

The major conclusions of the report were as follows.

- A preliminary review of the land development requirements indicated that the proposed use would be allowable with a Type III Group Home approval in the Community Services Zoning District. This type of approval is made by the Zoning Board of Appeals.
- While the physical plant infrastructure seems to be able to address the various program requirements articulated as of this date, a preliminary program and space plan needs to be developed to confirm which program elements can be actually accommodated
- At a minimum, a "major renovation: including extensive biological and water damage remediation would be required including modifying the physical plant infrastructure in addition to the interior improvements needed to accomplish the program. The buildings require a detailed condition assessment be performed including; 1) an environmental assessment addressing abatement/remediation requirements in areas which have been impacted by biological and water damage, and 2) a code evaluation. This report would need to be reconciled with the preliminary building program developed in Item #1 to produce a conceptual program/space plan.
- A cost estimate needs to be prepared based on the conceptual program/space plan and results of the condition assessment study.

Staff is not able at this point to determine what would be required to make these buildings ready for re-use as a Homeless Resource Center, however, the "value" associated with a site which appears to be suitable for this use, Staff is recommending that the County proceed with a pre-purchase due diligence study.

The \$100,000 budget for this Study will include all services necessary to produce a pre-purchase due diligence report including; regulatory review (both land development and programmatic), building condition assessment (remedial and programmatic), preparation of possible building use plan, and preparation of statement of probable cost for pre-purchase decision making purposes only.

09- 0480

**BOARD OF COUNTY COMMISSIONERS
PALM BEACH COUNTY, FLORIDA
BUDGET AMENDMENT**

PUBLIC BUILDING IMP FUND

3804

BGEX-410-121008-719

BGRV-410-121008-230

ACCT.NUMBER	ACCOUNT NAME	ORIGINAL BUDGET	CURRENT BUDGET	INCREASE	DECREASE	ADJUSTED BUDGET	EXPENDED/ ENCUMBERED 12/8/2008	REMAINING BALANCE
<u>REVENUES</u>								
800 9100	8000 Transfer from General Fund	5,646,370	5,646,370	100,000		5,746,370 ₀		
	Total Receipts and Balances	<u>93,182,978</u>	<u>86,707,484</u>	<u>100,000</u>	<u>0</u>	<u>86,807,484</u>		
<u>EXPENDITURES</u>								
<u>Homeless Assessment</u>								
411 B452	3401 - Other Contractual Services	0	0	100,000		100,000		100,000
	Total Appropriations & Expenditure	<u>93,182,978</u>	<u>86,707,484</u>	<u>100,000</u>	<u>0</u>	<u>86,807,484</u>		

ATTN 1

INITIATING DEPARTMENT/DIVISION
Facilities Development & Operations
Administration/Budget Department Approval
OFMB Department - Posted

Signatures

Date

Anthony Wolf
[Signature]

1/13/09
1-21-09

By Board of County Commissioners
At Meeting of 2/03/09

Deputy Clerk to the
Board of County Commissioners

[Signature]

09- 0481

BOARD OF COUNTY COMMISSIONERS
PALM BEACH COUNTY, FLORIDA
BUDGET TRANSFER

FUND 0001 -General Fund

BGEX -410-12108-721

Use this form to provide budget for items not anticipated in the budget.

ACCT.NUMBER	ACCOUNT NAME	ORIGINAL BUDGET	CURRENT BUDGET	INCREASE	DECREASE	ADJUSTED BUDGET	EXPENDED/ ENCUMBERED AS OF	REMAINING BALANCE
<u>Contingency</u>								
820 9900	9901 - Resrve Contingency	20,000,000	19,940,000		100,000	19,840,000		19,840,000
<u>Transfer</u>								
820 9100	9204 Transfer to Fund 3804	5,646,370	5,646,370	100,000		5,746,370	0	5,746,370
	Total			<u>100,000</u>	<u>100,000</u>			

ATT.# 2

Facilities Development & Operations
INITIATING DEPARTMENT/DIVISION
Administration/Budget Department Approval
OFMB Department - Posted

Signatures

Anthony Wolf
[Signature]

Date

1/13/09
1-21-09

By Board of County Commissioners
At Meeting of 2/03/2009

Deputy Clerk to the
Board of County Commissioners

[Signature]
1/14



Facilities Development & Operations

2633 Vista Parkway
West Palm Beach, FL 33411
TELEPHONE: (561) 233-0200
FAX: (561) 233-0206
www.pbcgov.com

Palm Beach County
Board of County Commissioners

- Jeff Koons, Chairman
Burt Aaronson, Vice Chairman
Karen T. Marcus
Shelley Vana
Mary McCarty
Jess R. Santamaria
Addie L. Greene

County Administrator

Robert Weisman, P.E.

"An Equal Opportunity
Affirmative Action Employer"

MEMORANDUM

RECEIVED

NOV 19 2008

Date: November 19, 2008

To: Audrey Wolf, Director, Facilities Development & Operations

DIRECTOR'S OFFICE

From: Chauncey Taylor, II, Director, Facilities Services

Re: Proposed Homeless Center at Mission Palms

Pursuant to your directive, we've assimilated comments from CID and Compliance for the proposed Homeless Center.

Background

- Existing three (3) contiguous buildings were constructed in 1925, 1964, and 1978.
Buildings were designed and permitted as an "Assisted Living Facility" (ALF) (1-2 Occupancy).
The proposed use as a Homeless Shelter would be classified as a Residential - Non transient (R2) occupancy.
This would trigger compliance with some minimum code requirements as listed below.

Building & Life Safety

- Fire Sprinklers - Existing but revalidation of performance and modifications consistent with program changes would be required.
Fire Alarm Detection - Existing but revalidation of performance and modifications consistent with program changes as necessary. In addition, single station smoke detectors within sleeping units would be required.
Fire Partitions - Existing walls between units and corridors would have to be extended to floor/roof deck and certified as "one hour" rated. Existing floors, if not rated, would have to be upgraded to provide one half hour separation between units.
Fire Doors - All existing hollow core corridor doors would have to be replaced with solid core, (20 min), self closing doors.
Existing corridor widths, travel distance to exits, number of exits, etc. appear to be acceptable, but should be confirmed with new layouts.

