

ORDINANCE NO. 2022-023

AN ORDINANCE OF THE CITY COMMISSION OF THE CITY OF COCONUT CREEK, FLORIDA, AMENDING THE CITY'S CODE OF ORDINANCES, BY AMENDING CHAPTER 13, "LAND DEVELOPMENT CODE," ARTICLE I, "ADMINISTRATION, REGULATIONS AND PROCEDURES," DIVISION 3, "IMPLEMENTATION PROCEDURES," BY ENACTING A NEW SECTION 13-35.1, "COMMUNITY RESIDENCE APPLICATION FORM; COMMUNITY RESIDENCE SPECIAL EXCEPTION PERMITS AND REASONABLE ACCOMMODATION REQUIREMENTS;" AMENDING ARTICLE III, "ZONING REGULATIONS," DIVISION 1, "GENERALLY," BY AMENDING SECTION 13-295, "DEFINITIONS," TO UPDATE EXISTING DEFINITIONS, PROVIDE NEW DEFINITIONS, AND REMOVE OBSOLETE DEFINITIONS AND AMENDING DIVISION 3, "ZONING DISTRICT REGULATIONS AND TABLES," BY AMENDING SECTIONS 13-332, "A-1 AGRICULTURAL DISTRICT," 13-333, "RS-1 RESIDENTIAL SINGLE-FAMILY DETACHED DISTRICT," 13-334, "RS-3 RESIDENTIAL SINGLE-FAMILY DETACHED DISTRICT," 13-335, "RS-4 RESIDENTIAL SINGLE-FAMILY DETACHED DISTRICT," 13-336.1, "RS-5 RESIDENTIAL SINGLE-FAMILY DISTRICT," 13-336.2, "RC-5 RESIDENTIAL CLUSTER DISTRICT," 13-337, "RC-8 RESIDENTIAL ATTACHED DISTRICT," 13-338, "RM-10 RESIDENTIAL MULTIPLE-FAMILY DISTRICT," 13-340, "MH-1 MOBILE HOME PARK DISTRICT," 13-354, "CF COMMUNITY FACILITY DISTRICT," AND DIVISION 8, "MASTER BUSINESS LIST," SECTION 13-625, "MASTER BUSINESS LIST-MSOA," TO CHANGE THE LIST OF PERMITTED AND SPECIAL LAND USES AND TO CREATE SPECIAL EXEPTION USES, TO PROVIDE FOR UPDATES CONSISTENT WITH RECENT CHANGES TO STATE AND FEDERAL LAWS; AND AMENDING DIVISION 4, "ACCESSORY USES AND STRUCTURES," SUBDIVISION II, "PARKING REGULATIONS AND REQUIREMENTS," SECTION 13-400, "RESIDENTIAL USE PARKING SPACE REQUIREMENTS" IN ORDER TO PROVIDE PARKING FOR COMMUNITY RESIDENCES; PROVIDING FOR CONFLICTS; PROVIDING FOR SEVERABILITY; PROVIDING FOR CODIFICATION; AND PROVIDING AN EFFECTIVE DATE.

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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WHEREAS, the City Commission desires to update its Code of Ordinances in order to eliminate outdated standards and regulations and to comply with state and federal laws; and

WHEREAS, the City of Coconut Creek recognizes that the Fair Housing Act, as amended (42 U.S.C. §3601), provides protections for persons with disabilities; and

WHEREAS, the Fair Housing Act does not preempt local zoning laws or preclude the adoption, amendment or enforcement of zoning regulations by the City of Coconut Creek pursuant to its local police powers as long as the zoning regulations are consistent with state and federal laws, including the Fair Housing Act, as amended; and

WHEREAS, the legislative history of the Fair Housing Amendments Act of 1988 cautions that local zoning regulations are prohibited that result “from false or over-protective assumptions about the needs of handicapped people, as well as unfounded fears of difficulties about the problems that their tenancies may pose.” H.R. Rep. No. 711, 100th Cong. 2D Session, Reprinted in 1988 U.S.C.C.A.N. 2173, 2192 (1988); and

WHEREAS, zoning regulation of group homes for people with disabilities should seek to achieve legitimate government interests, actually achieve those legitimate government interests, and be the least drastic means of actually achieving those legitimate government interests; and

WHEREAS, the Fair Housing Act does not provide for local land use policies or actions that treat groups of persons with certain disabilities differently than groups of people with other disabilities; and

functioning of community residences and results in segregation of people with disabilities similar to the zoning ordinance upheld in the case of *Sailboat Bend Sober Living LLC, v. City of Fort Lauderdale*, 46 F.4th 1268 (11th Cir. 2022); and

