

CITY OF MARGATE, FLORIDA

ORDINANCE NO. _____

AN ORDINANCE OF THE CODE OF THE CITY OF MARGATE, FLORIDA, AMENDING CHAPTER 31 - PLATTING, SUBDIVISION AND OTHER LAND USE REGULATIONS, SECTION 31-33 DEFINITIONS; APPENDIX-A ZONING; SECTION 2.2 TERMS DEFINED; ARTICLE XIV ONE FAMILY DWELLING R-1A TO R-1B DISTRICT, SECTION 14.2 USES PERMITTED; ARTICLE XV TWO FAMILY DWELLING R-2 DISTRICT, SECTION 15.2 USES PERMITTED; ARTICLE XVI MULTIPLE FAMILY DWELLING R-3 DISTRICT, SECTION 16.2 USES PERMITTED; ARTICLE XXII COMMUNITY BUSINESS B-2 DISTRICT, SECTION 22.3 PERMITTED USES; ARTICLE XXIII LIBERAL BUSINESS B-3 DISTRICT, SECTION 23.3 PERMITTED USES; ARTICLE VII TRANSIT ORIENTED CORRIDOR - CORRIDOR TOC-C DISTRICT, SECTION 7.3 PERMITTED USES; ARTICLE XI COMMUNITY FACILITY CF-1 DISTRICT, SECTION 11.3 PERMITTED USES; PROVIDING FOR MINIMUM STANDARDS; PROVIDING FOR CONSISTENCY WITH FLORIDA STATUTES; PROVIDING FOR REPEAL; PROVIDING FOR EXCEPTIONS; PROVIDING FOR SEVERABILITY; PROVIDING FOR CODIFICATION; PROVIDING FOR AN EFFECTIVE DATE.

SECTION 1: The Code of the City of Margate, Florida, Appendix-A Zoning, Section 2.2, Terms Defined, is hereby amended to read as follows¹:

Sec. 2.2 - Terms defined.

. . .

¹CODING: Words in ~~struck through~~ text are deletions from existing text, words in underscoring text are additions to existing text, and **shaded** text are changes between First and Second Readings.

1 Adult family-care home: A full-time, family-type living
2 arrangement, in a private home, under which a person who owns
3 or rents the home provides room, board, and personal care, on
4 a 24-hour basis, for no more than five disabled adults or
5 frail elders who are not relatives. The following family-type
6 living arrangements are not required to be licensed as an
7 adult family-care home:
8

9 (a) An arrangement whereby the person who owns or rents
10 the home provides room, board, and personal services
11 for not more than two adults who do not receive
12 optional state supplementation under s. 409.212 F.S.
13 The person who provides the housing, meals, and
14 personal care must own or rent the home and reside
15 therein.
16

17 (b) An arrangement whereby the person who owns or rents
18 the home provides room, board, and personal services
19 only to his or her relatives.
20

21 (c) An establishment that is licensed as an assisted
22 living facility under Chapter 429, Florida Statutes.
23
24 . . .
25

26 Assisted living facility: Any building or buildings, section
27 or distinct part of a building, private home, boarding home,
28 home for the aged, or other residential facility, whether
29 operated for profit or not, which undertakes through its
30 ownership or management to provide housing, meals, and one or
31 more personal services for a period exceeding 24 hours to one
32 or more adults who are not relatives of the owner or
33 administrator.
34 . . .
35

36 Community residential home: A dwelling unit licensed to serve
37 residents who are clients of the Department of Elderly
38 Affairs, the Agency for Persons with Disabilities, the
39 Department of Juvenile Justice, or the Department of Children
40 and Families or licensed by the Agency for Health Care
41 Administration.

. . .

Community residential home, Type 1: A dwelling unit that provides a living environment for homes of six or fewer residents which otherwise meet the definition of a community residential home shall be deemed a single-family unit and a noncommercial, residential use. Homes of six or fewer residents which otherwise meet the definition of a community residential home shall be allowed in single-family or multifamily zoning districts without approval by the City, provided that such homes are not located within a radius of 1,000 feet of another Type 1 home or within a radius of 1,200 feet of another Type 2 home. Such homes with six or fewer residents are not required to comply with the notification provisions of Chapter 419, Florida Statutes; provided that, before licensure, the sponsoring agency provides the City with the most recently published data compiled from the licensing entities that identifies all community residential homes within the jurisdictional limits of the City in which the proposed site is to be located in order to show that there is not another Type 1 home within a radius of 1,000 feet and not another Type 2 home within a radius of 1,200 feet of the proposed home. At the time of home occupancy, the sponsoring agency must notify the City that the home is licensed by the licensing entity. For purposes of City land use and zoning determinations, this definition does not affect the legal nonconforming use status of any community residential home lawfully permitted and operating as of July 1, 2016.