ATT. #3

Accessibility

- Some minor site modifications to provide an accessible public entrance (re-work of existing parking spaces and sidewalks).
- One new public toilet room, complying with current requirements would be required.
- Accessible showers (roll in) would need to be added depending on the number of accessible rooms provided, dependent on the total number of rooms provided.

Structural

- There would not be any new code requirements but the existing structure and roof should be evaluated for structural integrity. The portion built in 1927 may have to be demolished due to significant water damage and structural settlement.
- Existing windows and storefront doors are "non-impact rated". Replacement with impact rated is recommended.

Electrical

- All unsafe electrical condition particularly observed in the MDP room would have to be corrected.

Mechanical

- Existing roof top units and room PTAC units should be evaluated for performance and functionality.
- Existing grease hood/ansul system would have to be re-validated for performance.
- Elevators would have to be re-certified by State Bureau of Inspections.

Plumbing

- Existing toilet rooms in each sleeping room do not contain any showers, a total of one (1) shower for every eight (8) persons would be required which could be problematic as existing toilet rooms are not large enough to add a shower. Gang showers would have to be accommodated on each floor. In addition the water service would have to be evaluated for the added water demand.

Roof

- Several areas in the building were indicative of water-intrusion problems, some repairs would be required. The roof condition needs further assessment and budgeted for possible full replacement.

Other Issues

- Suspended ceiling tiles appear to be in poor condition and should be replaced throughout the building.
- VCT flooring appears to be in an acceptable condition, apart from some minor replacement. (Due to the age may require abatement of Asbestos Containing Materials (ACM's).)
- Painting, both exterior and interior is recommended with some stucco and drywall repair throughout the building.

Zoning

- Current Zoning Status: The site is currently zoned Community Services (CS). (Please see attached memo from Facilities Compliance dated November 19, 2008.)

Programming

The Code for the City provides two (2) distinct options for addressing Group Homes under the Class B special use classification: a) dwelling units and b) sleeping quarters. Based on conversations with Ms Tuck, the County's strategy is to establish sleeping quarters for several persons (6-9) within each room. This will prove problematic as in each room there is a toilet and sink (and some shared restroom facilities) but no showers. (See comments on Plumbing)

Indoor Air Quality (IAQ)

While touring the facility we visually observed multiple areas of water intrusion and mold. ACM's would also be a concern due to the age of the buildings. Consistent with our established protocol the building should be surveyed. Major renovations would be required should the County buy the facility. The cost of abatement would exacerbate these costs.

Accessory Uses

The main building did have full kitchen and dining room facilities. The services of a Kitchen Consultant are suggested to determine functionality and sufficiency to meet the intended use. There was also sufficient administrative space. Depending upon the final programming, by Human Services, space was available for limited medical and other supportive services. Outdoor recreational opportunities would be driven by the parking requirements as some of the five (5) acres is outside the confines of the fenced area and appear to serve as a buffer to an adjacent Agency, C.A.R.P..

Memo to Audrey Wolf, Director, Facilities Development & Operations
Re: Proposed Homeless Center at Mission Palms
November 19, 2008
Page 4 of 4

Operations

FDO defers to the Division of Human Services to address this issue. However, the following is worth noting. To my knowledge, there is no staffing to client ratio for Homeless Shelters. The layout of the facility, however suggest that the proposed shelter would be staffing intensive. This could be mitigated with an operational plan in place.

I am available to discuss these and other concerns should you wish.

Copies furnished to:

John Chesher, Director, Capital Improvements
Melanie Borkowski, Manager, Facilities Compliance
Anil Patel, Project Manager, Capital Improvements



**INTER-OFFICE COMMUNICATION
PALM BEACH COUNTY
FACILITIES DEVELOPMENT & OPERATIONS**

DATE: November 19, 2008
TO: Chauncey Taylor II, Director Facilities Services
FROM: Miradieu Aubourg, Senior Site Planner, Facilities Compliance
RE: PROPOSED HOMELESS CENTER AT 1101 54TH STREET, WEST PALM BEACH

As requested, Facilities Compliance has conducted a *preliminary* review of the City of West Palm Beach Code of Ordinances relative to the property located at 1101 54th Street, West Palm Beach (subject site). Facilities Compliance understands that Palm Beach County is proposing a homeless center use at the subject site. The use may include assessment services, short term sheltering, service provision and a possible clinic for more than 15 individuals.

The subject site (Parcel Control Number 74-43-43-04-00-000-3010) is located approximately 2,500 feet north of 45th Street on the west side of Greenwood Avenue within the incorporated area of the City of West Palm Beach. According to Property Appraiser's data, the property is 5 acres in size and supports three (3) buildings. The attached aerial photograph shows the three buildings as attached and as such the buildings would effectively be considered a single building for regulatory review purposes.

Pursuant to discussion with Maggie Cruz, Associate Planner from the City of West Palm Beach, the subject site has a Community Services (CS) Zoning District and Community Services Future Land Use designation. The Zoning and Land Use are consistent as required by Florida State Statutes. The site is the subject of a previous Zoning Board of Appeals approval for a type III convalescent home.

Pursuant to the City Code of Ordinances Article IX Section 94.271, .272, and .273 (d) (28), it appears that the use of the building as a homeless center is classified as a Group homes/congregate living facilities with the definition read as follows: *The term "group home" encompasses lodging or rooming houses, nursing homes, adult congregate living facilities (ACLF), group care homes, community residential homes, recovery homes, and residential treatment facilities or other planned development.*

Group Homes for 15 or more unrelated individuals is classified as a Type III Group Homes. Type III Group Homes are permitted in the CS Zoning district subject to a Special Use B Zoning Board of Appeals approval. Given the fact that the site received a Zoning Board of Appeals approval for a Type III convalescent home in 1961, the proposed homeless center may be permissible by the existing Zoning Board of Appeals approval. A meeting with City Planning

Proposed Homeless Center
1101 54th Street, West Palm Beach
November 2008

staff is advisable to confirm the appropriate process.

