

ORDINANCE NO. 2016-32

AN ORDINANCE OF THE CITY COMMISSION OF THE CITY OF COCONUT CREEK, FLORIDA, AMENDING THE CODE OF ORDINANCES OF THE CITY OF COCONUT CREEK BY AMENDING CHAPTER 13, "LAND DEVELOPMENT CODE," ARTICLE III, "ZONING REGULATIONS," DIVISION 2, "ZONING CLASSIFICATIONS AND GENERAL REQUIREMENTS," SECTION 13-319, "ZONING OVERLAY AREAS," BY ENACTING SUBSECTION 13-319(c)(3), "MEDICAL SERVICES OVERLAY AREA," PROVIDING A ZONING OVERLAY AREA TO ENCOURAGE MEDICAL AND HEALTH CARE RELATED USES WITHIN THE PROPERTY LEGALLY DESCRIBED IN THE ENACTING LANGUAGE AND BY AMENDING DIVISION 8, "MASTER BUSINESS LIST," BY ENACTING SECTION 13-625, "MASTER BUSINESS LIST - MSOA," TO PROVIDE A LIST OF PERMITTED USES WITHIN THE AREA; PROVIDING FOR CONFLICTS; PROVIDING FOR SEVERABILITY; PROVIDING FOR CODIFICATION; AND PROVIDING AN EFFECTIVE DATE.

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

WHEREAS, the City of Coconut Creek has the authority to make regulations pertaining to land use and development within the City of Coconut Creek; and

WHEREAS, the City Commission desires to amend Chapter 13 of the Code of Ordinances, "Land Development Code," Article III, "Zoning Regulations," Division 2, "Zoning Classifications and General Requirements," Section 13-319, "Zoning overlay areas," by enacting Subsection 13-319(c)(3), "Medical Services Overlay Area;" and

WHEREAS, the City Commission furthermore desires to amend Division 8, "Master Business List," by enacting Section 13-625, "Master Business List – MSOA," to provide for the permitted uses within the overlay area; and

WHEREAS, the City Commission has determined that it is in the City's best interest to create a Medical Services Overlay Area to encourage medical and health care related uses within the specified area; and

WHEREAS, the Planning and Zoning Board reviewed the proposed text amendment at a public hearing held on June 8, 2016, and recommended approval of the changes; and

WHEREAS, the Planning and Zoning Board has determined that the changes are consistent with and further the goals, objectives, and policies of the Comprehensive Plan.

NOW THEREFORE, BE IT ORDAINED BY THE CITY COMMISSION OF THE CITY OF COCONUT CREEK, FLORIDA:

Section 1: That the recitations set forth above are incorporated herein.

Section 2: That the City's Code of Ordinances shall be amended by amending Chapter 13, "Land Development Code," Article III, "Zoning Regulations," Division 2, "Zoning Classifications and General Requirements," by amending Section 13-319 by enacting a new Subsection 13-319(c)(3), "Medical Services Overlay Area," to read as follows:

Sec. 13-319. - Zoning overlay areas.

(c) *Specific designation.*

(3) Medical Services Overlay Area (MSOA). MSOA is described as the land beginning at the northeast corner of the Plat Whittington's Plat, as recorded in Plat Book 119, Page 13 of the Public Records of Broward County, Florida; thence southerly along the east line of said Plat to the southeast corner of said Plat; thence westerly along the south line of said Plat to the southwest corner of said, also being the southeast corner of the Plat "M & S Office Plat", as recorded in Plat Book 177, Pages 30-31 of said Public Records; thence westerly along the south line of said Plat to the southwest corner of said plat, also being a point on the east right-of-way line of S.R. 7 (U.S. 441) as shown

