


**VILLAGE OF NORTH PALM BEACH
COMMUNITY DEVELOPMENT DEPARTMENT**

TO: Honorable Mayor and Council
FROM: James P. Kelly, Village Manager 
DATE: May 28, 2015
SUBJECT: **ORDINANCE 1ST Reading – Establish Land Development Regulations for Assisted Living Facilities within C-1A Limited Commercial District**

The Village Administration has prepared a draft ordinance providing land development regulations implementing the recently adopted amendment to the Village of North Palm Beach Comprehensive Plan (NPBCP) to allow Assisted Living Facilities within the Village's C-1A Limited Commercial Zoning District.

The Village Council recently amended the Future Land Use element of the NPBCP to adopt a new Policy 1.B.3 to facilitate the approval of Assisted Living Facilities as mixed-use developments through the commercial planned unit development process, subject to certain use, intensity and density standards. The land development regulations further define the use and intensity standards for Assisted Living Facilities.

On April 14, 2015, the Village Planning Commission, sitting as the Local Planning Agency, determined the proposed land development regulations were consistent with the Village's Comprehensive Plan. The Planning Commission voted 4-1 to approve the draft regulations as submitted.

This item was discussed at the Council Workshop Session held on May 14, 2015 where it was unanimously moved to the next regular agenda.

There is no fiscal impact

Contact person: Chuck Huff, Director of Community Development

Recommendation:

Village Administration seeks Council approval on first reading of the attached ordinance establishing Land Development Regulations for Assisted Living Facilities as commercial planned unit developments within the Village's C-1A Limited Commercial District in accordance with Village Policies and Procedures.

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ORDINANCE NO. 2015-10

AN ORDINANCE OF THE VILLAGE COUNCIL OF THE VILLAGE OF NORTH PALM BEACH, FLORIDA AMENDING APPENDIX C (CHAPTER 45), "ZONING," OF THE VILLAGE CODE OF ORDINANCES TO ADOPT REGULATIONS APPLICABLE TO ASSISTED LIVING FACILITIES; AMENDING SECTION 45-2, "DEFINITIONS," OF ARTICLE I, "IN GENERAL," TO ADD A DEFINITION FOR ASSISTED LIVING FACILITY; AMENDING SECTION 45-32, "C-1A LIMITED COMMERCIAL DISTRICT," OF ARTICLE III, "DISTRICT REGULATIONS," TO ADD ASSISTED LIVING FACILITIES AS A PERMITTED USE AND PROVIDE DEVELOPMENT REGULATIONS FOR SUCH FACILITIES; AMENDING SECTION 45-35.1, "PLANNED UNIT DEVELOPMENT," OF ARTICLE III, "DISTRICT REGULATIONS," TO ALLOW APPLICANTS FOR ASSISTED LIVING FACILITIES TO REQUEST A WAIVER OF OFF-STREET PARKING AND MINIMUM DWELLING UNIT SIZE REQUIREMENTS WHERE JUSTIFIED; PROVIDING FOR CODIFICATION; PROVIDING FOR SEVERABILITY; PROVIDING FOR CONFLICTS; AND PROVIDING FOR AN EFFECTIVE DATE.

19 WHEREAS, the Village recently amended Policy 1.B.3 of the Future Land Use Element
20 of the Village Comprehensive Plan to provide for Assisted Living Facilities approved as
21 commercial planned unit developments; and
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23 WHEREAS, the Village Council wishes to adopt land development regulations to
24 implement the Comprehensive Plan and provide for Assisted Living Facilities as commercial
25 planned unit developments within the Village's C1-A Limited Commercial Zoning District; and
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27 WHEREAS, on April 14, 2015, the Village Planning Commission, sitting as the
28 Local Planning Agency, determined that the proposed land development regulations were
29 consistent with the Village Comprehensive Plan; and
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31 WHEREAS, the Village Council, having conducted duly advertised public hearings and
32 given this matter due consideration, determines that the adoption of this Ordinance is the best
33 interests of the public health, safety and welfare of the residents and citizens of the Village of
34 North Palm Beach.
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36 NOW, THEREFORE, BE IT ORDAINED BY THE VILLAGE COUNCIL OF THE VILLAGE
37 OF NORTH PALM BEACH, FLORIDA as follows:
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39 Section 1. The foregoing "whereas" clauses are hereby ratified as true and are incorporated herein.
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41 Section 2. The Village Council hereby amends Article I, "In General," of Appendix C
42 (Chapter 45), "Zoning," of the Village Code of Ordinances by amending Section 45-2,
43 "Definitions," to read as follows (additional language underlined and deleted language ~~stricken~~
44 through):
45

1 7. No parking shall be permitted in the first ten (10) feet of the
2 required front yard depth, measured from the front property line.
3 The restriction against parking in the first ten (10) feet of the
4 required front yard depth measured from the front property line
5 shall not apply to those properties which have complied in full
6 with the landscaping provisions of chapter 41-16 through 41-25
7 [chapter 27, article III], both inclusive.