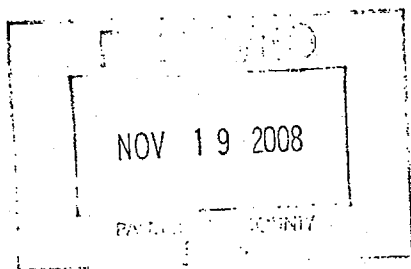
Any site modifications necessary to accommodate the proposed homeless center will include various site improvements (i.e. landscaping, signage, parking, etc.) which may be subject to compliance with current code requirements or Zoning Board of Appeals. Landscaping requirements are subject to Section 94-441 of the Code of Ordinances which states that renovations, repair, alteration or redevelopment which exceeds 50 percent of the value of the structure shall be subject to the landscaping, tree protection, and screening. Parking requirements pursuant to Article XV for a Group Home Type III allow for 1 space per 6 beds (residents), 1 space per 10 beds (guests), 1 space per 300 square feet of office space, and 50 percent reserve parking is allowed.

We trust this limited information will be useful during this initial phase of planning efforts for the proposed homeless center on the subject site. We anticipate that if PBC desires to move forward with this proposed center, a standard Due Diligence study, Phase I Environmental Site Assessment report, and review of the existing building structures will be requested.

Should you have any questions regarding the information provided, contact me or Melanie.

Attachments: Aerial Photograph – Subject Site
City of WPB Zoning Map - Subject Site Zoning District
Property Appraiser Property Information
City of WPB Code of Ordinances:
Article IX Section 94-271, 272, 273(d) (28) Group Homes
Table 1X-1 Permitted Use Table
Article II Section 94-36 (c) (2)

c: Audrey Wolf, Director FD&O
Melanie Borkowski, Manager Facilities Compliance
File



Proposed Homeless Center
1101 54th Street, West Palm Beach
November 2008

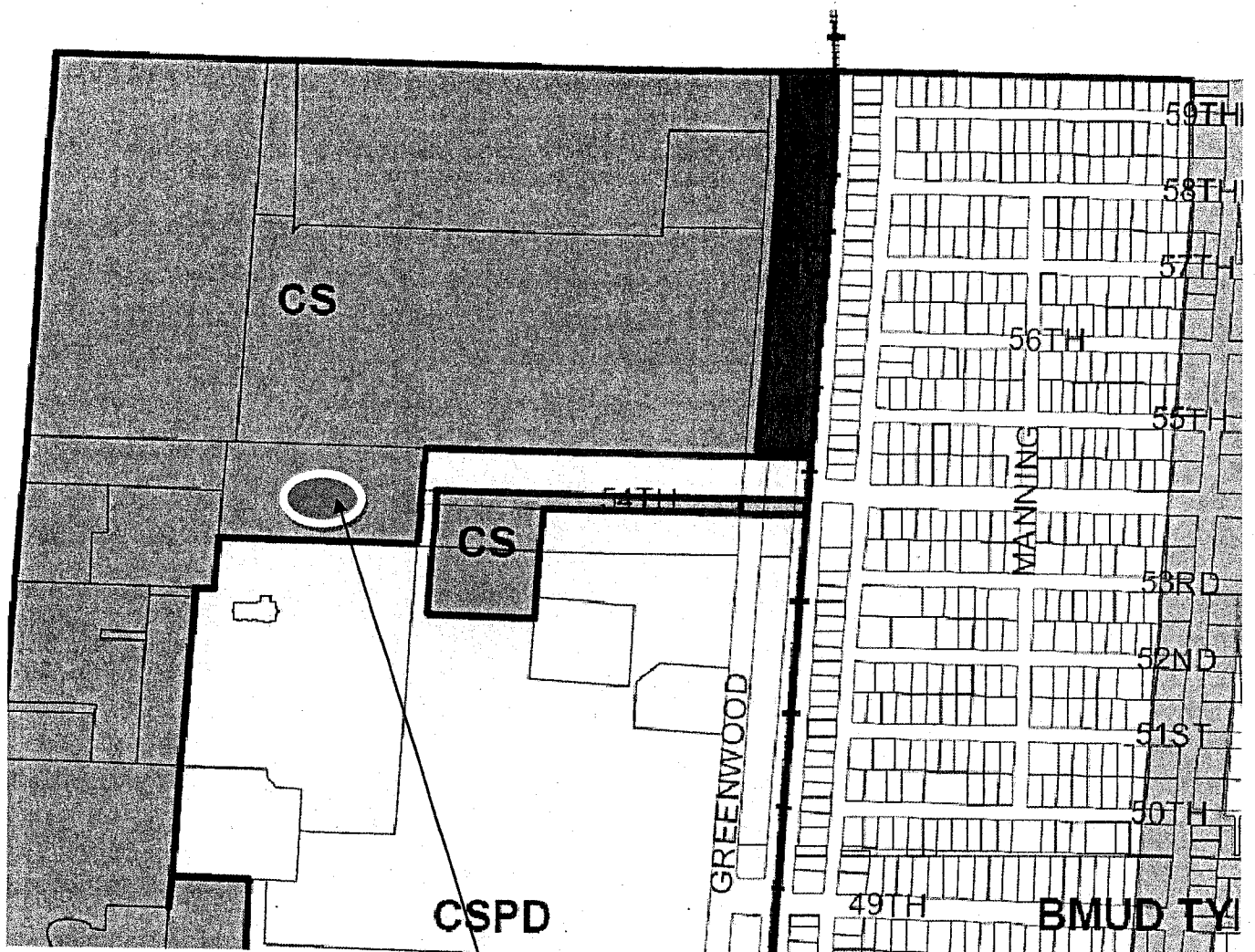


PROPOSED HOMELESS CENTER 1101 54TH STREET, WEST PALM BEACH



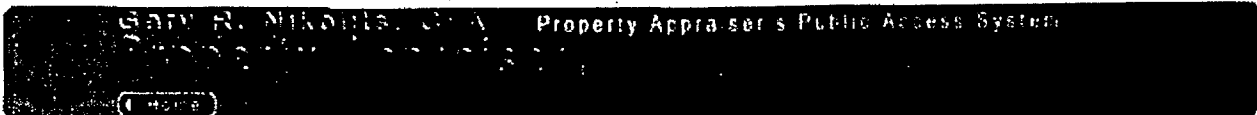
PROPOSED HOMELESS CENTER 1101 54TH STREET, WEST PALM BEACH