on State of Florida Department of Transportation (FDOT) right of way map 86100-2548; thence northerly along the said east right of way line to a point on the south right-of-way line of N.W. 76th Place as shown on said FDOT right-of-way map, also being shown as N.W. 79th Court on the Plat Hillsboro Pines section "A", as recorded in Plat Book 42, Page 22 of the said Public Records, also being a line 36.50' feet south of Parcel "E" of said Plat; thence easterly along said south right-of-way line and its easterly extension thereof to a point on the westerly line of said Whittington's Plat; thence north along said westerly line to the northwest corner of said Plat; thence easterly along the northerly line of said Plat to the point of beginning. in addition to the land described as beginning at the northeast corner of the Plat Wal-Mart at Coconut Creek, as recorded in Plat Book 176, Pages 141-142 of the Public Records of Broward County, Florida; thence southerly along the east line of said Plat to the southeast corner of said Plat, also being a point on the north right-of-way line of S.R. 810 (Hillsboro Blvd.) as shown on State of Florida Department of Transportation (FDOT) right of way map 86120-2508; thence southerly to a point on the south right-of-way line of said S.R. 810, also being the northeast corner of the Plat Seven Hills Multi-Center, as recorded in Plat Book 151, Page 30 of said Public Records; thence southerly along the east boundary of said Plat to the southeast corner of said Plat, also being the northeast corner of the Plat Coconut Creek Self Storage Plat, as recorded in Plat Book 177, Pages 175-176, of said Broward County Records; thence westerly along the north line of said Plat, to the northwest corner of said Plat; thence southerly along the westerly line of said Plat to the southwest corner of said Plat, also being a point on the north right-of-way line of Johnson Street, as shown on said Plat; thence westerly along the south right-of-way line to the southwest corner of "El-Rancho-Seven-Plat", as recorded in Plat Book 101, Page 25 of said Public Records, also being a point on the east right-of-way line of S.R. 7 (U.S. 441) as shown on State of Florida Department of Transportation (FDOT) right of way map 86100-2548; thence northerly along the said east right of way line to the most northerly, southwest corner of said Plat; thence northerly along said east right-of-way line, also being said westerly Plat line to the northwest corner of said Plat; thence easterly along the north line of said Plat to the point of beginning. In addition, the land described as all of Tract "E" of the Plat Wiles/Butler Plat One, as recorded in Plat Book 160, Page 18 of the Public Records of Broward County, Florida. Said lands situate in the City of Coconut Creek, Broward County, Florida.

- a. *Purpose and Intent.* The purpose of this Medical Services Overlay Area (MSOA) is to encourage growth of medical and health care facilities along the SR 7 and Hillsboro Boulevard node. Such new facilities will support the existing facilities and businesses along the SR 7 corridor, specifically the Park Creek Surgery Center and West Boca Medical Center to the north, and North West Medical Center to the south. It is the express intent of this MSOA to be as inclusive as possible in permitted uses while at the

same time maintaining a clean, attractive environment that provides for medical needs of the community.

- b. Applicability. The regulations for MSOA shall be applicable within the specified boundaries of the district, as identified in the Zoning Map. Permitted uses within MSOA are in addition to the entitlements permitted within the underlying zoning designation subject to consistency with the land use designation.
- c. Development regulations. Development regulations for underlying zoning district shall apply. Additionally, development requirements for all new development or redevelopment pursuant to the uses permitted specifically within Sec. 13-625, “Medical Services Overlay Area Master Business List,” are as follows:
1. Location of drive-through or canopies for sound emitting emergency vehicles shall minimize the impact on residential areas.
 2. The character of the buildings shall be ‘professional office’ in appearance and new construction shall be minimum of two (2) stories in height.
 3. Outdoor open spaces shall be internal to the site, such that they are screened so that they create the least negative impact on adjacent uses.
 4. Development shall incorporate connection to transit opportunities for patients and visitors.
 5. Any applicant seeking approval under this Subsection shall be required to file with its application a natural disaster management plan.
 6. The application shall disclose in detail the owner(s) and operator(s) of the facility, and shall be required to update the owner/operator information annually at the time of application for business tax receipts for the business, or at any time that there is a change of owner/operator.
 7. Any applicant seeking approval under this Subsection shall be required to file with its application a floor plan showing the location and adequate security for protection of any controlled

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substance(s) to be dispensed in the course of business, including, but not limited to, such security measures as impact resistant glass, exterior lighting, video recorders, and alarm systems.

8. Any applicant seeking approval under this Subsection shall be required to submit with its application its plans to address, mitigate, or eliminate potential adverse effects of its business upon the public, including, but not limited to, plans for crowd control, parking compliance, noise attenuation, neighborhood compatibility, and crime prevention.

Section 3: That the City’s Code of Ordinances shall be amended by amending Chapter 13, “Land Development Code,” Article III, “Zoning Regulations,” Division 8, “Master Business List,” by enacting Section 13-625, “Master business list – MSOA,” to read as follows:

Sec. 13-625. – Reserved. Master business list - MSOA.

<u>Master business list</u>	<u>MSOA</u>
<u>Ambulatory Surgical Center</u>	<u>P</u>
<u>Assisted Living Facility</u>	<u>P</u>
<u>Birth Center</u>	<u>P</u>
<u>Clinic</u>	<u>P</u>
<u>Education services related to dietetics and nutrition</u>	<u>P</u>
<u>Extended Congregate Care Facility</u>	<u>P</u>
<u>Hospice Facility</u>	<u>P</u>
<u>Hospital</u>	<u>P</u>
<u>Inpatient Rehabilitation Facility</u>	<u>P</u>

