

TAB 7

Zoning Code Amendment Ordinance 2010-12
Point Paper
Child Care Centers
October 18, 2010

Issue:

It has recently come to our attention that day care centers are currently not permitted in the Commercial Core (CC) district of the City Zoning Code.

Background:

Based on our review of the current land development regulations, *Section 4.2 Schedule of Permitted and Conditional Uses by District* permits Day Care Centers in all commercial zoning districts except the CC district and permits them as a Conditional Use in all residential zoning districts. The Zoning Code's definition of Day Care Centers per Section 3.2 is proposed as follows:

Any establishment that provides on a regular basis supervision and care for more than five (5) children unrelated to the operator for a period of less than twenty-four (24) hours a day and which receives a payment, fee or grant for any of the children receiving care and whether or not operated for profit, except that the following are not included: public school and nonpublic schools which are in compliance with the compulsory school attendance law, Florida Statutes; summer camps having children in full-time residence; summer day camps; and other schools programs normally conducted during vacation periods. The term includes kindergartens, nurseries, nursery schools, day care centers and day nurseries.

Staff Recommendation:

Child care centers are essential support uses which should be available throughout the City. Staff recommends that the use be added to the CC category as a "permitted use".

P & Z Directive:

On August 19, 2010, the Planning and Zoning Board directed City staff to proceed with an amendment to the Zoning Code to include Child Care Centers as a permitted use in the CC zoning district.

Board Actions:

On September 16, 2010 the Planning and Zoning Board voted unanimously to recommend approval of the Zoning Code Amendment Ordinance 2010-12.

ORDINANCE 2010-12

AN ORDINANCE OF THE CITY COMMISSION FOR THE CITY OF PALMETTO, FLORIDA, AMENDING CODE OF ORDINANCES; ZONING CODE, TO ADD CHILD CARE CENTER AS A CONDITIONAL USE IN THE CC DISTRICT WITHIN THE SCHEDULE OF PERMITTED USES; PROVIDING FOR REPEAL OF ORDINANCES IN CONFLICT; PROVIDING FOR SEVERABILITY; AND PROVIDING FOR AN EFFECTIVE DATE.

WHEREAS, Article VIII, Section 2 of the Florida Constitution provides that municipalities shall have governmental, corporate and proprietary powers to enable municipalities to conduct municipal government, perform municipal functions and render municipal services; and,

WHEREAS, pursuant to the referenced provision of the Florida Constitution, a city may exercise any power for municipal purposes except as otherwise provided by law; and,

WHEREAS, Chapter 166, Florida Statutes, the "Municipal Home Rule Powers Act," implements the applicable provisions of the Florida Constitution and authorizes municipalities to exercise any power for municipal purposes, except when expressly prohibited by law and to enact ordinances in furtherance thereof; and,

WHEREAS, Section 163.3202, Florida Statutes provides for the adoption of land development regulations to implement the comprehensive plan; and

WHEREAS, the City has previously adopted a zoning code as part of its land development regulations; and

WHEREAS, the Planning Director recommended amending the list of permitted and conditional uses within CC zoning district to add child care center as defined in the City Zoning Code; and

WHEREAS, the City Planning and Zoning Board, after holding a public hearing regarding amending the permitted uses within the CC zoning district to add child care center, recommended adoption of Ordinance 2010-12; and

WHEREAS, the City Commission determined it appropriate to amend the City Zoning Code to add child care center only as a conditional uses within the CC zoning district because of the nature of the use and the locations of several CC zoned properties on collector or arterial roads; and

WHEREAS, consistent with the findings stated above, the City Commission has determined that adoption of this ordinance is in the best interest of the public health, safety and welfare.

NOW, THEREFORE, BE IT ORDAINED BY THE CITY OF PALMETTO, FLORIDA, as follows:

Section 1. Findings of Fact. The above “WHEREAS” clauses are adopted herein as findings of fact.

Section 2. Amendment Language and Effect on Other Subsection Language. Section 4-2 of Appendix B of the City of Palmetto Code of Ordinances is hereby amended to change “Child Care Center” from a prohibited use to a conditional use in the CC zoning district.

Section 3. Repeal of Inconsistent Ordinances. This Ordinance hereby repeals all ordinances, or parts thereof, in conflict herewith to the extent of such conflict.

Section 4. Severability. If any provision of this Ordinance or the application thereof to any person or circumstances is held invalid, the invalidity shall not affect other provisions or applications of the Ordinance which can be given effect without the invalid provision or application, and to this end the provisions of this Ordinance are declared severable.

Section 5. Effective Date. This Ordinance shall take effect as provided for by law and by City Charter, Section 14, upon execution by the Mayor or, if disapproval occurs, upon reconsideration by the City Commission and passing of the Ordinance by at least four (4) votes.

FIRST READING	October 18, 2010
PUBLICATION DATE	October 22, 2010
SECOND READING AND FIRST PUBLIC HEARING	November 1, 2010
SECOND PUBLIC HEARING	November 15, 2010

PASSED AND DULY ADOPTED, BY THE CITY COMMISSION OF THE CITY OF PALMETTO, FLORIDA, with a quorum present and voting, in regular session assembled, this 15th day of November, 2010.

CITY OF PALMETTO, FLORIDA, BY
AND THROUGH THE CITY
COMMISSION OF THE CITY OF
PALMETTO

By: _____
Shirley Groover-Bryant, Mayor

ATTEST:

By: _____
James R. Freeman, City Clerk