WHEREAS, the heightened scrutiny of a special exception permit is warranted when a proposed community residence for people with disabilities fails to meet both criteria to be allowed as a permitted use; and

WHEREAS, a community residence for people with disabilities that has been denied required state licensing or certification would not be allowed due to the state's own licensing or certification laws; and

WHEREAS, some community residences for people with disabilities need to house more than ten (10) people for therapeutic and/or financial reasons, therefore, a procedure is established to grant a further reasonable accommodation to allow more than ten (10) residents as long as it can be demonstrated this group can and will perform as a functional family, which is a core principle and purpose of community residences for people with disabilities; and

WHEREAS, like all residential uses, the overcrowding provisions in the City's housing code determines the maximum number of occupants of a community residence for people with disabilities no matter how many the zoning code would allow, with or without a reasonable accommodation request to house more than ten (10) people; and

WHEREAS, the Fair Housing Act affords no protections to individuals with or without disabilities, who present a direct threat to the persons or property of others, provided, however, that determining whether someone poses such a direct threat must be made on an individualized basis, and cannot be based on general assumptions or speculation about the nature of a disability; and

WHEREAS, the Planning and Zoning Board reviewed the proposed text amendment at a public hearing held on July 13, 2022, and voted to recommend that the

changes be approved; and

WHEREAS, the Planning and Zoning Board has determined that the change is consistent with and furthers the goals, objectives, and policies of the Comprehensive Plan.

NOW, THEREFORE, THE CITY COMMISSION OF THE CITY OF COCONUT CREEK HEREBY ORDAINS:

Section 1: Ratification. That the foregoing "WHEREAS" clauses are hereby ratified and confirmed as being true and correct and are hereby made a specific part of this ordinance.

Section 2: Code Amendment. That the Code of Ordinances of the City of Coconut Creek, Florida, are hereby amended by amending Chapter 13, "Land Development Code," Article I, "Administration, Regulations and Procedures," Division 3, "Implementation Procedures," by creating a new Section 13-35.1, "Community residence application form; Community residence special exception permits and reasonable accommodation requirements," and by amending Article III, "Zoning Regulations," Division 1, "Generally," Section 13-295, "Definitions," and Division 3, "Zoning District Regulations and Tables," Sections 13-332, "A-1 agricultural district," 13-333, "RS-1 residential single-family detached district," 13-334, "RS-3 residential single-family detached district," 13-335, "RS-4 residential single-family detached district," 13-336.1 "RS-5 residential single-family district," 13-336.2, "RC-5 residential cluster district," 13-337, "RC-8 residential attached district," 13-338, "RM-10 residential multiple-family district," 13-340, "MH-1 mobile home park district," 13-354, "CF community facility district," and Division 8, "Master Business List," Section 13-625, "Master business list-MSOA," and Division 4, "Accessory Uses and Structures," Subdivision II, "Parking Regulations and Requirements," Section 13-400, "Residential use parking space requirements," to read as follows:

Sec. 13-35.1. Community residence application form; Community residence special exception permits and reasonable accommodation requirements.

(a) Community residence application form.

(1) Application Form. A "Community Residence Zoning Application" form shall be required for all community residences with any number of occupants:

a. established on or after [Insert Effective Date of This Ordinance];

b. in existence prior to [Insert Effective Date of This Ordinance] and not licensed by the State of Florida and not granted a reasonable

accommodation by the City of Coconut Creek under the provisions of section 13-41, "Requests for accommodation";

- c. for the recertification of any existing community residence to which the City of Coconut Creek granted a reasonable accommodation prior to December 8, 2022; and

(2) Purpose and Process. The "Community Residence Zoning Application" form shall be obtained from, and returned to, the Director of Sustainable Development or his/her designee prior to occupancy or construction of the proposed community residence to determine:

- a. whether the proposed community residence is a permitted use, or requires a special exception permit, or is not allowed in the proposed location;
- b. the maximum number of occupants allowed in accordance with Section 6-16, "Adoption of Minimum Housing Code for Broward County";
- c. the minimum number of off-street parking spaces required; and
- d. whether any further accommodation is needed in accord with section 13-41, "Requests for accommodation" of this Code of Ordinances.

(b) Special Exception permit required for community residences for which there is no state licensure or certification and/or for transitional community residences to locate in single-family zoning Districts.

(1) Special Exception Permit Required. In order to provide a reasonable accommodation procedure for community residences housing more than four unrelated individuals, a special exception permit shall be obtained, in conjunction with section 13-35, "Special land use" of this Code of Ordinances in each of the following applicable circumstances, (two (2) special exception permits may be required if both apply), if:

- a. required by the applicable zoning district requirements; or
- b. the State of Florida does not offer certification or require a license for the proposed type of transitional community residence.