. . .

Community residential home, Type 2: A dwelling unit meeting the definition of community residential home which provides a

1 living environment for 7 to 14 unrelated residents who
2 operate as the functional equivalent of a family, including
3 such supervision and care by supportive staff as may be
4 necessary to meet the physical, emotional, and social needs
5 of the residents. Type 2 homes shall not be located within
6 1000 feet of another Type 1 home and within 1200 feet of
7 another Type 2 home. For purposes of City land use and zoning
8 determinations, this definition does not affect the legal
9 nonconforming use status of any community residential home
10 lawfully permitted and operating as of July 1, 2016.

11 . . .
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13
14 Detoxification: A service involving subacute care that is
15 provided on an inpatient or outpatient basis to assist
16 individuals to withdraw from the physiological and
17 psychological effects of substance abuse and who meet the
18 placement criteria provided in Chapter 397, Florida Statutes.
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20 . . .
21

22 Detoxification facility: A facility licensed to provide
23 detoxification services under Chapter 397, Florida Statutes.

24 . . .
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26 ~~Family care facilities:~~ A facility which provides residence,
27 ~~supervision, and support in a family setting to eight (8) or~~
28 ~~fewer unrelated individuals who are handicapped, aged,~~
29 ~~disabled, or in need of adult supervision.~~

30 . . .
31

~~Group care facilities: A facility which provides residence, and/or supervision and services for individuals who are handicapped, aged, disabled, or undergoing rehabilitation including nursing homes, sober houses, halfway houses, convalescent homes, homes for the aged, foster and boarding homes, and retirement homes, whether the residents' stay are mandated or voluntary. The city shall ensure that no group care facilities are located within a one-thousand-foot radius of any other group care facilities located in any of the residentially zoned areas within the city. The one-thousand-foot radius will be used to provide a minimum separation of group care facilities needed to effectively preserve the residential neighborhoods of the city while also ensuring that disabled individuals inhabiting group care facilities experience a true neighborhood lifestyle.~~

~~. . .~~

Hospital: A hospital licensed under chapter 395 F.S. and part II of Chapter 408, Florida Statutes.

~~. . .~~

Long-term care facility: A nursing home facility, assisted living facility, adult family-care home, or any other similar residential adult care facility that provides rehabilitative, restorative, and/or ongoing skilled nursing care to patients or residents in need of assistance with activities of daily living.

~~. . .~~

~~Nursing home: A home for aged, chronically ill, or incurable persons in which three (3) or more persons not of the immediate family are received, kept, or provided with food and shelter or care for compensation, but not including hospitals, clinics or similar institutions devoted primarily to the diagnosis and treatment of the sick or injured.~~

~~. . .~~

1 Nursing home facility: Any licensed facility which provides
2 nursing services as defined in part I of Chapter 464, Florida
3 Statutes.

4 . . .
5
6 Recovery residence: A residential dwelling unit, or other
7 form of group housing, that is offered or advertised through
8 any means, including oral, written, electronic, or printed
9 means, by any person or entity as a residence that provides a
10 peer-supported, alcohol-free, and drug-free living
11 environment. The number of unrelated residents and distance
12 requirements set forth by Type 1 and Type 2 community
13 residential homes shall apply to these facilities.

14 . . .
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16
17 ~~Special residential facility, category (2):~~ A housing
18 ~~facility which is licensed by the State of Florida for nine~~
19 ~~(9) to sixteen (16) non-elderly individuals who require~~
20 ~~treatment, care, rehabilitation or education. This includes~~
21 ~~individuals who are dependent children, physically disabled,~~
22 ~~developmentally disabled or individuals not overtly (sic) of~~
23 ~~harm to themselves or others. The facility provides a family~~
24 ~~living environment including supervision and care necessary~~
25 ~~to meet the physical, emotional and social needs of the~~
26 ~~individuals. It may or may not provide education or~~
27 ~~training. There may be more than one (1) kitchen within the~~
28 ~~housing facility.~~

29 . . .
30
31 ~~Special residential facility, category (3):~~ Shall mean the
32 ~~following:~~

33 ~~(a) Any housing facility licensed by the State of Florida~~
34 ~~for more than sixteen (16) non-elderly individuals who~~
35 ~~require treatment, care, rehabilitation or education.~~
36 ~~This includes individuals who are dependent children,~~
37 ~~physically disabled, developmentally disabled or~~

~~individuals not overtly (sic) of harm to themselves or others; or~~

~~(b) Any housing facility licensed by the State of Florida
for more than eight (8) unrelated elderly individuals;
or~~

~~(c) Governmentally subsidized housing facilities entirely devoted to the care of the elderly, dependent children, physically handicapped, developmentally disabled or individuals not overtly of harm to themselves or others; or~~

~~(d) Any not-for-profit housing facility for unrelated elderly individuals; or~~

~~(c) Any housing facility which provides a life-care environment. Life-care environment shall include, but is not limited to, creation of a life estate in the facility itself and provision of off-site or on-site medical care.~~

[Note to Municipal Code: The rest of this section shall remain as codified.]

