
- c. Hours of Operations. The hospital may be open 24 hours per day.
- ad. The hospital shall be located on a site that has an area of at least five acres and fronts on or has direct access to and from an arterial or collector street.
- be. Vehicular access and circulation systems and exterior signage shall be designed to provide safe and separate emergency vehicle access to the hospital, with minimal conflicts with other vehicular or pedestrian traffic in the area.
- f. A Perimeter Security Plan is required and shall address at a minimum vehicular and pedestrian access to site, parking areas, and lighting.
- g. Outdoor recreation and/or passive space shall be provided for both patients and visitors.

F. MEDICAL OR DENTAL LAB

1. Districts Where Permitted

RS-1	RS-2	RS-3	RS-4	RS-L	RD-1	RM-7	RM-12	RM-20	RM-30	RM-45	MH-12	B-1	B-2	B-3	B-4
														P	P

M-1	CR	I-1	I-X	OIP	M-2	TO	PR	CF	PU	T	BP	RP UD	PC D	PD-TO	LA C	PD-I
		P		P		P		P					P	P	P	

2. Definition

A medical or dental lab consists of facilities and offices for performing diagnostic or therapeutic medical procedures of a non-surgical nature. providing diagnostic analysis of medical tests (such as blood test urinalysis, CT Scan, X-ray or other medical tests related to diagnostic treatment); collecting or withdrawing human blood, organs, skin, or other human tissue; or producing such items as dentures, caps, bridges and optical prescriptions.

G. NURSING HOME FACILITY

...

~~H. RESERVED~~

~~I. PSYCHIATRIC TREATMENT FACILITY~~

~~1. Districts Where Permitted~~

[Redacted]																
															P	P

[Redacted]																
					S		P					P	P	P		

~~2. Definition~~

~~A psychiatric treatment facility is an inpatient facility that provides care for persons with psychiatric problems and that may include outpatient follow-up care to the facility's patients.~~

...

§ 155.4221. COMMERCIAL: RETAIL SALES AND SERVICE USES – PERSONAL SERVICES

...

K. PERSONAL SERVICES ESTABLISHMENTS

1. Definition

A personal services establishment is an establishment primarily engaged in the provision of frequent or recurrent needed services of a personal nature that are not typically medically related. Examples include but are not limited to, hair salons, tanning salons, ~~and~~ nail care salons, barber shops, yoga studios, martial arts studios, massage therapy (by persons who are licensed as a massage therapist under Chapter 480 of the Florida Statutes), hearing aids and/or optometry services, and similar establishments—but not including any sexually oriented business.

...

§155.4303. STANDARDS FOR SPECIFIC ACCESSORY USES AND STRUCTURES

RR. LIMITED MENTAL HEALTH TREATMENT FACILITY

2. Definition

A limited mental health treatment facility is an accessory use for the practice of mental health counseling, practice of marriage and family therapy, and/or practice of clinical social work, as defined in F. S. § 491.003, on an a non-intensive out-patient basis only. This use strictly prohibits the on-site dispensing of both medicinal and non-medicinal drugs. This use strictly prohibits the written order or prescription for any medicinal and non-medicinal drugs.

VV. RETAIL CLINIC

1. Districts Where Permitted

RS-1	RS-2	RS-3	RS-4	RS-L	RD-1	RM-7	RM-12	RM-20	RM-30	RM-45	MH-12	B-1	B-2	B-3	B-4
												A	A	A	A

M-1	CR	I-1	I-X	OIP	M-2	TO	PR	CF	PU	I	BP	RP-UD	PC-D	PD-TO	LA-C	PD-I
		A				A						A	A	A	A	A

2. Definition

A retail clinic is an accessory use located within a grocery store, pharmacy, or large retail store for the diagnosis and treatment of common household illnesses such as strep throat and eye, ear, sinus and other similar infections; the treatment of minor wounds; abrasions and joint sprains; the injection of common vaccinations; wellness services; and routine lab tests.