(2) Purpose of Special Exception Permit. The purpose of this section is to provide narrowly-tailored standards for a special exception permit to ensure that community residences which are required to obtain a special exception permit will:

- a. Operate as a functional family (also known as emulating a biological family) that fosters normalization and community integration of its residents, and

b. Operate in a manner consistent with the protections afforded by the State of Florida's licensing or certification standards for community residences serving individuals with disabilities similar to those of the proposed community residence in order to protect the residents of the proposed community residence from abuse, exploitation, fraud, theft, insufficient support, use of illegal drugs or alcohol, and misuse of prescription medications.

(3) Standards for Awarding a Special Exception Permit. A required special exception permit may be issued only if the proposed community residence meets the following standards:

a. No applicable state license or certification available. When the proposed community residence is required to obtain a special exception permit because the State of Florida does not offer a license or certification for this type of community residence and the population it would serve, the application must demonstrate that the proposed community residence:

1. will be operated in a manner effectively similar to that of a licensed or certified community residence;
2. that staff will be adequately trained;
3. that the home will emulate a biological family and be operated to achieve normalization and community integration; and
4. that the rules and practices governing how the home is run will actually protect residents from abuse, exploitation, fraud, theft, insufficient support, use of illegal drugs or alcohol, and misuse of prescription medications.

b. Special Exception required by zoning district. When a transitional community residence is allowed as a special land use in a specific zoning district the application must demonstrate:

1. that the proposed transitional community residence will not interfere with the normalization and community integration of the residents of any nearby existing community residence and that the presence of other community residences will not interfere with the normalization and community integration of the residents of the proposed community residence, and
2. that the proposed transitional community residence will be compatible with the residential uses allowed as of right in the zoning district, and
3. if located in a single-family zoning district, that the proposed transitional community residence will not alter the residential stability of the single-family zoning district, and

4. that the applicant or the proposed transitional community residence has been granted certification by the State of Florida or license required by the State of Florida, or in the event the State of Florida does not offer certification or require a license for the proposed type of transitional community residence and the population it would serve, that the proposed transitional community residence will be operated in a manner effectively similar to that of a licensed or certified community residence and will meet the requirements of section 13-35.1(b)(3)a. above.

(4) Procedure and fees.

- a. Procedure. A special exception permit under this section shall be approved by resolution of the City Commission pursuant to the following procedure.

1. Applications for a special exception shall be scheduled for consideration by the planning and zoning board.
2. Public notice for the hearing shall be posted at the city hall.
3. The applicant shall present the special exception proposal at a public hearing before the planning and zoning board.
4. The planning and zoning board shall consider the special exception in light of the standards set out in subsection 13-35.1 (b)(3), "Standards for Awarding a Special Exception Permit," above.
5. The board may recommend approval, approval with conditions, or denial of the application by an affirmative majority vote. The city commission shall then consider the special exception application and can approve, approve with conditions, or deny the application.
6. After decision of the city commission, the sustainable development department shall send written notification of the decision to the applicant. The decision shall become part of the public record.
7. The decision of the city commission is final and may only be appealed to circuit court pursuant to the procedures set forth in section 13-34, "Appeals."

- b. Fee. The fee for consideration of a special exception permit under this section is \$300 as this type of special exception is a form of reasonable accommodation and therefore the fees set for special exception uses in section 13-81, "Development application fees."

Subsection (6), "Special land use" of the City's Code of Ordinances are not applicable.

(c) Administrative Reasonable Accommodation required for Community Residences housing more than ten (10) unrelated individuals.

(1) Reasonable Accommodation. When a community residence for more than ten (10) individuals with disabilities is proposed, the applicant shall submit a Request for Reasonable Accommodation in accord with the procedures of section 13-41 of this Code of Ordinances. In all cases the City Manager or his/her designee shall make findings of fact in support of all determinations and shall render the decision in writing. In addition to the procedures in 13-41, "Requests for accommodation," the City Manager or his/her designee may meet with and interview the applicant to ascertain or clarify information sufficiently to make the required findings. To grant a Reasonable Accommodation to allow more than ten (10) occupants in a community residence, the City Manager or his/her designee shall affirmatively find compliance with all of the following standards in addition to the general standards promulgated in section 13-41(d), "Findings for reasonable accommodation," of this Code of Ordinances:

- a. The applicant specifies the maximum number of residents the community residence will serve and adequately demonstrates the financial and/or therapeutic need to house the proposed number of residents, and
- b. The primary function of the proposed community residence is residential where any treatment is merely incidental to the residential use of the property, and
- c. The proposed community residence will emulate a biological family and operate as a functional family rather than as an institution, boarding house, nursing home, short term vacation rental, continuing care facility, motel, hotel, treatment center, rehabilitation center, or a nonresidential use, and
- d. The requested number of residents in the proposed community residence will not interfere with the normalization and community integration of the occupants of any existing community residence.

