

Planning and Zoning Board



April 4, 2017

Community Residential Facilities Update

Text Amendment

Recommendation:

It is recommended that the Planning and Zoning Board recommend approval of the proposed revisions:

1. The deletion of definitions of family care facilities, group care facilities, nursing home, special residential facility category 2, and special residential facility category 3 within Article II Definitions. Section 2.2 Terms defined. of the Margate Code of Ordinances.
2. The addition of definitions of community residential home, Type 1, community residential home, Type 2, detoxification facility, long-term care facility, and recovery residence within in Article II Definitions Section 2.2 of the Margate Code of Ordinances.



Community Residential Facilities Update

Text Amendment

Background:

On July 1, 2016 the Florida legislature updated State statutes pertaining to community residential homes, detoxification facilities, recovery residences, and other facilities that require rehabilitative, restorative, and/or on-going nursing care. This ordinance provides updated definitions to be consistent with this State update.

Currently family care facilities, group homes, and nursing homes are required to appear before the Development Review Committee (DRC) for approval. Once this ordinance is passed, these types of facilities would no longer need to appear before DRC per Florida Statute 419. Planning and Zoning would just need to sign a form that would be received by a licensing agency which oversees the home (i.e. Department of Elderly Affairs, the Agency for Persons with Disabilities, the Department of Juvenile Justice, the Department of Children and Families, Agency for Health Care Administration). This form would show that the home would be in compliance with the 1,000 or 1,200 foot distance requirement



Current facility types

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

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.

Current facility types

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.

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

Current facility types

Special residential facility, category (3): Shall mean the following:

- (a) Any housing facility licensed by the State of Florida for more than sixteen (16) non-elderly individuals who require treatment, care, rehabilitation or education. This includes individuals who are dependent children, 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
- (e) 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.

Proposed facility types

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. (FS 419.001)

Proposed facility types

Community residential home, Type 2: A dwelling unit meeting the definition of community residential home which provides a living environment for 7 to 14 unrelated 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. Type 2 homes shall not be located within 1000 feet of another Type 1 home and within 1200 feet of another Type 2 home. 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. (FS 419.001)

Detoxification facility: A facility licensed to provide detoxification services under Chapter 397, Florida Statutes. (FS 394.455)

Proposed facility types

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. (FS 400.0060)

Recovery residence: A residential dwelling unit, or other form of group housing, that is offered or advertised through any means, including oral, written, electronic, or printed means, by any person or entity as a residence that provides a peer-supported, alcohol-free, and drug-free living environment. The number of unrelated residents and distance requirements set forth by Type 1 and Type 2 community residential homes shall apply to these facilities. (FS 397.311)

Other definitions to be added

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

- (a) An arrangement whereby the person who owns or rents the home provides room, board, and personal services for not more than two adults who do not receive optional state supplementation under s. [409.212](#) F.S. The person who provides the housing, meals, and personal care must own or rent the home and reside therein.
- (b) An arrangement whereby the person who owns or rents the home provides room, board, and personal services only to his or her relatives.
- (c) An establishment that is licensed as an assisted living facility under Chapter 429, Florida Statutes. (FS 429.65)

Other definitions to be added

Assisted living facility: Any building or buildings, section or distinct part of a building, private home, boarding home, home for the aged, or other residential facility, whether operated for profit or not, which undertakes through its ownership or management to provide housing, meals, and one or more personal services for a period exceeding 24 hours to one or more adults who are not relatives of the owner or administrator. (FS 429.02)

Community residential home: A dwelling unit licensed to serve residents who are clients of the Department of Elderly Affairs, the Agency for Persons with Disabilities, the Department of Juvenile Justice, or the Department of Children and Families or licensed by the Agency for Health Care Administration. (FS 419.011)

Other definitions to be added

Detoxification: A service involving subacute care that is provided on an inpatient or outpatient basis to assist individuals to withdraw from the physiological and psychological effects of substance abuse and who meet the placement criteria provided in Chapter 397, Florida Statutes. (FS 397.311)

Hospital: A hospital licensed under chapter 395 F.S. and part II of Chapter 408, Florida Statutes. (FS 397.311)

Nursing home facility: Any licensed facility which provides nursing services as defined in part I of Chapter 464, Florida Statutes. (FS 400.021)

Current facility types

- ❑ Family care facilities: R-3, R-3A, and PUD as Special Exceptions
- ❑ Group Care Facilities: R-3, R-3A, and PUD as Special Exceptions. CF-1 as-of-right
- ❑ Nursing home: R-3, R-3A, and PUD as Special Exceptions
- ❑ Special residential facility, category 2: B-2, B-3, and TOC-C as-of-right.
- ❑ Special residential facility, category 3: B-2 and B-3, as-of-right.

Proposed facility types

- ❑ Community residential home, Type 1: R-1A, R-1B, R-2, and R-3, per 1000 foot radius distance requirement
- ❑ Community residential home, Type 2: R-1A, R-1B, R-2, R-3, and TOC-C per 1000 foot radius distance requirement
- ❑ Detoxification facility: CF-1
- ❑ Long-term care facility: TOC-C and CF-1
- ❑ Recovery residence: R-1A, R-1B, R-2, and R-3, per 1000 foot radius distance requirement

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ANALYSIS

Standards for reviewing proposed amendments to the text of the Code of Ordinances:

1. The proposed amendment is legally required

The proposed amendment is required to amend text language in the Code of Ordinances pertaining updating the definitions, regulations, and location requirements for community residential homes, detoxification facilities, long-term care facilities, recovery residences, and other facilities that require rehabilitative, restorative, and/or on-going nursing care being consistent with the July 1, 2016 Florida legislature update.

2. The proposed amendment is consistent with the goals and objectives of the Comprehensive Plan.

The proposed amendment is consistent with the goals and objectives of the Comprehensive Plan.

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3. The proposed amendment is consistent with the authority and purpose of the Code of Ordinances.

The proposed amendment is consistent with the authority and purpose of the Code of Ordinances

4. The proposed amendment furthers the orderly development of the City.

The proposed amendment furthers the orderly development of the City.

5. The proposed amendment improves the administration or execution of the development process.

The proposed amendment improves the administration or execution of the development process in that it provides staff with clear and legally enforceable guidelines for reviewing community residential homes, detoxification facilities, long-term care facilities, recovery residences, and other facilities that require rehabilitative, restorative, and/or on-going nursing care.

Community Residential Facilities Update Text Amendment

Recommendation of Approval

Staff recommends that the Planning and Zoning Board approve the proposed ordinance amending the aforementioned Sections to the Code of Ordinances pertaining to community residential facilities.



QUESTIONS?



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