

ORDINANCE NO. 02-17

AN ORDINANCE OF THE CITY COMMISSION OF THE CITY OF DELRAY BEACH, FLORIDA, AMENDING THE LAND DEVELOPMENT REGULATIONS, BY AMENDING APPENDIX "A", "DEFINITIONS", TO PROVIDE UPDATED DEFINITIONS FOR "MEDICAL OFFICE", "NON-RESIDENTIAL LICENSED SERVICE PROVIDER", "RESIDENTIAL LICENSED SERVICE PROVIDER", AND DELETING THE OBSOLETE DEFINITION OF "SUBSTANCE ABUSE"; PROVIDING A SAVING CLAUSE, A GENERAL REPEALER CLAUSE, AND AN EFFECTIVE DATE.

WHEREAS, the City Commission of the City of Delray Beach has the authority to protect the health, safety and welfare of its citizens; and

WHEREAS, the City Commission of the City of Delray Beach has the authority to make regulations pertaining to land use and development within the City of Delray Beach; and

WHEREAS, the City Commission of the City of Delray Beach desires to update its existing definitions of "Medical Office", "Non-Residential Licensed Service Provider", "Residential Licensed Service Provider" to comport with recent changes to state law; and

WHEREAS, the City Commission of the City of Delray Beach desires to delete the obsolete definition of "Substance Abuse" which is unnecessary, out of date, and inconsistent with state and federal law.

WHEREAS, pursuant to LDR Section 1.1.6, the Planning and Zoning Board reviewed the proposed text amendment at a public hearing held on November 21, 2016 and voted 5 to 0 to recommend that the changes be approved; and

WHEREAS, pursuant to Florida Statute 163.3174(4)(c), the Planning and Zoning Board, sitting as the Local Planning Agency, has determined that the change is consistent with and furthers the goals, objectives and policies of the Comprehensive Plan; and

WHEREAS, the City Commission of the City of Delray Beach adopts the findings in the Planning and Zoning Staff Report; and

WHEREAS, the City Commission of the City of Delray Beach finds the ordinance is consistent with the Comprehensive Plan.

NOW THEREFORE, BE IT ORDAINED BY THE CITY COMMISSION OF THE CITY OF DELRAY BEACH, FLORIDA AS FOLLOWS:

Section 1. The recitations set forth above are incorporated herein.

Section 2. Appendix “A”, “Definitions”, of the Land Development Regulations of the Code of Ordinances of the City of Delray Beach, Florida, is hereby amended as follows:

MEDICAL OFFICE Shall mean an office providing services to the public by physicians, dentists, surgeons, chiropractors, osteopaths, physical therapists, nurses, acupuncturists, podiatrists, optometrists, psychiatrists, (who are also known as health care practitioners) or others who are duly licensed to practice their respective professions in the State of Florida, as well as others, including but not limited to technicians and assistants, who are acting under the supervision and control of a licensed health care practitioner. Also included in this section shall be all providers or facilities licensed under Fla. Stat. Sections 397.311 (25)(a)3., “Day or Night Treatment”, 397.311(48)(25)(a)6, “Intensive Outpatient Treatment” and 397.311(48)–(25)(a)8, “Outpatient Treatment” and 397.311(25)(a)9., “Residential Treatment Levels 1 and 2 only as defined by F.A.C. 65D-30.007, as amended from time to time.

NON-RESIDENTIAL LICENSED SERVICE PROVIDER Shall mean a provider or facility licensed under Fla. Stat. Sections 397.311(48) (25)(a)1., “Addictions Receiving Facility”, 397.311(48)(25)(a)4., “Detoxification; 397.311(48)(25)(a) 5., “Intensive Inpatient Treatment”; and 397.311(48)(25)(a)7., “Medication Assisted Treatment for Opiate Addiction”, as amended from time to time.

RESIDENTIAL LICENSED SERVICE PROVIDER Shall mean a service provider or facility licensed under Fla. Stat. Sections 397.311(48)(a)2., “Day or Night Treatment”, 397.311(48)(25)(a)3., “Day or Night Treatment with Community Housing” as further defined by F.A.C. 65D-30.0081, and 397.311(48)–(25)(a)9., “Residential Treatment” Levels 3, 4, and 5 only as defined by F.A.C. 65D-30.007, as amended from time to time for the purposes of providing a structured live-in environment within a non-hospital setting on a 24-hours-a-day, 7 days-a-week basis, and which includes: ~~F~~ facilities that provide room and board and treatment and rehabilitation within the primary residential facility. Residential Licensed Service Provider Facilities shall be accommodated in the same manner with respect to the number of residents and the number of units as required for the respective structures of either a single family unit, duplex unit or multi-family unit in the zoning districts where allowed. See definition of “Medical Office” for “Residential Treatment” Levels 1 and 2.

~~SUBSTANCE ABUSE — A term which is all encompassing with respect to facilities and uses which involve alcohol abuse, drug abuse, halfway house, and residential treatment programs.~~

Section 3. Should any section or provision of this ordinance or any portion thereof, any paragraph, sentence, or word be declared by a court of competent jurisdiction to be invalid, such decision shall not affect the validity of the remainder hereof as a whole or part thereof other than the part declared to be invalid.

Section 4. All ordinances or parts of ordinances in conflict herewith shall be, and the same are hereby repealed.

Section 5. This ordinance shall become effective immediately upon its passage on second and final reading.

PASSED AND ADOPTED in regular session on second and final reading on this ____ day of _____, 2016.

MAYOR

ATTEST:

City Clerk

First Reading_____

Second Reading_____