(d) Recertification. All community residences that house more than four (4) unrelated persons shall, annually by October 1st, obtain a recertification pursuant to the requirements of section 13-41, "Requests for accommodation".

(e) Loss of license or certification. A community residence or its operator that loses its State of Florida license or certification must cease operations and vacate the property within sixty (60) days of the date on which its licensing or certification was discontinued or the date required by state law, whichever is less, regardless of any special exception or reasonable accommodation approvals granted by the City.

Sec. 13-295. Definitions.

Assisted Living Facility means a building, 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 (1) or more personal services for a period exceeding twenty-four (24) hours to one (1) or more adults who are not relatives of the owner or administrator. An assisted living facility that does not function in accord with the definition of “Community Residence” in the City’s Code of Ordinances is not a Community Residence.

Community Residence means, except as required by state law, a residential living arrangement for up to ten (10) unrelated individuals with disabilities living as a single functional family in a single dwelling unit who are in need of the mutual support furnished by other residents of the community residence as well as the support services, if any, provided by the staff of the community residence. Residents may be self-governing or supervised by a sponsoring entity or its staff, which provides habilitative or rehabilitative services, related to the residents’ disabilities. A community residence seeks to emulate a biological family to normalize its residents and integrate them into the surrounding community. Its primary purpose is to provide shelter in a family-like environment; treatment is incidental as in any home. Supportive inter-relationships between residents are an essential component.

A community residence shall be considered a residential use of property for purposes of all zoning, building, and property maintenance codes. The term does not include any other group living arrangement for unrelated individuals who are not disabled nor residential facilities for prison pre-parolees or sex offenders. Community residences include, but are not limited to, those residences that comport with this definition that are licensed by the Florida Agency for Persons with Disabilities, the Florida Department of Elderly Affairs, the Florida Agency for Health Care Administration, and the Florida Department of Children and Families, and functional family sober living arrangements also known as recovery residences certified by the state’s designated credentialing entity established under section 397.487 of the Florida Statutes.

A “community residence” occupied by five to ten unrelated individuals with disabilities can be a “family community residence” or a “transitional community residence.” The owner or operator of a community residence may apply for an administrative reasonable accommodation to house more than 10 residents in accord with the standards and procedures established in sections 13-35.1(c), “Administrative accommodation required for community residences housing more than ten (10) unrelated individuals” and 13-41, “Requests for accommodation” of the City’s Code of Ordinances.

~~Community residential home means a community dwelling unit for up to six (6) unrelated residents as defined by F.S. § 419.001(1)(a), as amended from time to time.~~

Disability means a physical or mental impairment that substantially limits one or more of an individual's major life activities, impairs an individual's ability to live independently, having a record of such an impairment, or being regarded as having such an impairment. People with disabilities do not include individuals who are currently using alcohol, illegal drugs, or using legal drugs to which they are addicted nor individuals who constitute a direct threat to the health and safety of others.

Family means one (1) person or a group of two (2) or more persons living together and interrelated by bonds of consanguinity, marriage or legal adoption, or a group of persons not more than four (4) in number who are not so interrelated, occupying the whole or part of a dwelling as a ~~separate housekeeping unit with a single set of culinary facilities~~ single housekeeping unit that shares a common living, cooking, and eating facilities. Any person under the age of 18 years who is considered to be a foster child under the laws of the state, and who is placed in foster care with a family, shall be deemed to be related to and a member of the family for the purposes of this definition. A family does not include any society; nursing home; club; boarding or lodging house; dormitory; fraternity; sorority; or group of individuals whose association is seasonal in nature or similar to a resort, motel, hotel, boarding or lodging house.

Family Community Residence means a relatively permanent living arrangement for five to ten unrelated people with disabilities with no limit on how long a resident may live in the home. The length of tenancy is measured in years. Oxford House is a type of family community residence.