§ 155.5102 OFF-STREET PARKING AND LOADING

D. OFF-STREET PARKING SPACE REQUIREMENTS

1. Minimum Number of Off-Street Parking Spaces

TABLE 155.5102.D.1: MINIMUM NUMBER OF OFF-STREET PARKING SPACES		
Use Category	Use Type	Minimum Number of Parking
...		
Health Care Uses	Blood/tissue collection facility	1 per 300 sq ft
	Drug or alcohol treatment facility	1 per 300 sq ft
	Medical Office	1 per 200 sq ft
	Specialty Medical Facility	1 per 200 sq ft floor area for treatment + 1 per 300 sq ft for remaining areas
	Urgent Care Facility 24-Hour	
	Specialty Hospital	1 per 1 bed + 1 per 250 sq ft of areas not used for beds or Parking Study per Section 155.5102.D.2
	Hospital	1 per 3 inpatient beds 1 per 1 bed + 1 per 250 sq ft of areas not used for beds or Parking Study per Section 155.5102.D.2
	Massage therapy establishment	1 per 300 sq ft
	Medical or dental clinic ⁺⁰	1 per 300 sq ft
	Medical or dental lab	1 per 300 500 sq ft
	Nursing home facility	1 per 5 beds
Psychiatric treatment facility	1 per 3 beds	

Accessory Uses	...	
	Limited Mental Health Treatment Facility	1 per 200 sq ft.
	Retail Clinic	1 per 200 sq ft.
...		

ARTICLE 9: DEFINITIONS AND INTERPRETATION

PART 5 TERMS AND USES DEFINED

The following words, terms, and phrases, when used in this Code, shall have the meaning ascribed to them in this section.

~~BLOOD/TISSUE COLLECTION CENTER~~

~~A state licensed facility where human blood, organs, skin, or other human tissue are either withdrawn or collected from patients or assembled after being withdrawn or collected elsewhere from patients for subsequent delivery to a clinical laboratory for examination. A collection facility is maintained at a separate physical location not on the grounds or premises of the main licensed laboratory or institution which performs the testing.~~

~~DRUG OR ALCOHOL TREATMENT FACILITY~~

~~A state licensed substance abuse treatment facility that provides residential treatment, intensive outpatient treatment and addictions receiving facility, as defined in Fla. Stat. §397.311.~~

GENERAL HOSPITAL

is a state-licensed institution that provides primary health services and medical or surgical care to humans, primarily inpatients, who are sick or injured, and including as an integral part of the institution, related facilities such as clinical laboratories, outpatient facilities, training facilities, central services facilities, and staff offices. Hospitals offer facilities and beds for use beyond 24 hours by persons needing medical treatment or service. ~~This use type does not include nursing home facilities, medical treatment facilities, medical clinics, drug or alcohol treatment facilities, or psychiatric treatment facilities.~~

LIMITED MENTAL HEALTH TREATMENT FACILITY

An accessory use for the practice of mental health counseling, practice of marriage and family therapy, and/or practice of clinical social work, as defined in F. S. § 491.003, on an a non-intensive out-patient basis only. This use strictly prohibits the on-site dispensing of both medicinal and non-medicinal drugs. This use strictly prohibits the written order or prescription for any medicinal and non-medicinal drugs.

~~MASSAGE THERAPY ESTABLISHMENT~~

~~a state licensed establishment that offers, sells, or provides manipulation of the tissues or other tactile stimulation of the human body with the hand, foot, arm, leg, elbow, or part of the torso, whether or not aided by any electrical or mechanical device, by persons who are licensed as a massage therapist under Chapter 480 of the Florida Statutes. A massage may also include bathing, hydrotherapy (including colonic irrigation), thermal therapy, or application of chemicals, oils, lotions, or similar preparations to the human body.~~

MEDICAL OR DENTAL CLINIC

~~a small-scale facility where patients are admitted for examination and treatment by one or more physicians, dentists, or other health practitioners on a short-term basis. The use includes the offices of physicians, dentists, chiropractors, optometrists, podiatrists, audiologists, speech pathologists, physical therapists, acupuncturists, psychologists, and other health practitioners. It also includes facilities providing short-term outpatient care and treatment (which may or may not be overnight), such as urgent care centers, kidney dialysis centers, ambulatory surgical clinics, biofeedback centers, sleep disorder clinics, family planning clinics, community health clinics, and health maintenance organization (HMO) medical clinics. Such facilities that provide overnight care and treatment may include sleeping rooms for care workers and members of patients' families. This use does not include hospitals (which are much larger in scale) or blood/tissue collection centers, drug or alcohol treatment facilities, massage therapy establishments, or psychiatric treatment facilities (which provide specialized medical services).~~