PORTION OF THE ZONING MAP OF THE CITY OF WEST PALM BEACH



SUBJECT SITE

PROPOSED HOMELESS CENTER
1101 54TH STREET, WEST PALM BEACH



Property Information

Location Address: 1101 54TH ST [View Map](#)

Municipality: WEST PALM BEACH [Calculate Property](#)

Parcel Control Number: 74-43-43-04-00-000-3010 [Proposed Tax Map](#)

Subdivision:

Official Records Book: 22586 Page: 950 Sale Date: Apr-2008 [Reverse Side](#)

Legal Description: 4-43-43, N 1/2 OF NE 1/4 OF SW1/4 OF NW 1/4

Owner Information

Name: MTW HEALTH PROPERTIES LLC [All Owners](#)

Mailing Address: 1601 BELVEDERE RD STE 206E
WEST PALM BEACH FL 33406 1553

Sales Information [All Sales](#)

Sales Date	Book/Page	Price	Sale Type	Owner
Apr-2008	22586/0950	\$2,200,000	WARRANTY DEED	MTW HEALTH PROPERTIES LLC
Apr-2007	21763/1047	\$9,380,989	WARRANTY DEED	HACIENDA CARE WEST PALM LP
Feb-2001	12429/0265	\$7,083,562	WARRANTY DEED	DOS OF PALM BEACH LTD

Exemptions

Exemption Information Unavailable.

Appraisals

Tax Year:	2008	2007	2006
Improvement Value:	\$2,763,054	\$2,346,477	\$2,287,687
Land Value:	\$2,114,000	\$1,719,000	\$1,719,000
Total Market Value:	\$4,877,054	\$4,065,477	\$4,006,687

Property Information

Number of Units: 191

*Total Square Feet: 63313

Acres: 5

Use Code: 7800 Description: SANI/ REST HOME

* in residential properties may indicate living area.

Assessed and Taxable Values [Structure Detail](#)

Tax Year:	2008	2007	2006
Assessed Value:	\$4,877,054	\$4,065,477	\$4,006,687
Exemption Amount:	\$0	\$0	\$0
Taxable Value:	\$4,877,054	\$4,065,477	\$4,006,687

Tax Values [Tax Calculator](#)

Tax Year:	2008	2007	2006
Ad Valorem:	\$104,117	\$85,198	\$91,552
Non Ad Valorem:	\$17,612	\$8,227	\$7,666
Total Tax:	\$121,729	\$93,425	\$99,218

[Tax Collector WebSite](#)

NOTE: Lower the top and bottom margins to 0.25 on File->Page Setup menu option in the browser to print the detail on one page.



Owner Name: **MTW HEALTH PROPERTIES LLC**
 PCN Number: **74-43-43-04-00-000-3010**

Building Structural Data and Drawing are for the Current Tax Roll.

BUILDING 1 | **BUILDING 2** | **BUILDING 3** | **BUILDING 4**

Structural Element for Building 1		Subarea and Sq. Footage for Building 1	
1. YEAR BUILT	1925	No. Code	Description
2. NURSING HOME	4520	1.	NURSING HOME
3. SUPPORT	54	2.	SUPPORT
4. NURSING HOME	3960	3.	NURSING HOME
5. NURSING HOME	576	4.	NURSING HOME
		Total Square Footage : 9110	

Extra Feature

Description	Year Built	Units
Air Conditioning		15278
Air Conditioning		2340
WALKWAY-CONCRETE		1128
PAVING- ASPHALT		18900

Unit may represent the perimeter, square footage, linear footage, total number or other measurement of the feature depending on the feature described.

Detailed Land Information

Land Line #	Description	Zoning	Units	Acres
1.	MULTI FAMILY	CS/CS	191	0

[Back to Search](#) | [Detail](#) | [Print](#)

[Record Search](#) | [Exemption E-File](#) | [Information](#) | [Exemptions](#) | [Community](#) | [Employment](#) | [New Home Buyer](#) | [Office Locations](#)
[Value Adjustment Board](#) | [Save Our Homes](#) | [Senior Corner](#) | [Disclaimer](#)
[Home](#) | [Links](#) | [Glossary](#) | [FAQ](#) | [Forms](#) | [Contact Us](#) | [PAPA](#)

© 2008 Palm Beach County Property Appraiser.



Owner Name: **MTW HEALTH PROPERTIES LLC**
 PCN Number: **74-43-43-04-00-000-3010**

Building Structural Data and Drawing are for the Current Tax Roll.

BUILDING 1 | **BUILDING 2** | **BUILDING 3** | **BUILDING 4**

Structural Element for Building 2		Subarea and Sq. Footage for Building 2	
1. YEAR BUILT	1964	No. Code	Description
2. NURSING HOME	2376	1.	NURSING HOME
3. NURSING HOME	11306	2.	NURSING HOME
4. SUPPORT	580	3.	SUPPORT
		Total Square Footage : 14262	

Extra Feature

Description	Year Built	Units
Air Conditioning		15278
Air Conditioning		2340
WALKWAY-CONCRETE		1128
PAVING- ASPHALT		18900

Unit may represent the perimeter, square footage, linear footage, total number or other measurement of the feature depending on the feature described.

Detailed Land Information

Land Line #	Description	Zoning	Units	Acres
1.	MULTI FAMILY	CS/CS	191	0

[Back to Search](#) | [Detail](#) | [Print](#)

[Record Search](#) | [Exemption E-File](#) | [Information](#) | [Exemptions](#) | [Community](#) | [Employment](#) | [New Home Buyer](#) | [Office Locations](#)
[Value Adjustment Board](#) | [Save Our Homes](#) | [Senior Corner](#) | [Disclaimer](#)
[Home](#) | [Links](#) | [Glossary](#) | [FAQ](#) | [Forms](#) | [Contact Us](#) | [PAPA](#)

© 2008 Palm Beach County Property Appraiser.