Medical office means an office providing services to the public by physicians, dentists, surgeons, chiropractors, osteopaths, physical therapists, nurses, acupuncturists, podiatrists, psychiatrists, radiologists, (who are also known as health care practitioners) or others who are duly licensed to practice their respective professions in the State of Florida, as well as others, including but not limited to technicians and assistants, who are acting under the supervision and control of a licensed health care practitioner. Also included in this section shall be all providers or facilities licensed under F.S. §§ 397.311(22 ~~26~~)(a)2, "Day or Night Treatment", 397.311(22 ~~26~~)(a)6, "Intensive Outpatient Treatment", 397.2 ~~311~~(22 ~~26~~)(a)8, "Outpatient Treatment", and 397.311(22 ~~26~~)(a)9, "Residential Treatment" ~~and 394.455(48), "Treatment Facility", Level 1 only as defined by F.A.C. 65D-30-007, as amended from time to time.~~

Nonresidential licensed service provider means a provider or facility under F.S. §§ 397.311(22-26)(a)1, "Addictions Receiving Facility", 397.311(22 26)(a)4, "Detoxification", 397.311(22 26)(a)5-7., and "Medication Assisted Treatment for Opiate Addiction Opioid Use Disorders", as amended from time to time.

Nursing home means any facility which provides nursing services as defined in F.S. Part I of Ch. 464 and which is licensed according to Part II, entitled "Nursing Homes," of F.S. Ch. 400, as amended from time to time, pursuant to a contract, furnishing shelter and nursing care or personal services to a resident who resides in a facility that provides custodial care for ~~fourteen (14)~~ eleven (11) or more individuals, whether such nursing care or personal services are provided in the facility or in another setting designated in the contract for continuing care, by an individual not related to the resident upon payment of an entrance fee.

Oxford House means a self-governed Community Residence for people in recovery from substance use disorder that has been issued a "Conditional Charter" or "Permanent Charter" by Oxford House World Services, or any successor organization providing oversight; where there is no limit on length of residency, where the use of alcohol or any illegal drug is prohibited; where any misuse of legal drugs is prohibited, where any resident who violates this prohibition is expelled from the dwelling; where the residents pay the costs of the dwelling, including rent and utilities; and, where through a majority vote, the residents establish policies governing living in the Oxford House, including the manner in which applications for residence are approved. Upon termination, revocation, or suspension of its Charter, an Oxford House must be closed within sixty (60)-calendar days and residents must be returned to their families or relocated to another safe and secure living environment.

~~*Residential licensed service provider* means a service provider or facility licensed under F.S. §§ 397.311(22)(a)3., "Day or Night Treatment with Community Housing", and 397.311(22)(a)9., "Residential Treatment," Fla. Stat., Levels 2, 3, 4, and 5 only, as defined by F.A.C. 65D-30.007 as amended from time to time, for the purposes of providing a structured live-in environment within a nonhospital setting on a twenty-four (24) hours a day, seven (7) days a week basis, and which include: facilities that provide room and board and treatment and rehabilitation within the primary residential facility. Residential licensed service provider facilities shall be accommodated in the same manner with respect to the number of residents and the number of units as required for the respective structures of either a single family unit, duplex unit, or multi-family unit in the zoning districts where allowed. See definition of medical office for residential licensed service provider, level 1.~~

Special exception means an accommodation for a type of community residence which may be permitted only upon demonstration that such community residence will comply with all the conditions and standards for the location or operation of such community residence based on certain findings made and authorized by the City Commission.

Transitional Community Residence means a temporary living arrangement for five to ten unrelated people with disabilities with a limit on length of tenancy that is measured in weeks or months, not years.

Vacation rental means any unit or group of units in a condominium or cooperative or any individually or collectively owned single-family, two-family, three-family, or four-family house or dwelling unit that is rented to guests more than three (3) times in a calendar year but for periods of less than thirty (30) days or one (1) calendar month, whichever is less, or which is advertised or held out to the public as a place regularly rented to guests, but that is not a timeshare project. A community residence is not a vacation rental.

Sec. 13-332. A-1 agricultural district.

(b) *Permitted uses.* Permitted uses in the A-1 agricultural district are as follows:

- (1) Agriculture uses and buildings subject to the regulations in section 13-339;
- (2) Single-family detached dwellings subject to the regulations of subsection (d) of this section;
- (3) Hunt clubs and riding stables subject to the regulations in section 13-339;
- (4) Plant and tree nurseries, excluding sales operations, subject to the regulations in section 13-339;
- (5) Public and private schools and public utilities subject to the regulations in section 13-339;
- (6) Public outdoor leisure facilities and recreation, park and conservation areas, subject to the regulations in section 13-339;
- (7) Utility facilities subject to the regulations in section 13-339;
- (8) Accessory uses and structures subject to the provisions of Division 4 of this article.