8
9 Each convalescent hospital and nursing home shall be provided
10 with one (1) parking space measuring at least nine (9) feet by
11 eighteen (18) feet (one hundred sixty-two (162) square feet) for
12 each six (6) beds in the establishment, plus one (1) parking space
13 for each three hundred (300) square feet of administrative and
14 service area within the building (kitchen, service halls, chapel,
15 dining room, lounge, visiting areas and treatment rooms).

16
17 Each assisted living facility shall be provided with one (1) parking
18 space measuring at least nine (9) feet by eighteen (18) feet
19 (one hundred sixty-two (162) square feet) for each residential living
20 area or two (2) beds whichever is greater, plus one (1) parking space
21 for each three hundred (300) square feet of administrative and
22 service area within the building (kitchen, service halls, chapel,
23 dining room, lounge, visiting areas and treatment rooms).

24
25 F. Floor area regulations.

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27 1. In multiple-family dwelling structures, each dwelling unit having
28 one (1) bedroom shall have a minimum floor area of seven
29 hundred fifty (750) square feet. An additional one hundred fifty
30 (150) square feet of floor area shall be required for each additional
31 bedroom provided.

32
33 2. In time-share structures, each dwelling unit having one (1) bedroom
34 shall have a minimum floor area of seven hundred fifty (750)
35 square feet; an additional one hundred fifty (150) square feet of
36 floor area shall be required for each additional bedroom provided.

37
38 3. In assisted living facilities, each residential living area containing
39 one (1) bed shall have a minimum floor area of one hundred fifty
40 (150) square feet. An additional one hundred (100) square feet of
41 floor area shall be required for each additional bed provided within
42 the same residential living area. The maximum number of beds
43 allowed in an assisted living facility shall be determined by
44 multiplying the gross acreage of the site by 47.28 beds per acre.

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46 * * *

1 Section 4. The Village Council hereby amends Article III, "District Regulations," of
2 Appendix C (Chapter 45), "Zoning," of the Village Code of Ordinances by amending Section 45-35.1,
3 "Planned unit development," to read as follows (additional language underlined and deleted
4 language ~~stricken through~~):
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6 **Sec. 45-35.1. Planned unit development.**
7

8 II. Filing of application.

9 A. Any person may file an application with the village council for
10 minor modifications of the provisions of this chapter. This application
11 shall contain at least the following:
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- 13 8. All dwelling unit sizes, parking criteria and building site
14 coverage must meet the requirements of the zoning code
15 for each type of proposed use. Exception: applicants for
16 assisted living facilities may, when accompanied by a
17 justification statement, apply for relief from the off-street
18 parking and minimum dwelling unit size requirements.
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20 * * *
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22 Section 5. The provisions of this Ordinance shall become and be made a part of the Code of
23 the Village of North Palm Beach, Florida.
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25 Section 6. If any section, paragraph, sentence, clause, phrase or word of this Ordinance is for
26 any reason held by a court of competent jurisdiction to be unconstitutional, inoperative or void,
27 such holding shall not affect the remainder of this Ordinance.
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29 Section 7. All ordinances or parts of ordinances and resolutions or parts of resolutions in
30 conflict herewith are hereby repealed to the extent of such conflict.
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32 Section 8. This Ordinance shall take effect immediately upon adoption.
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34 PLACED ON FIRST READING THIS ____ DAY OF _____, 2015.
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36 PLACED ON SECOND, FINAL READING AND PASSED THIS ____ DAY OF _____,
37 2015.
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39 (Village Seal)

MAYOR

40
41 ATTEST:
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43 _____
44 VILLAGE CLERK
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46 APPROVED AS TO FORM AND
47 LEGAL SUFFICIENCY:
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49 _____
50 VILLAGE ATTORNEY