Owner Name: **MTW HEALTH PROPERTIES LLC**
 PCN Number: **74-43-43-04-00-000-3010**

Building Structural Data and Drawing are for the Current Tax Roll.

BUILDING 1 | **BUILDING 2** | **BUILDING 3** | **BUILDING 4**

Structural Element for Building 3		Subarea and Sq. Footage for Building 3	
1. YEAR BUILT	1978	No. Code	Description
2. NURSING HOME	13298	1.	NURSING HOME
3. SUPPORT	357	2.	SUPPORT
4. NURSING HOME	26286	3.	NURSING HOME
		Total Square Footage : 39941	

Extra Feature

Description	Year Built	Units
Air Conditioning		15278
Air Conditioning		2340
WALKWAY-CONCRETE		1128
PAVING- ASPHALT		18900

Unit may represent the perimeter, square footage, linear footage, total number or other measurement of the feature depending on the feature described.

Detailed Land Information

Land Line #	Description	Zoning	Units	Acres
1.	MULTI FAMILY	CS/CS	191	0

[Back to Search](#) | [Detail](#) | [Print](#)

[Record Search](#) | [Exemption E-File](#) | [Information](#) | [Exemptions](#) | [Community](#) | [Employment](#) | [New Home Buyer](#) | [Office Locations](#)
[Value Adjustment Board](#) | [Save Our Homes](#) | [Senior Corner](#) | [Disclaimer](#)
[Home](#) | [Links](#) | [Glossary](#) | [FAQ](#) | [Forms](#) | [Contact Us](#) | [PAPA](#)

© 2008 Palm Beach County Property Appraiser.

**CITY OF WEST PALM BEACH
CODE OF ORDINANCES
ARTICLE IX SECTION 94-273 (d) (28)
GROUP HOMES**

ARTICLE IX.

PERMITTED USES, USES PERMITTED WITH EXTRA REQUIREMENTS, AND SPECIAL USES

Sec. 94-271. Intent.

(a) The intent of this article is to provide a detailed listing of uses permitted within the various zoning districts established by this chapter, and certain extra requirements for selected permitted uses and special uses. Uses permitted within the city may be classified in one or more of the following three categories:

- (1) Uses permitted by right (P);
- (2) Uses permitted by right subject to extra requirements (PXR); and
- (3) Special uses (Sa and Sb).

(b) Table IX-1 set out in section 94-272, Permitted Use Table, indicates applicable zoning districts for the various uses and the exact nature of the use. Section 94-273 provides detailed requirements for uses, which specify permitted uses, and any additional application requirements or additional standards that may be necessary to justify and establish each use. Each use listed in this portion of the article is referenced by an item number corresponding to its location in the permitted use table.

(c) Appendix A of this chapter, the Master Use List, provides a detailed listing of the uses categorized in this article. Each master use listed in Appendix A is referenced by item number to its corresponding use in the permitted use table.
(Code 1979, § 33-90)

Sec. 94-272. Permitted use table.

(a) *Generally.* Uses as regulated in this section shall be determined as provided in the Permitted Use Table, Table IX-1. Uses in the permitted use table are classified as the following:

- (1) *Uses permitted by right (P).* Uses allowed throughout a district as a matter of right, subject to all applicable provisions of this chapter. These uses are designated by a "P" in Table IX-1.
- (2) *Uses permitted by right, subject to extra requirements (PXR).* Uses allowed throughout a district, yet subject to certain extra requirements not applicable to other uses in that district. Uses of this nature may be established with planning and zoning administrator approval and issuance of a zoning certificate. The extra requirements applicable to specific uses are subject to section 94-273. These uses are designated "PXR" in Table IX-1.
- (3) *Special uses (Class A and Class B).* Uses normally not allowed within a district due to detrimental affects on permitted uses. However, special uses may be allowed under circumstances particular to the proposed location and subject to standards and conditions which provide protection to adjacent uses and properties. All special uses are governed by the standards in subsection 94-36(e). These uses are designated "Sa" or "Sb" in Table IX-1.

(b) *Establishment of use regulations.* Except as otherwise provided in this chapter, regulations governing the use of land and structure are hereby established as shown in the "Permitted Use Table." Uses not expressly permitted are prohibited.

(c) *Permitted uses within all districts.* Within all districts there are certain uses permitted as a matter of right that are not listed on the permitted use table. These uses are aboveground and buried utility lines for local distribution of electricity, telephone, and cable television service; accessory and appurtenances apparatus such as poles, guy wires, transformers, and switching boxes; public and private streets and roads; railroad rights-of-way; water and sanitary sewer lines; gas and liquid fuel distribution lines; and public water canals.

(d) *Planned community and planned development districts.* Uses allowed in the planned development and planned community districts shall be as provided in section 94-206 (planned community district) and section 94-207 (planned development district).

TABLE IX-1

PERMITTED USE TABLE

NOTES: All uses in the Downtown Master Plan (DMP) area are governed by the DMP Regulating Plan.

1. Permitted with Sb only within certain Historic District and in Historic Structures outside of Historic Districts - Please see Section 94-273(d)(6), (6.1), (6.1.1) and (6.2) for details.
2. Only permitted on second floor.
3. Permitted with PXR only along Broadway and U.S.1 (South Dixie Highway)
4. Uses not permitted on the first floor within the first 50 feet for properties with frontage on Spruce Avenue or Broadway within the Northwood Mixed Use District. On corner properties, the depth shall be measured from the Spruce Avenue or Broadway frontages.
5. Uses may be permitted on the first floor if located on 24th or 25th Street, east of Spruce Avenue.
6. Live/work uses permitted on the third floor.
7. Permitted only within the Corporate Way Overlay District - See section 94-173(8) for boundary information.