- (9) Family ~~c~~Community-residential home residence, except as required by state law, that houses five (5) to ten (10) individuals and the operator or applicant is licensed or certified by the State of Florida to operate the proposed community residence, has certification from an appropriate national accrediting agency, or has been recognized or sanctioned by Congress to operate the proposed community residence;
- (10) Assisted living facility subject to definition of family;
- (11) Family day care home;
- (12) Family foster home subject to definition of family.;
- ~~(13) Residential licensed service provider subject to definition of family.~~

(c) ~~Special land uses~~Special approvals required.

- (1) ~~Golf courses subject to the regulations in section 13-339~~Special land use approval required:
 - a. Golf courses subject to the regulations in section 13-339, "Development regulations for nonresidential non-agricultural uses in agricultural and residential districts";
- (2) Special exception permit approval required.
 - a. Transitional community residence except as required by state law, that houses five (5) to ten (10) individuals and the operator or applicant is licensed by the State of Florida to operate the proposed community residence, has certification from an appropriate national accrediting agency, or, has been recognized or sanctioned by Congress to operate the proposed community residence subject to a special exception permit. If such licensure or certification is not available, a second special exception permit is required under subsection 13-332(c)(2)b. below.
 - b. Community residence if the operator or applicant is not licensed by the State of Florida to operate the proposed community residence because no state license is applicable or does not have certification from an appropriate national accrediting agency, because an applicable certification is not available or, has not been recognized or sanctioned by Congress to operate the proposed community residence then a second special exception permit is required.

Sec. 13-333. - RS-1 residential single-family detached district.

(b) *Permitted uses.* Permitted uses in the RS-1 residential single-family detached district are as follows:

- (1) Single-family detached dwellings subject to the regulations of subsection (d) of this section;
- (2) Public and private schools and public utilities subject to the regulations in section 13-339, “Development regulations for nonresidential non-agricultural uses in agricultural and residential districts”;
- (3) Public outdoor leisure facilities and recreation, park and conservation areas, subject to the regulations in section 13-339, “Development regulations for nonresidential non-agricultural uses in agricultural and residential districts”;
- (4) Utilities facilities subject to the regulations in section 13-339, “Development regulations for nonresidential non-agricultural uses in agricultural and residential districts”;
- (5) Accessory uses and structures subject to the provisions in Division 4 of this article.
- (6) Family cCommunity residential home residence, except as required by state law, that houses five (5) to ten (10) individuals and the operator or applicant is licensed or certified by the State of Florida to operate the proposed community residence, has certification from an appropriate national accrediting agency, or has been recognized or sanctioned by Congress to operate the proposed community residence if such licensure of certification is not available, then a special exception permit is required under subsection 13-333(c)(2)b.;
- (7) Assisted living facility subject to definition of family;
- (8) Family day care home;
- (9) Family foster home subject to definition of family;
- ~~(10) Residential licensed service provider subject to definition of family.~~

(c) ~~*Special land uses*~~ *Special approvals required.*

(1) ~~Reserved~~ Special land use approval required:

a. Reserved.

(2) Special exception permit required:

a. Transitional community residence except as required by state law, that houses five (5) to ten (10) individuals and the operator or applicant is licensed by the State of Florida to operate the proposed community residence, has certification from an appropriate national

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accrediting agency, or has been recognized or sanctioned by Congress to operate the proposed community residence subject to a special exception permit. If such licensure or certification is not available, a second special exception permit is required under subsection 13-333(c)(2)b. below.

b. Community residence if the operator or applicant is not licensed by the State of Florida to operate the proposed community residence because no state license is applicable or does not have certification from an appropriate national accrediting agency because an applicable certification is not available, or, has not been recognized or sanctioned by Congress to operate the proposed community residence then a second special exception permit is required.

Sec. 13-334. - RS-3 residential single-family detached district.

(c) *Reserved*Special approvals required.

(1) Special land use required:

a. Any uses permitted as a special land use in the RS-1 district.

(2) Special exception permit required:

a. Transitional community residence except as required by state law, that houses five (5) to ten (10) individuals and the operator or applicant is licensed by the State of Florida to operate the proposed community residence, has certification from an appropriate national accrediting agency, or has been recognized or sanctioned by Congress to operate the proposed community residence subject to a special exception permit. If such licensure or certification is not available, a second special exception permit is required under subsection 13-334(c)(2)b. below.

b. Community residence if the operator or applicant is not licensed by the State of Florida to operate the proposed community residence because no state license is applicable or does not have certification from an appropriate national accrediting agency because an applicable certification is not available, or, has not been recognized or sanctioned by Congress to operate the proposed community residence then a second special exception permit is required.

Sec. 13-335. – RS-4 residential single-family detached district.

(c) ~~Reserved~~Special approvals required.

(1) Special land use approval required:

a. Any uses permitted as a special land use or in the RS-1 district.