...
MEDICAL OR DENTAL LAB

~~Consists of facilities and offices for performing diagnostic or therapeutic medical procedures of a non-surgical nature, providing diagnostic analysis of medical tests (such as blood test urinalysis, CT Scan, X-ray or other medical tests related to diagnostic treatment); collecting or withdrawing human blood, organs, skin, or other human tissue; or producing such items as dentures, caps, bridges and optical prescriptions.~~

...
MEDICAL OFFICE

A small-scale office providing medical or dental treatment. A small-scale office shall mean a maximum gross floor area of 5,000 sq ft. This use shall not include any uses specified as a Specialty Medical Facility. An office which is greater than 5,000 sq gfa shall be considered a Specialty Medical Facility.

...
PERSONAL SERVICES ESTABLISHMENT

An establishment primarily engaged in the provision of frequent or recurrent needed services of a personal nature that are not typically medically related. Examples include but are not limited to, hair salons, tanning salons, and nail care salons, barber shops, yoga studios, martial arts studios, massage therapy (by persons who are licensed as a massage therapist under Chapter 480 of the Florida Statutes), hearing aids and/or optometry services, and similar establishments—but not including any sexually oriented business.

...
PSYCHIATRIC TREATMENT FACILITY

~~An inpatient facility that provides care for persons with psychiatric problems and that may include outpatient follow-up care to the facility's patients.~~

...
RETAIL CLINIC

An accessory use located within a grocery store, pharmacy, or large retail store for the diagnosis and treatment of common household illnesses such as strep throat and eye, ear, sinus and other similar infections; the treatment of minor wounds, abrasions and joint sprains; the injection of common vaccinations; wellness services; and routine lab tests.

SPECIALTY HOSPITAL

A hospital which offers a restricted range of services appropriate to the diagnosis, care, and treatment of patients with specific categories of medical or psychiatric illnesses or disorders which include: Specialty medical hospitals; Specialty rehabilitation hospitals; Specialty psychiatric hospitals, which may include beds licensed to offer Intensive Residential Treatment programs; Specialty substance abuse hospitals, which may include beds licensed to offer Intensive Residential Treatment programs; and an Addictions Receiving Facility.

...

SPECIALTY MEDICAL FACILITY

A specialty medical facility is a facility, regardless of size, offering specialized treatment and services including, but not limited to, ambulatory surgical facilities, dialysis centers, substance abuse treatment facilities, outpatient rehabilitation facilities, birthing facilities, and urgent care facilities (not including a 24-hour urgent care facility). This use also includes medical or dental offices which are larger than 5,000 sq ft gfa.

...

URGENT CARE FACILITY 24-HOURS

A facility which holds itself out to the general public as a walk-in, extended-hour access facility where immediate, but not emergent, care is provided. Patients shall be served solely on an outpatient basis and such services shall not include overnight stays

**Copy of
Ord. 2015-67**

CITY OF POMPANO BEACH
Broward County, Florida

AN ORDINANCE OF THE CITY OF POMPANO BEACH, FLORIDA, PROVIDING FOR IMPOSITION OF A MORATORIUM ON ISSUANCE OF DEVELOPMENT ORDERS AND PERMITS AND ON THE PROCESSING OF APPLICATIONS RELATING TO HEALTH CARE USES, CHECK CASHING STORES, CONVENIENCE STORES, LIQUOR OR PACKAGE STORES, PAWN SHOPS, THRIFT SHOPS AND DORMITORIES WITHIN THE CITY; PROVIDING FOR VESTED RIGHTS; APPEALS; AND EXHAUSTION OF ADMINISTRATIVE REMEDIES; PROVIDING FOR A SIX (6) MONTH TERM TO BE EXTENDED IF NECESSARY BY THE CITY COMMISSION; PROVIDING FOR SEVERABILITY; PROVIDING AN EFFECTIVE DATE.