Key: P = Permitted by Right; PXR = Permitted, Subject to Extra Requirements; Sa = Special Use, Class A; Sb = Special Use, Class B

(Code 1979, § 33-91; Ord. No. 3693-03, § 2, 10-14-2003; Ord. No. 3800-04, § 3, 9-13-2004; Ord. No. 3744-04, § 3, 9-27-2004; Ord. No. 3816-04, § 2, 1-3-2005; Ord. No. 3853-05, § 2, 6-20-2005; Ord. No. 4072-07, § 7, 10-9-2007; Ord. No. 4111-08, § 4, 2-11-2008; Ord. No. 4147-08, § 3, 7-28-2008)

Sec. 94-273. Extra requirements for special uses or permitted uses.

(a) The uses listed in this section are determined to be the uses permitted by right subject to extra requirements or special uses. Each use shall be required to conform to the following:

- (1) *Additional application requirements.* These requirements are in addition to those required by other articles and sections of this chapter. All applications to establish each use shall submit all additional information listed in this section.
- (2) *Additional standards.* These additional standards are required in addition to all other requirements listed in other articles and sections of this chapter. All applications shall conform to all such additional standards listed in this section unless the special use review authority shall reduce the standards upon a finding, based upon a preponderance of the evidence of record, that the proposed special use nevertheless:
 - a. Will be consistent with the comprehensive plan of the city adopted by the city commission;

- b. Will be in harmony with the general character of the neighborhood considering population density, design, scale and bulk of any proposed new structures, intensity and character of activity, traffic and parking conditions, and number of similar uses;
- c. Will not be detrimental to the use, peaceful enjoyment, economic value, or development of surrounding properties or the general neighborhood; and will cause no objectionable noise, vibrations, fumes, odors, dust, glare or physical activity;
- d. Will have no detrimental effect on vehicular or pedestrian within a district due to detrimental affects on permitted uses;
- e. Will not adversely affect the health, safety, security, morals, or general welfare of residents, visitors, or workers in the area;
- f. Will not, in conjunction with existing development in the area and development permitted under existing zoning, overburden existing public services and facilities, including schools, police and fire protection, water, sanitary sewer, public roads, storm drainage, and other public improvements;
- g. Otherwise meets the definition standards set forth elsewhere in this chapter for such particular use; and
- h. Will provide alternative measures consistent with the intent of the additional standards to provide protection to adjacent properties and preserve neighborhood character.

(b) *Application for waiver.* In the event of an application for a waiver of an additional standard affecting a use permitted with extra requirements, such waiver shall require approval by the zoning board of appeals as a Class B special use.

(c) *Advisory recommendation.* The special use review authority shall not act upon any application for a waiver or reduction of the additional standards pertaining to a special use or a use permitted with extra requirements unless an advisory recommendation concerning the waiver or reduction is provided by the community development and planning department within the time limits specified by this chapter.

(d) *Use permitted subject to extra requirements and special uses.*

(1) ADULT ENTERTAINMENT ESTABLISHMENTS (PXR: See Item 1, Table IX-1).

- a. *Additional application requirements.* Proof of any licenses required by local, state, and other applicable authority.
- b. *Additional standards.*
 - 1. *Use limitations:* Adult entertainment establishments shall include those uses as defined in section 17-147 "Definitions" of article V "Adult Entertainment Code" of the Palm Beach County Code and City Ordinance No. 3193-98, as amended

2. The business must be open for a minimum of six hours between the hours of 10:00 a.m. and 10:00 p.m.

(28) GROUP HOMES (PXR and Sb: See Items 51, 51.1, 52, and 53, Table IX-1).

- a. *Intent and applicable zoning districts.* It is the purpose of this section to set forth standards for the protection of the health, safety, and welfare of both the community and the residents of a group home. The term "group home" encompasses lodging or rooming houses, nursing homes, adult congregate living facilities (ACLF), group care homes, community residential homes, recovery homes, and residential treatment facilities or other planned development. For the purposes of this section, group homes are classified as follows:
 1. *Type I:* A home of not more than six residents which is licensed to serve clients of the state department of children and family services, and which provides a living environment for residents who operate as the functional equivalent of a family, including such supervision and care by supportive staff as may be necessary to meet the physical, emotional, and social needs of the residents. Such homes which otherwise satisfy the provisions of this section shall be allowed in any single-family or multifamily zoning district without the prior approval of the city; provided, however, that no such home shall be located within a radius of 1,000 feet of another type I group home or within a radius of 1,200 feet of a type II, type III or type V group home.
 2. *Type II:* A home with no less than seven or more than 14 residents which is licensed to serve clients of the state department of children and family services, and which provides a living environment for residents who operate as the functional equivalent of a family, including such supervision and care by supportive staff as may be necessary to meet the physical, emotional, and social needs of the residents. No such home shall be located within a radius of 1,200 feet of a type I, type II, type III or type V group home.
 3. *Resident:* The term "resident" as used in subsections (d)(35)a.1 and 2 of this section means any of the following:
 - i. An aged person as defined in F.S. § 400.618(3).
 - ii. A physically disabled or handicapped person as defined in F.S. § 760.22(7)(a).
 - iii. A developmentally disabled person as defined in F.S. § 393.063(11).
 - iv. A nondangerous mentally ill person as defined in F.S. § 394.455(3).
 - v. A child as defined in F.S. § 39.01(8) and (10).