(2) Special exception permit required:

a. Transitional community residence except as required by state law, that houses five (5) to ten (10) individuals and the operator or applicant is licensed by the State of Florida to operate the proposed community residence, has certification from an appropriate national accrediting agency, or has been recognized or sanctioned by Congress to operate the proposed community residence subject to a special exception permit. If such licensure or certification is not available, a second special exception permit is required under subsection 13-335(c)(2)b. below.

b. Community residence if the operator or applicant is not licensed by the State of Florida to operate the proposed community residence because no state license is applicable or does not have certification from an appropriate national accrediting agency because an applicable certification is not available, or, has not been recognized or sanctioned by Congress to operate the proposed community residence then a second special exception permit is required.

Sec. 13-336.1. – RS-5 residential single-family district.

(c) Special approvals required.

(1) Special land use approval required:

a. Any uses permitted as a special land use in the RS-1 district.

(2) Special exception permit required:

a. Transitional community residence except as required by state law, that houses five (5) to ten (10) individuals and the operator or applicant is licensed by the State of Florida to operate the proposed community residence, has certification from an appropriate national accrediting agency, or has been recognized or sanctioned by Congress to operate the proposed community residence subject to a special exception permit. If such licensure or certification is not available, a second special exception permit is required under subsection 13-336.1(c)(2)b. below.

b. Community residence if the operator or applicant is not licensed by the State of Florida to operate the proposed community residence because no state license is applicable or does not have certification from an appropriate national accrediting agency because an applicable certification is not available, or, has not been recognized or sanctioned by Congress to operate the proposed community residence then a second special exception permit is required.

(ed) *Development regulations.* Development regulations of the RS-5 residential single family district are as follows:

Sec. 13-336.2. – RC-5 residential cluster district.

(c) Special approvals required.

(1) Special land use approval required:

a. Any uses permitted as a special land use in the RS-1 district.

(2) Special exception permit required:

a. Transitional community residence except as required by state law, that houses five (5) to ten (10) individuals and the operator or applicant is licensed by the State of Florida to operate the proposed community residence, has certification from an appropriate national accrediting agency, or has been recognized or sanctioned by Congress to operate the proposed community residence subject to a special exception permit. If such licensure or certification is not available, a second special exception permit is required under subsection 13-336.2(c)(2)b. below.

b. Community residence if the operator or applicant is not licensed by the State of Florida to operate the proposed community residence because no state license is applicable or does not have certification from an appropriate national accrediting agency because an applicable certification is not available, or, has not been recognized or sanctioned by Congress to operate the proposed community residence then a second special exception permit is required.

(ed) *Development regulations.* Development regulations of the RS-5 residential single family district are as follows:

Sec. 13-337. - RC-8 residential attached district.

(c) ~~Special land uses~~ Special approvals required.

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Asterisks (***) indicate existing text not shown.

(1) ~~Community residential facility~~ Special land use approval required:

~~(2)~~a. Child care facility;

~~(3)~~b. Family foster home;

~~(4)~~c. Extended congregate care facility;

(2) Special exception permit approval required:

a. Transitional community residence except as required by state law, that houses five (5) to ten (10) individuals and the operator or applicant is licensed by the State of Florida to operate the proposed community residence, has certification from an appropriate national accrediting agency, or has been recognized or sanctioned by Congress to operate the proposed community residence subject to a special exception permit. If such licensure or certification is not available, a second special exception permit is required under subsection 13-337(c)(2)b. below.

b. Community residence if the operator or applicant is not licensed by the State of Florida to operate the proposed community residence because no state license is applicable or does not have certification from an appropriate national accrediting agency because an applicable certification is not available, or, has not been recognized or sanctioned by Congress to operate the proposed community residence then a second special exception permit is required.

Sec. 13-338. RM-10 residential multiple-family district.

(b) *Permitted uses.* Permitted uses in the RM-10 residential multiple-family district are as follows:

(1) Multiple-family apartment dwellings subject to the regulations of subsection (d) of this section;

(2) Townhouses subject to the regulations of subsection (d) of this section;

(3) Accessory uses and structures subject to the provisions of Division 4 of this article;

(4) No townhouse unit shall be located closer than twenty-five (25) feet to a street, nor closer than ten (10) feet to any parking lot or drive aisle, nor closer than twenty-five (25) feet to any overall project boundary.

(5) Family day care home;

(6) Community residential home-residence, except as required by state law, that houses five (5) to ten (10) individuals and the operator or applicant is licensed or certified by the State of Florida to operate the proposed

community residence, has certification from an appropriate national accrediting agency, or has been recognized or sanctioned by Congress to operate the proposed community residence; If such licensure or certification is not available, a special exception permit is required under subsection 13-338(c)(2)a. below.