SECTION 2: The Code of the City of Margate, Florida, Appendix-A Zoning, Article XIV One Family Dwelling R-1A to R-1B Section 14.2 Uses permitted is hereby amended to read as follows:

Section 14.2. - Permitted uses.

(10) Community residential home, Type 1 as defined in section 2.2

(11) Recovery residence, as defined in section 2.2

[Note to Municipal Code: The rest of this section shall remain as codified.]

SECTION 3: The Code of the City of Margate, Florida, Appendix-A Zoning, Article XV Two Family Dwelling R-2 Section 15.2 Uses permitted is hereby amended to read as follows:

1
2 **Section 15.2. - Uses permitted.**

3 . . .
4
5 (3) Community residential home, Type 1 as defined in
6 section 2.2

7
8 (4) Recovery residence, as defined in section 2.2
9

10 . . .
11 **[Note to Municipal Code: The rest of this section shall**
12 **remain as codified.]**

13
14
15 **SECTION 4:** The Code of the City of Margate, Florida, Appendix-
16 A Zoning, Article XVI Multiple Family Dwelling R-3 Section
17 16.2 Uses permitted is hereby amended to read as follows:
18

19 **Section 16.2. - Uses permitted.**

20 . . .
21
22 (3) Community residential home, Type 2 as defined in
23 section 2.2

24
25 (4) Recovery residence, as defined in section 2.2
26

27 . . .
28
29 ~~(B) Special exception uses: The following is authorized upon~~
30 ~~a finding by the city commission that a special exception~~
31 ~~to this article is warranted. Upon requesting said~~
32 ~~special exception by the city commission, the applicant~~
33 ~~must submit a boundary survey and legal description of~~
34 ~~the property involved, the proposed location of all~~
35 ~~buildings, accessways, open space and recreational~~
36 ~~facilities, accessory uses, fences and signage, screening~~
37 ~~and landscaping, lighting, and a conceptual paving,~~
38 ~~drainage and utility plan. The development review~~

committee shall approve applicable site plan prior to consideration by the city commission.

~~(1) Nursing homes, convalescent homes, foster homes, retirement homes, family care facilities, group care facilities for the elderly and other similar institutions for the care of the aged (subject to the development standards in the R-3A district).~~

~~(2) Family care facilities, group care facilities and other similar facilities for dependent children or the physically handicapped designed for sixteen (16) clients or less and not providing psychiatric care (subject to the development standards in the R-3A district).~~

~~The following criteria shall be taken into consideration by the city commission when evaluating special exception requests for the above-referenced facilities:~~

- ~~(a) Proximity to hospital and emergency facilities.~~
- ~~(b) Accessibility for emergency vehicle services.~~
- ~~(c) Accessibility to public transportation.~~
- ~~(d) Impact on the surrounding area.~~
- ~~(e) Accessibility to shopping, entertainment and other support services.~~
- ~~(f) Control of dangerous behavior by clients, loitering and disorderly conduct.~~
- ~~(g) A demonstration that adequate building and grounds maintenance will be provided.~~
- ~~(h) Proximity of nearest like facility. No group care facility shall be located within six hundred sixty (660) feet, as measured by the shortest walking distance, of any other group care facility.~~
- ~~(i) Provision of ample recreational facilities and landscaped area.~~

[Note to Municipal Code: The rest of this section shall remain as codified.]

SECTION 5: The Code of the City of Margate, Florida,

Appendix-A Zoning, Article XXII Community Business B-2 Section 22.2 Uses permitted is hereby amended to read as follows:

Section 22.3. - Permitted uses.

. . .

~~Special residential facilities, category (2), subject to the following limitation(s):~~

~~(1) These facilities shall not be located within the approved boundaries of the Margate Community Redevelopment Area.~~

~~Special residential facility, category (3), subject to the following limitation(s):~~

~~(1) These facilities shall not be located within the approved boundaries of the Margate Community Redevelopment Agency.~~

. . .