4. *Type III*: A home which provides lodging, meals or related services for 15 or more unrelated individuals.
 5. *Type V*: A home for individuals classified as former substances abusers, participants in inmate release programs, etc.
- b. *Additional application requirements*. The additional application requirements shall apply only to those group homes permitted as a Class B special use.
1. Prior to the issuance of an occupational license or building permit, whichever occurs first, evidence shall be provided that appropriate approvals or licenses from county, state, or federal regulatory agencies have been obtained.
 2. In the event all or a portion of a group home consists of bona fide dwelling units, rather than sleeping quarters without personal care or service normally provided by licensed adult congregate living facilities, then the regulations of the applicable zoning districts shall apply.
- c. *Additional standards*. The additional standards set forth in subsection (d)(28)c.1--9 of this section shall apply only to group homes permitted as a Class B special use. Except as provided therein, the additional standards set forth in subsection (d)(28)c.10 of this section shall apply only to type II group homes which are permitted, subject to extra requirements. The additional standards contained in subsection (d)(28)c.10(iii)(D) and subsections (d)(28)c.10(vi) and (vii) of this section shall apply to type I group homes permitted, subject to extra requirements.
1. Residential character/district compatibility. If a group home is located within a residential district, it shall be maintained to conform to the character of that neighborhood. This standard applies to design, density, lot size, landscaping, or other factors affecting the neighborhood's character. This will prevent disruption of a neighborhood due to the introduction of a dissimilar structure.
 2. A group home facility shall be located a minimum of 1,200 feet from another such facility; provided, however, that this standard shall not apply between any group home facilities when both of such facilities are located entirely within the community service (CS) zoning district.
 3. No signs denoting the name and/or purpose of a special residential use shall be allowed in any residential district.
 4. Facilities located in nonresidential areas shall be maintained in the general character of the surrounding area. This standard applies to design, lot size, landscaping, and other factors affecting the character of the area.
 5. The total occupancy of a structure designed for a group home use shall not exceed that allowed in section 16.1.7.1 of the Life Safety Code (or 200 square feet per

occupant). For homes on a local street, occupancy shall not exceed two clients per total number of bedrooms minus one, or two clients per bathroom, whichever is less.

6. The standards in the chapter which is entitled "Lodging or Rooming Houses," in the Life Safety Code (see subsection 3109 of this code) shall be the minimum standards for group homes.
7. Licensed nursing homes in residential districts may have 2.5 times as many beds as dwelling units permitted in that district.
8. Parking shall be provided pursuant to article XV of this chapter.
9. Dwelling units in group homes shall have a minimum living area of 450 square feet.
10. (i) When an applicant has selected a site for a type II group home which is located in a MF14, MF20, MF32 or POR zoning district, the applicant shall notify the mayor in writing of its selection. The notice shall include the following:
 - (A) The address of the site.
 - (B) The licensing category.
 - (C) The number of residents.
 - (D) The community support requirements.
 - (E) A statement from the district administrator for the state department of children and family services indicating the need for and the licensing status of the proposed group home, and specifying how the home meets the applicable licensing criteria for the safe care and supervision of the residents.
 - (F) The district administrator for the state department of children and family services shall provide to the city the most recently published compilation of data that identifies all group homes in the area in which the proposed home is to be located.
- (ii) The city may review the notice submitted by the applicant and:
 - (A) Determine that the site selected by the applicant conforms with the requirements of this chapter and approve the site. If approved by the city, a group home may be established at the site.
 - (B) Not respond. If the city does not respond within 60 days from the

date a notice containing all the items set forth in subsection (d)(28)c.10(i) of this section was received by the city, the applicant may establish the home at the site selected;

- (C) Notify the applicant that a group home may not be established upon the site.
- (iii) The city shall deny the establishment of the group home at the selected site, if the selected site:
- (A) Does not conform to the provisions of this chapter relating to other multifamily uses in the zoning district.
 - (B) Does not meet the applicable licensing criteria established by the state department of children and family services, including the requirement that the group home must be located in a manner that assures the safe care and supervision of all the clients;
 - (C) Would result in a concentration of group homes in the area surrounding the selected site, or would result in a combination of group homes with other residences in the community, such that the nature and character of the area would be substantially altered. A group home which is located within a radius of 1,200 feet of another group home shall be deemed an over-concentration of group homes which substantially alters the nature and character of the area.
 - (D) All distance requirements shall be measured from the nearest point of an existing or proposed group home or from the single-family zoning district to the nearest point of the proposed group home.
- (iv) In the event the city denies the establishment of a group home, if agreed to by both the city and the applicant, the conflict may be resolved through informal mediation. The city shall arrange for the services of an independent mediator or may utilize the mediation process established by a regional planning council pursuant to F.S. § 186.509. Mediation shall be concluded within 45 days of a request therefor. The costs of such mediation shall be borne by the applicant.
- (v) Nothing in this section shall permit persons to occupy a group home who would constitute a direct threat to the health and safety of others or whose residency would result in physical damage to the property of others.
- (vi) An applicant for a type I or type II group home must obtain an occupational license from the city before accepting clients or residents.
-

- (vii) An applicant for a type I group home must notify the city in writing of the site selected for the establishment of a group home prior to or at the time of occupancy.

(29) GUN CLUBS AND SHOOTING RANGES (Sb: See Item 54, Table IX-1).

- a. *Additional application requirements.* None.
- b. *Additional standards.*
 - 1. All facilities shall be located within an enclosed building.
 - 2. Buildings shall be constructed and operated in such a manner that gunshots and related noise will not be detectable at adjoining property lines. Buildings shall be completely air conditioned.
 - 3. Minimum distances. One thousand feet from any residential zoning district as measured from property line to property line, without regard to intervening structures or objects.

(30) HELIPADS, HELISTOPS, WITHOUT PERMANENT MOORING AND SERVICE FACILITIES (Sb: See Item 56, Table IX-1).

- a. *Applicable locations.* This use is prohibited within the Currie mixed use district.
- b. *Additional application requirements.*
 - 1. A report from the Federal Aviation Administration (FAA).
 - 2. A statement of proposed hours of operation and frequency of arrivals and departures.
 - 3. A diagram indicating proposed flight paths of arriving and departing helicopters within a 1,000-foot radius of the heliport or helistop.
- c. *Additional standards.* Heliport and helipad design guidelines adopted by the Federal Aviation Administration.

(31) HOME OCCUPATIONS, ACCESSORY TO RESIDENTIAL USES (PXR: See Item 57, Table IX-1).

- a. *Additional application requirements.*
 - 1. A floor plan showing the size, dimensions and space utilization for the proposed home occupation.