WHEREAS, the City Commission and the City's Planning and Zoning Board, the Local Planning Agency, have previously undertaken the necessary studies and adopted a Comprehensive Plan to guide and control growth in the City; and,

WHEREAS, the goals, objectives and policies contained within the City's adopted Comprehensive Plan require that the City:

- i. Annually review and periodically update adopted land development regulations and established procedures that encourage the elimination or reduction of uses inconsistent with the City's character and Future Land Use Plan. (Future Land Use Element - Objective Inconsistent Land Uses - 01.03.00)
- ii. Support and promote hotels, motels and other tourist accommodations in designated residential, commercial and commercial recreation land use designations. (Future Land Use Element - Policy - 01.03.10)
- iii. Encourage the adoption of innovative land development regulations. Adopt new land use designations for Residential, Mixed Use, Transportation Oriented Districts, Transportation

- Oriented Corridors and amend the land development regulations, including the creation of new zoning districts for these land use designations. (Future Land Use Element - Objective New Land Use Regulations - 01.07.00)
- iv. Continually review and amend new land use designations for Residential, Mixed Use and Transportation Oriented Districts. (Future Land Use Element - Policy - 01.07.02)
- v. Through ongoing updates to the land development regulations revise prohibited and permitted uses in the commercial, industrial and non-residential zoning districts. (Future Land Use Element - Policy - 01.07.07)
- vi. Follow the recommendation of the Community Redevelopment Plans in all Land Use Plan amendments and rezonings. (Future Land Use Element – Community Redevelopment - 01.08.01)
- vii. Redevelopment activities in the Community Redevelopment Areas shall be guided by their respective Community Redevelopment Plans, adopted pursuant to Chapter 163, Part III, Florida Statutes. (Future Land Use Element - Policy - 01.11.03)
- viii. Establish criteria which encourage development of urban infill and community redevelopment areas to promote economic development, increase housing opportunities and maximize the use of existing public facilities and services. (Future Land Use Element - Objective Urban Infill Criteria - 01.12.00);

and,

WHEREAS, the City of Pompano Beach contains two (2) Community Redevelopment Areas: the West Pompano Beach District CRA, also known as the NW CRA, a 3,000 acre area established in 1989, and the East Pompano Beach District CRA, a 158 acre area, that was established in 2001; and

WHEREAS, the NW CRA and the EAST CRA areas were established for the purpose of removing existing slum and blight conditions and provide economic benefits to the City's residents; and

WHEREAS, the East CRA area encompasses the majority of lands contained within the Atlantic Boulevard Overlay District (AOD) and the NW CRA area encompasses the Transit Oriented Corridor District (TOC); and

WHEREAS, the City adopted land development regulations for the AOD and the TOC; and

WHEREAS, the projects and programs of the City's Community Redevelopment Agency in the East CRA and in the NW CRA are designed to solve underlying problems that have a blighting influence on the redevelopment areas as further expressed in East CRA Redevelopment Plan and in the NW CRA Redevelopment Plan; and

WHEREAS, the AOD encompasses the Atlantic Boulevard Corridor which was included in a 2008 Urban Land Institute Technical Advisory Panel wherein the ULI recommended medium density, mixed-use development on Atlantic Boulevard; lower-scale development between the medium density and single family; creating great public spaces that exemplify and promote pedestrian activity; maintaining a small town feel and encouraging smaller scale (not big box) uses; and

WHEREAS, the AOD was also the subject of the City's Beach Master Plan which was approved in September 2008, which included measures for the restoration of the dune system along the public beach; streetscape improvements and realignment for Pompano Beach Boulevard; streetscape improvements for the east end of Atlantic Boulevard; a mixed use project and parking garage with 500 parking spaces; a new Fire Station, Library and upgrades to North Riverside Drive Park; and

WHEREAS, the City's Community Redevelopment Agency adopted an East Financing and Implementation Plan, which sets forth financial resources required and necessary for the

CRA to attain its redevelopment goals in the East CRA, which includes the majority of the AOD area; and

WHEREAS, the City's Community Redevelopment Agency adopted a Northwest Financing and Implementation Plan, which sets forth financial resources required and necessary for the CRA to attain its redevelopment goals in the NW CRA; and