[Note to Municipal Code: The rest of this section shall remain as codified.]

SECTION 6: The Code of the City of Margate, Florida, Appendix-A Zoning, Article XXIII Liberal Business B-3 Section 23.3 Uses permitted is hereby amended to read as follows:

Section 23.3. - Permitted uses.

. . .

~~Special residential facilities, category (2), subject to
the following limitation(s):~~

~~(1) These facilities shall not be located within the
approved boundaries of the Margate Community
Redevelopment Area.~~

~~Special residential facility, category (3), subject to
the following limitation(s):~~

~~(1) These facilities shall not be located within the
approved boundaries of the Margate Community
Redevelopment Agency.~~

. . .

**[Note to Municipal Code: The rest of this section shall
remain as codified.]**

SECTION 7: The Code of the City of Margate, Florida,
Appendix-A Zoning, Article VII Transit Oriented Corridor -
Corridor (TOC-C) District Section 7.3 Permitted uses is hereby
amended to read as follows:

Section 7.3. - TOC-C Corridor permitted uses.

. . .

Community residential home, Type 2 as defined in section
2.2

Long-term care facility

~~Special residential facility, category (2).~~

. . .

**[Note to Municipal Code: The rest of this section shall
remain as codified.]**

1 **SECTION 8:** The Code of the City of Margate, Florida, Appendix-
2 A Zoning, Article XI Community Facility (CF-1) District
3 Section 11.3 Permitted uses is hereby amended to read as
4 follows:
5

6 **Section 11.3. - Permitted uses.**
7

8 (3) Hospitals, detoxification facilities, and long term
9 care facilities ~~nursing and convalescent homes~~ not
10 including correctional or mental institutions, nor
11 veterinary hospitals. Such use shall be located on a
12 plot having at least forty thousand (40,000) square feet
13 and at least two hundred (200) feet of street frontage.

14 ~~(4) Group care facilities, as defined in Section 2.2 of~~
15 ~~the Margate Zoning Code. Such use shall be located on a~~
16 ~~plot having at least forty thousand (40,000) square feet~~
17 ~~and at least two hundred (200) feet of frontage. Such~~
18 ~~facility shall occupy the entire structure or structures~~
19 ~~within which it is located and shall not share space~~
20 ~~with any other use or residence for persons other than~~
21 ~~those associated with said facility.~~
22

23 [Note to Municipal Code: The rest of this section shall
24 remain as codified.]
25

26 **SECTION 9:** The Code of the City of Margate, Florida,
27 Chapter 31 - Platting, Subdivision and Other Land Use
28 Regulations, Article III Development Review, Section 31-33
29 Definitions is hereby amended to read as follows:
30

31 **Section 31-33. - Definitions.**

32 As used in this article:

33 *Building permit* means:

- 34 (1) Any permit for the erection or construction of a new
35 building required by the South Florida Building Code, or
36 other building code in force and effect at the time.
- 37 (2) Any permit for an existing building which would:
- 38 a. Create one or more additional dwelling units;
39

b. Involve a change in the occupancy group of a building as described in the Florida Building Code, or other building code in force and effect at the time; or

~~e. Allow the dwelling unit to be used as an assisted living facility.~~

[Note to Municipal Code: The rest of this section shall remain as codified.]

SECTION 10: All ordinances or parts of ordinances in conflict herewith are and the same is hereby repealed to the extent of such conflict.

SECTION 11: If any section, sentence, clause, or phrase of this ordinance is held to be invalid or unconstitutional by a court of competent jurisdiction, then said holding shall in no way affect the validity of the remaining portions of this ordinance.

SECTION 12: It is the intention of the City Commission that the provisions of this ordinance shall become and be made a part of the City of Margate Code, and that the sections of this ordinance may be renumbered or relettered and the word "ordinance" may be changed to "section", "article" or such other appropriate word or phrase in order to accomplish such intentions.

SECTION 13: This ordinance shall become effective immediately upon adoption at its second reading.

PASSED ON FIRST READING THIS ____ day of _____ 2017.

PASSED ON SECOND READING THIS ____ day of _____ 2017.

ATTEST:

JOSEPH KAVANAGH
CITY CLERK

MAYOR TOMMY RUZZANO

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RECORD OF VOTE - 1ST READING RECORD OF VOTE - 2ND READING

| | | | |
|----------|-------|----------|-------|
| Caggiano | _____ | Caggiano | _____ |
| Simone | _____ | Simone | _____ |
| Peerman | _____ | Peerman | _____ |
| Schwartz | _____ | Schwartz | _____ |
| Ruzzano | _____ | Ruzzano | _____ |

DRAFT