TABLE IX-1
PERMITTED USE TABLE

TABLE INSET:

USES	SF3--SF11	SF14	MF14	MF20	MF32	OC	POR	AC	NC	GC	CM	CC2	IND	ROS	CS	W	NMUD
1. ADULT ENTERTAINMENT													PXR				
2. AIRPORTS, LANDING FIELDS, HELIPADS AND HELISTOPS; PRIVATE OR PUBLIC								Sb							Sb		
3. APPAREL & ACCESSORY RETAIL SALES RENTAL STORES						P			P	P		P	P				P
50. GREENHOUSES, COMMERCIAL									P	P			P				
51. GROUP HOMES TYPE I (6 OR FEWER PERSONS)	PXR	PXR	PXR	PXR	PXR	Sb	PXR								Sb		
51.1 GROUP HOMES TYPE II (7 TO 14 PERSONS)			PXR	PXR	PXR	Sb	PXR		Sb	Sb		Sb			Sb		
52. GROUP HOMES TYPE III (15 OR MORE PERSONS)			Sb	Sb	Sb	Sb	Sb		Sb	Sb		Sb			Sb		
53. GROUP HOMES TYPE V										Sb					Sb		
54. GUN CLUBS AND SHOOTING RANGES													Sb				

**PROPOSED HOMELESS CENTER
1101 54TH STREET, WEST PALM BEACH**

CODE OF ORDINANCES

ARTICLE II SECTION 94-36 (c) (2)

Sec. 94-36. Special use review.

(a) *Intent.* This section sets forth procedures and applications for planning board and city commission review and approval, approval of such conditions, or disapproval of them. The procedures and standards of this section are instituted to provide an opportunity to utilize property for an activity which, under usual circumstances, could be detrimental to other permitted land uses and which normally is not permitted within the same district. A special use may be permitted under circumstances particular to the proposed location and subject to conditions which provide protection to adjacent land uses. The procedures and standards of this section are adopted to provide guidelines for the special use review authority to follow in arriving at any special land use decision.

(b) *Special use review and approval provisions.* Special uses permitted in the zoning district are established by this chapter and are identified in article IX of this chapter.

(c) *Establishment of Class A and Class B special uses and special use review authorities.*

(1) *Class A special use review by city commission.* Class A special land uses are identified in the Permitted Use Table set out in section 94-272. The review authority for Class A special use shall be the city commission. Prior to action by the city commission, the planning board shall review and make a recommendation for each special use application.

(2) *Class B special use review by zoning board of appeals.* Class B special uses are identified in the Permitted Use Table set out in section 94-272. The review authority for Class B special uses shall be the zoning board of appeals.

(3) *Preliminary determination of special uses.* Prior to issuance of a permit or a certificate of occupancy as provided in this chapter, the planning and zoning administrator, or his designee, shall make a preliminary determination that the proposed use is a special use in the district where it is to be established and is subject to review and approval pursuant to the provisions of this section. The planning and zoning administrator's determination shall not ensure that the use is entitled to consideration as a special use in the district. The planning and zoning administrator shall notify the applicant of special use determination in writing.

(4) *Application by owner of interest in subject property.* An application for the approval of special use shall be submitted to the planning and zoning administrator. The applicant shall indicate the nature or type of property ownership. Applications shall be accompanied by the necessary fees and documents.

(5) *Application forms and documentation.* The application shall be made on forms approved by the planning and zoning administrator and shall be accompanied by the same documentation required for site plan review. Following an initial review of the application, the planning and zoning administrator may require the submission of additional information deemed necessary to complete the review.

(6) *Simultaneous zoning district change application permitted.* The application for approval of a special use may be accompanied by an application for a zoning district change, where such a change is necessary to the consideration of the special use.

(7) *Simultaneous site plan review permitted.* The application for approval of a special use shall be processed simultaneously with the site plan review of the proposal. The findings of the site plan review authority shall be advisory to the special use review authority. As proposals for special use are modified, the special use review authority may request that the site plan review authority review site plans.

(8) *Determination of eligibility of a special use.* The planning and zoning administrator, at the written request of an applicant, shall determine whether or not a proposed use is an eligible special use in a zoning district and subject to review as provided in this

chapter. This determination shall be preliminary; final determination of eligibility is the responsibility of the appropriate special use review authority. The zoning board of appeals shall hear appeals of the decision regarding determination of eligibility.

(9) *Determination of application sufficiency.* If a proposed special use is determined to be eligible for further consideration, the planning and zoning administrator shall review the application to determine whether sufficient information is provided as required. The planning and zoning administrator shall provide to the applicant written notification of the sufficiency determination. If an application is determined to contain the sufficient information, the planning and zoning administrator shall initiate the review process and schedule a public hearing for consideration by the appropriate special use review authority.

(10) *Class A special use decisions.* The city commission shall review each application for Class A special use and the findings and recommendations of the planning board, and within 60 days after the close of the public hearing shall do one of the following:

- a. Grant the application in full;
- b. Deny the application in full;
- c. Grant the application in part;
- d. Grant a modification of the application in such form as the city commission deems proper and consistent with the applicable standards for special use approval and the comprehensive plan;
- e. Return the application to the planning and zoning administrator with specific instruction as to additional information, evidence, or testimony desired in order to make a decision consistent with standards for special use approval and the comprehensive plan;
- f. Authorize withdrawal of the application without prejudice, allowing the application to be resubmitted prior to the 12-month time limitation;
- g. Continue the consideration of the application to a special date;
- h. Establish such conditions as the city commission deems necessary to ensure conformance with the special use requirements.

(d) *Changes in withdrawal and resubmission of applications.* Applications for special use approval may be changed, withdrawn, or resubmitted.

(e) *Special use standards.*

(1) *Interpretation of special use standards.* Uses set forth in this chapter as special uses shall be deemed to be adverse to the public interest except in specific instances when the review authority finds that all ordinance standards for approval of such uses have been or will be met. In those instances when the review authority finds that all ordinance standards for approval of a particular special use at a specific location have been met, then the review authority shall approve the use.

(2) *Application and review.* Applications to establish Class A or Class B special uses shall be processed and reviewed pursuant to subsection 94-36(c).

(3) *General special use standards relating to harmony with the zoning ordinance and protection of the public interest.* Prior to approval of each special use, the review authority will find each of the following based on competent and substantial evidence:

- a. *Future uses.* The use exactly as proposed at the location where proposed will be in harmony with the uses which, under zoning ordinance and land use plan, are most likely to occur in the immediate area where located.