WHEREAS, in its adopted Comprehensive Plan, the City identified "Major Issue No. 5: City Sense of Place" wherein the City expressed that there is a unique opportunity for the City to capitalize on its key transportation corridors, its major attractions and the Northwest and East Redevelopment CRA's to improve on its sense of place; and

WHEREAS, the City also adopted a Strategic Plan for the City of Pompano, wherein the City adopted the following strategies in support of the CRA redevelopment plans:

- i. 2.0 Tourism: Make the City more attractive to residents, visitors and tourists and expand visitor and tourism markets.
- ii. 5.0 Corridor Redevelopment: Enhance Corridor Redevelopment
 - 5.1 Begin implementation of corridor studies and plans for Federal Highway, Atlantic Boulevard and Dixie Highway
 - 5.2 Promote Class A office space development on Atlantic Boulevard near I-95 and along the Dixie corridor
 - 5.3 Support and facilitate development of an education corridor along MLK
 - 5.4 Improve overall aesthetic appearances
- iii. 6.0 CRA Redevelopment: Enhance CRA area redevelopment
 - 6.1 Expand CRA incentive programs

WHEREAS, the City has contracted with The Renaissance Planning Group to prepare corridor studies for Atlantic Boulevard, Dixie Highway and Federal Highway to identify

elements crucial to economic development and redevelopment along these major city transportation corridors; and

WHEREAS, the Zoning Code of the City of Pompano Beach, is designed to promote health, and general welfare, and to promote adequate light and air, and to prevent the overcrowding of land, and to avoid the undue concentration of population, and to facilitate adequate transportation, water, sewage treatment, schools, parks and other public requirements; and

WHEREAS, the process of growth and change within the City requires the continuing analysis of living and working conditions; and

WHEREAS, the health, safety and welfare of the citizens of Pompano Beach are proper and necessary for the consideration of the City Commission; and

WHEREAS, the continual flux of patterns in the urban community requires intensive restudy of areas of the community; and

WHEREAS, the changing patterns often cause existing zoning districts to become outdated, inequitable, unbalanced and inappropriate as applied; and

WHEREAS, it is in the public interest to make a determination as to whether existing zoning uses are appropriate where it appears that changing patterns have cast doubt on their propriety; and

WHEREAS, it is in the public interest to review the Zoning Code so as to ensure that the City's economic redevelopment efforts are not frustrated due to a proliferation of incompatible uses; and

WHEREAS, it is in the public interest to protect the substantial financial investment the City has made in recent years to promote economic redevelopment; and

WHEREAS, the moratorium is intended to allow sufficient time to study the provision of these uses for the citizens of Pompano Beach and to create a long term strategy to ensure adequate access to such services is provided; and

WHEREAS, the moratorium is intended to allow sufficient time to study the provision and location of these uses in a manner that does not result in an over-concentration of these uses that will further result in the blighting or downgrading of the surrounding neighborhood; and

WHEREAS, the moratorium is intended to allow sufficient time to study the provision of these uses to ensure that there is a balance between the existing residential uses and the projected demand for and location of these uses; and

WHEREAS, the moratorium is also intended to allow sufficient time to study the provision of these uses within the AOD and the DPOD, TOC, East CRA, NW CRA, corridors connecting the CRA areas and the corridors being studied by The Renaissance Planning Group and to determine the impact of these uses on the economic redevelopment efforts included in the City's Comprehensive Plan, the City's Community Redevelopment Plans, the CRA East Financing and Implementation Plan, the CRA NW Financing and Implementation Plan, the City's Beach Master Plan, and the City's Strategic Plan; and

WHEREAS, while the study conducted by The Renaissance Planning Group will address the City's major transportation corridors, additional studies are needed to address the impact of permitted and prohibited uses in the City; and

WHEREAS, the City desires to ensure, while necessary studies are presently underway for the formulation and implementation of remedial measures referenced herein, that additional Applications, Orders and Permits, as specified in the City's Code of Ordinances ("CODE") listed

below not be processed or issued in the City within the scope of the moratorium which is described herein:

Health Care Uses (Code Sec. 155.4209), Check Cashing Store (Code Sec. 155.4221.C), Convenience Store (Code Sec. 155.4222.F), Liquor or Package Store (Code Sec. 155.4222.K), Pawn Shop (Code Sec. 155.4222.L), Thrift Shop (Code Sec. 155.4222.M) and Dormitory (Code Sec. 155.4303.II);

and

WHEREAS, in accordance with Florida Statutes, Section 166.041 (3)(c)2, advertisement in accordance with said statute have been published in a newspaper of general paid circulation in the City of Pompano beach and of general interest and readership in the community, notifying the public of two public hearings on this proposed Ordinance; and

WHEREAS, two public hearings have been held pursuant to said published hearings and all persons so desiring had the opportunity to be and were, in fact, heard; now therefore,

BE IT ENACTED BY THE CITY OF POMPANO BEACH, FLORIDA:

SECTION 1. Moratorium Imposed; Applicability.

A. During the time that this Ordinance is in effect as specified herein, there shall be a moratorium upon the acceptance of applications and the issuance of Development Orders and Permits, as defined in Section 163.3164, Florida Statutes, (collectively “Development Orders”) approving Health Care Uses (Code Sec. 155.4209), Check Cashing Store (Code Sec. 155.4221.C), Convenience Store (Code Sec. 155.4222.F), Liquor or Package Store (Code Sec. 155.4222.K), Pawn Shop (Code Sec. 155.4222.L), Thrift Shop (Code Sec. 155.4222.M) and Dormitory (Code Sec. 155.4303.II).

SECTION 2. Vested Rights.

A. Nothing in this Ordinance shall be construed or applied to abrogate the vested right of a property owner to complete development where the property owner demonstrates each of the following:

1. A governmental act of development approval obtained prior to the effective date of this Ordinance; and
2. Upon which the owner has detrimentally relied, in good faith, by making such a substantial change in position or incurring such extensive obligations and expenses; and
3. That it would be highly inequitable to deny the property owner the right to complete development.

B. Except as provided by paragraph (C) below, any property owner claiming to have vested rights under this Section must file an application with the City Manager for a vested rights determination within thirty (30) days after the effective date of this Ordinance. The application shall be accompanied by a fee of \$600.00 and contain a sworn statement as to the basis upon which the vested rights are asserted, together with documentation required by the City Manager and other documentary evidence supporting the claim. The City Manager shall review the application and, based upon the evidence submitted, shall make a determination as to whether the property owner has established vested rights. The City Manager's decision shall be subject to appeal by the applicant for vested rights determination or by a third party claiming to be adversely affected by the City Manager's decision, provided that the third party can demonstrate a legally recognizable interest which is or will be affected by the decision and that such interest, which while it may be shared in common generally with other members of the community, is definite and exceeds in degree the general interest in the community good shared by all persons. Such appeals may be made to the City Commission by notice of appeal filed with the City

Manager within ten (10) days after the City Manager's written decision. In the event of a timely appeal, the City Commission shall hold a public hearing on appeal and, based upon the evidence submitted, shall make a determination as to whether or not the property owner has established vested rights. To the extent that a property owner demonstrates vested rights, the moratorium shall not be applied to that owner.

C. Any property owner establishing vested rights under this Section shall not be subject to this moratorium and shall be authorized to apply for Orders, and Permits in accordance with a Vested Rights Determination Agreement to be executed by the City and the property owner. A copy of the Vested Rights Determination Agreement shall be filed with the City Clerk, accompanied by a letter which references this paragraph (C) within Forty-five (45) days after the effective date of the City Commission's determination under this Section.

SECTION 3. Appeals. Appeals from final decision by the City Commission under Section 2 of this Ordinance shall be by the filing of a Petition for Certiorari in the Circuit Court of the Seventeenth Judicial Circuit in and for Broward County in accordance with the Florida Rules of Appellate Procedure for the review of the quasi-judicial rulings of municipalities.

SECTION 4. Exhaustion of Administrative Remedies. No property owner claiming that this Ordinance as applied constitutes or would constitute a temporary or permanent taking of private property or an abrogation of vested rights may pursue such claim unless he or she has first exhausted all administrative remedies provided for in Section 2.