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<u>Laboratory</u>	<u>P</u>
<u>Medical Office</u>	<u>P</u>
<u>Medical Research and Development</u>	<u>P</u>
<u>Mental Health Facility</u>	<u>P</u>
<u>Nonresidential Licensed Service Provider</u>	<u>P</u>
<u>Nursing Home</u>	<u>P</u>
<u>Residential Licensed Service Provider</u>	<u>P</u>
<u>Pain Clinics (Ord 2009-014)⁽¹⁾</u>	<u>S</u>
<u>Urgent Care Center</u>	<u>P</u>

(1)To provide adequate protection to the community and establish the legitimacy of the facility, the special land use application submission for pain clinics, must, in addition to the criteria set forth in Sec. 13-35, "Special land use," address the following:

- a. No business approved under this section shall limit the form of payment for services or prescriptions to cash only.
- b. In the event the business applying for approval under this section does not accept insurance reimbursement, it must state the reason for such policy in its application and the failure of any business to accept insurance, Medicare or Medicaid reimbursements shall be considered by the planning and zoning board in making its decision as to the appropriateness of granting a special land use permit.
- c. The application shall disclose in detail the owners and operators of the facility, and shall be required to update the owner/operator information annually at the time of application for business tax receipts for the business, or at any time that there is a change of owner/operator.
- d. No business operating under this section shall be owned, either in whole, or in part, or have any contractual relationship, whether through employment or by independent contract, with a physician who, within the five-year period prior to the date of application for a special land use or at any time after application for a special land use under this section, has been denied the privilege of prescribing,

dispensing, administering, supplying or selling any controlled substance or who has, within the five-year period prior to the date of application for a special land use under this section or at any time after application for a special land use under this section, had any state medical board action taken against his or her medical license as a result of dependency on drugs or alcohol.

e. The business shall be operated by a medical director who is a Florida-licensed physician.

f. The business shall not be owned in whole or in part by any person who has been convicted of or who has pled guilty or nolo contendere to any felony in this state or in any other state within the five-year period prior to the date of application for a special land use. However, in no event shall the business be owned in whole or in part by any person who has been convicted of or who has pled guilty or nolo contendere at any time to an offense constituting a felony in this state or in any other state involving the prescribing, dispensing, supplying or selling of any controlled substance.

g. The application shall include an affidavit by the medical director attesting to the fact that no employees of the facility have been convicted of a drug-related felony within the five-year period prior to the date of application and that the business shall not employ any such convicted felons thereafter.

h. Any business approved under this section shall maintain the appropriate diagnostic equipment to diagnose and treat patients complaining of chronic pain.

i. Any business seeking approval under this section shall be required to file with its application a natural disaster management plan.

j. Any business seeking approval under this section shall be required to file with its application a floor plan showing the location and adequate security for protection of any controlled substance to be dispensed in the course of business, including such security measures as impact resistant glass, exterior lighting, video recorders, and alarm systems.

k. Any business or facility seeking approval under this section, which business or facility is required to register with the State of Florida pursuant to F.S. § 458.3265 or § 459.0137, as amended from time to time, shall provide copies of such registration at the time of application for special land use hereunder and annually thereafter upon application for a business tax receipt for any approved special land use.

l. Any business or facility seeking approval under this section shall be required to submit with its application its plans to address, mitigate, or eliminate potential adverse effects of its business operation upon the public including plans for crowd control, parking compliance, noise attenuation, neighborhood compatibility, and crime prevention.

m. Any business or facility approved by the city commission under this section shall update and resubmit to the city the documentation supporting its original application annually at the time of application for business tax receipt for the business, or at any time that there is a change of owner/operator, and in the event such information is not submitted or fails to evidence compliance with the conditions set for approval, the City Commission may, after public hearing, revoke any previously approved special land use granted to such business or facility.

Section 4: Conflicts. That all ordinances or parts of ordinances, all City Code sections or parts of City Code sections, and all resolutions or parts of resolutions in conflict with this Ordinance are hereby repealed to the extent of such conflict.

Section 5: Severability. That should any provision of this Ordinance 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 hereof other than the part declared invalid.

Section 6: Codification. That the provisions of this Ordinance shall be codified within the Code of Ordinances of the City of Coconut Creek, Florida, and any paragraph or section may be renumbered to conform with the Code of Ordinances.

Section 7: Effective Date. That this Ordinance shall become effective immediately upon its passage on second and final reading.

PASSED FIRST READING THIS 28th DAY OF JULY, 2016.

PASSED SECOND READING THIS 11th DAY OF AUGUST, 2016.

Mikkie Belvedere, Mayor

Attest:

Leslie Wallace May, MMC
City Clerk

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	<u>1st</u>	<u>2nd</u>
Belvedere	<u>Aye</u>	<u>Aye</u>
Rydell	<u>Aye</u>	<u>Aye</u>
Sarbone	<u>Aye</u>	<u>Aye</u>
Tooley	<u>Aye</u>	<u>Aye</u>
Welch	<u>Aye</u>	<u>Aye</u>

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7/11/16

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