SECTION 5. Term. The moratorium imposed by this Ordinance is temporary and, unless dissolved earlier by the City, shall automatically dissolve in six (6) months from the effective date of this Ordinance unless otherwise extended in accordance with applicable law.

The moratorium may be reasonably extended, if, necessary, by Ordinance of the City Commission.

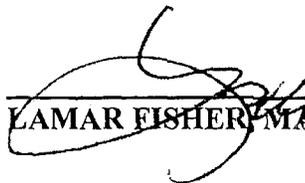
SECTION 6. Conflicts. All Sections or parts of Sections of the Code of Ordinances, all Ordinances or parts of Ordinances, and all Resolutions, or parts of Resolutions, in conflict with this Ordinance are repealed to the extent of such conflict.

SECTION 7. Severability. The provisions of this Ordinance are declared to be severable and if any section, sentence, clause or phrase of this Ordinance shall for any reason be held to be invalid or unconstitutional, such decisions shall not affect the validity of the remaining sections, sentences, clauses, and phrases of this Ordinance but shall remain in effect, it being the legislative intent that this Ordinance shall stand notwithstanding the invalidity of any part.

SECTION 8. Effective Date. This Ordinance shall become effective upon passage.

PASSED FIRST READING this 23rd day of June, 2015.

PASSED SECOND READING this 14th day of July, 2015.


LAMAR FISHER, MAYOR

ATTEST:


ASCELETA HAMMOND, CITY CLERK

GBL/tal/ds:jrm
7/15/2015
l:ord/2015-367a

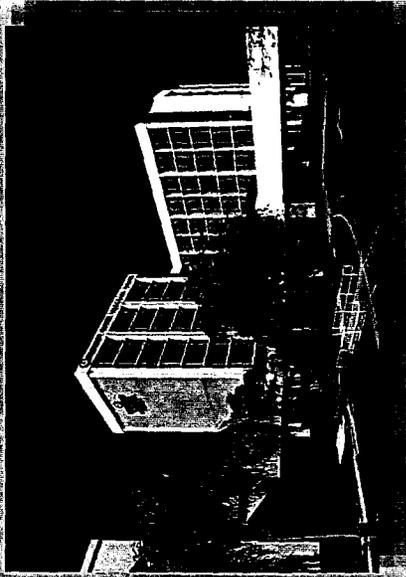
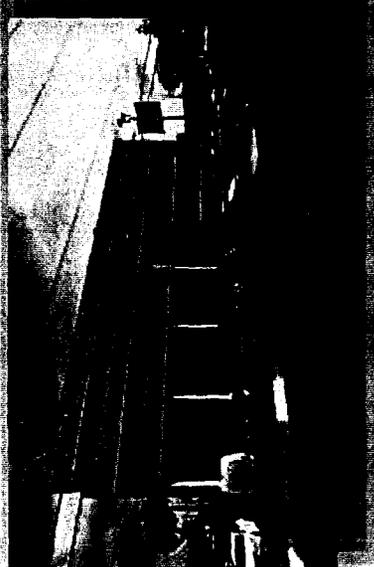
PowerPoint
Presentation for
the City
Commission
Hearing



The Right Use in the Right Location: Health Care Uses



City Commission Hearing
February 9, 2016



Recommendation:

Regulate Health Care Uses by Intensity

APA “Planners Dictionary”: Intensity

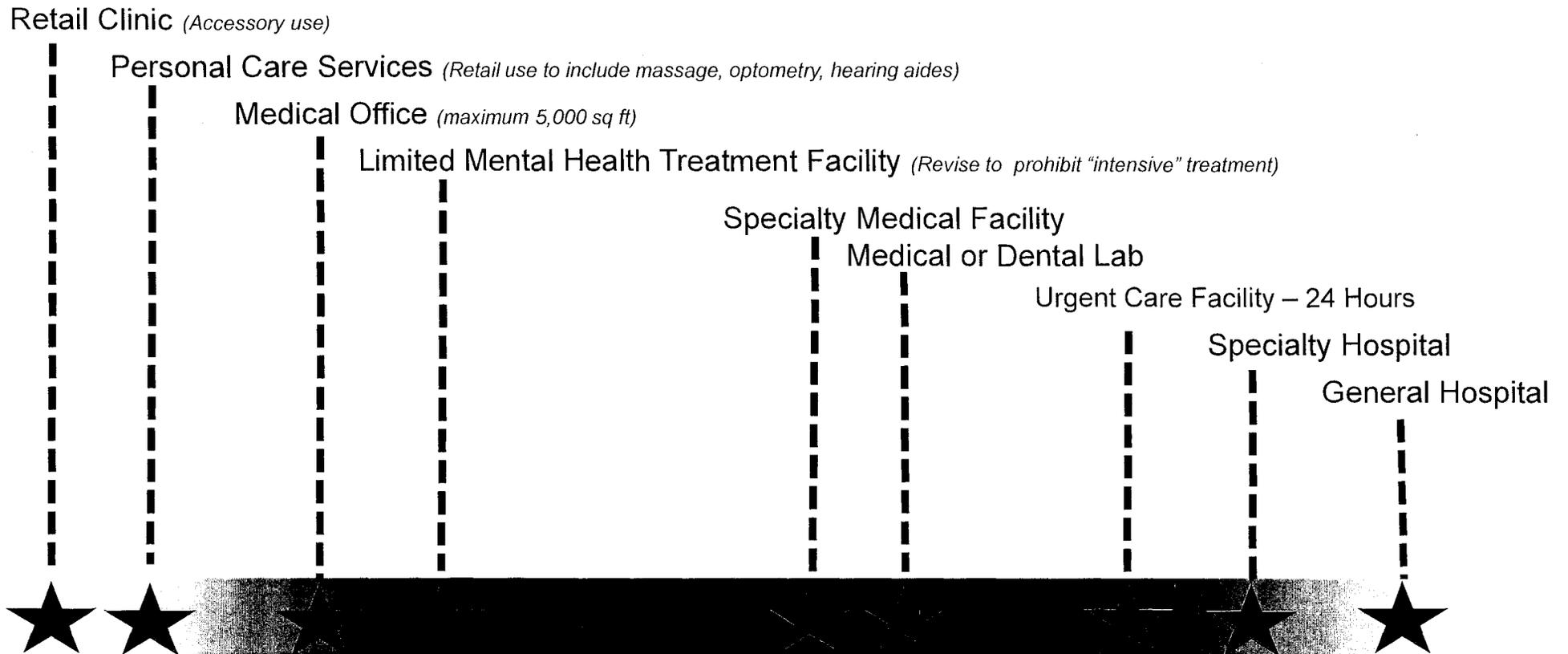
Intensity is the degree to which land is occupied. There is no single measure of intensity of land use. Rather a land use is relatively more or less intense than another use. Generally, a particular use may be more intense due to one or more characteristics, such as:

- Traffic generated
- Amount of impervious surface
- Bulk of the structures
- Number of employees
- Density
- Nuisance such as pollution, noise, light, etc...

Intensity of Health Care Uses:

- Total Number of healthcare professionals
- Number of patients per healthcare professional
- Hours of Operation
- Overnight treatment
- Type of Services Provided
- Treatment Length
- Facility Size

Recommended Health Care Uses



Additional Recommendations

- Separate from Single-Family and Two-Family Districts by 500 feet:
 - Medical Office if hours of operation exceed 7:00 p.m.
 - Specialty Medical Facility
 - Urgent Care Facility – 24 Hours
- Separate from all Residential Uses by 500 feet:
 - Specialty Hospital
 - General Hospital
- Permit most health care uses in I-1 and OIP Districts
- Revise parking standards for health care uses
 - While most uses will require more parking, medical lab's parking will be reduced similar to an industrial use
- Prohibit in AOD and DPOD
 - Limited Mental Health Treatment Center
 - Specialty Medical Facility
 - Medical Lab
 - Urgent Care Facility – 24 Hours
 - Specialty Hospital
 - General Hospital
- Massage in AOD and DPOD: Require Special Exception approval if within 1,000 feet of another massage use
- Medical Office in AOD: Standards regarding locations on Atlantic Blvd