- (7) Assisted living facility subject to definition of family;
- (8) Family foster home subject to definition of family;
- (9) Residential licensed service provider subject to definition of family.

(c) *Special approvals requiredland-use.*

(1) Special land use approval required.

- a. Community residential facility;
- b.~~(2)~~ Child care facility;
- c.~~(3)~~ Family foster home;
- d.~~(4)~~ Extended congregate care facility.

(2) Special exception required.

a. Community residence if the operator or applicant is not licensed by the State of Florida to operate the proposed community residence because no state license is applicable or does not have certification from an appropriate national accrediting agency because an applicable certification is not available, or, has not been recognized or sanctioned by Congress to operate the proposed community residence then a special exception permit is required.

Sec. 13-340. MH-1 mobile home park district.

(b) *Permitted uses.* Permitted uses in the MH-1 mobile home park district are as follows:

- (1) Mobile home parks for occupancy by mobile homes as living quarters subject to the regulations of subsection (c) of this section;
- (2) The sale of new or used mobile homes by licensed owners or dealers on occupied or unoccupied sites;
- (3) Storage or parking of mobile homes on sites between periods of occupancy;
- (4) Accessory uses and structures subject to the provisions of Division 4 of this article;

- (5) Family ~~c~~Community residential home residence, except as required by state law, that houses five (5) to ten (10) individuals and the operator or applicant is licensed or certified by the State of Florida to operate the proposed community residence, has certification from an appropriate national accrediting agency, or has been recognized or sanctioned by Congress to operate the proposed community residence. If such licensure or certification is not available, then a special exception permit is required under subsection 13-340(c)(2)b.;
- (6) Assisted living facility subject to definition of family;
- (7) Family day care home;
- (8) Family foster home subject to definition of family;
- ~~(9) Residential licensed service provider subject to definition of family.~~

(c) Special approvals required.

(1) Reserved.

(2) Special exception permit approval required:

- a. Transitional community residence except as required by state law, that houses five (5) to ten (10) individuals and the operator or applicant is licensed by the State of Florida to operate the proposed community residence, has certification from an appropriate national accrediting agency, or has been recognized or sanctioned by Congress to operate the proposed community residence subject to a special exception permit. If such licensure or certification is not available, a second special exception permit is required under subsection 13-340(c)(2)b. below.
- b. Community residence If the operator or applicant is not licensed by the State of Florida to operate the proposed community residence because no state license is applicable or does not have certification from an appropriate national accrediting agency because an applicable certification is not available, or, has not been recognized or sanctioned by Congress to operate the proposed community residence then a second special exception permit is required.

(ed) Development regulations. Development regulations for the MH-1 mobile home park district are as follows:

Sec. 13-354 CF community facility district.

(b) *Permitted uses.* Permitted uses in the CF community facility district are as follows:

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(1) — Uses permitted by right:

- a. (1) Public, elementary, middle and high schools;
- b. (2) Libraries;
- c. (3) Museums and art galleries;
- d. (4) Public auditoriums, amphitheaters and band shells;
- e. (5) Cultural, civic and community centers;
- f. (6) Governmental buildings;
- g. (7) Governmental water and wastewater treatment facilities;
- h. (8) Uses generally accessory to the above principal uses;
- i. (9) Child care facility.
- j. (10) Houses of worship.

(2c) Special approvals required.

(1) Uses permitted as special land uses:

- a. Colleges, universities or other schools which award degrees;
- b. Private schools, including business schools;
- c. Private water and wastewater treatment facilities;
- d. Private fraternal, civic, charitable, professional or educational clubs;
- e. Cemeteries, crematories, or mausoleums;
- f. Uses generally accessory to the above principal uses;
- g. Community residential facilities;
- h. Educational facility related to diet and nutrition.

(2) Special exception permit required:

- a. Community residence, except as required by state law, that houses five (5) to ten (10) individuals, and the operator or applicant is licensed or certified by the State of Florida to operate the proposed community residence, has certification from an appropriate national accrediting agency, or has been recognized or sanctioned by Congress to operate the proposed community residence subject to a special exception permit. If such licensure or certification is not

available, a second special exception permit is required under subsection 13-354(c)(2)b. below.

- b. Community residence if the operator or applicant is not licensed by the State of Florida to operate the proposed community residence because no state license is applicable or does not have certification from an appropriate national accrediting agency because an applicable certification is not available, or, has not been recognized or sanctioned by Congress to operate the proposed community residence subject to a special exception permit, then a second special exception permit is required.

Sec. 13-625. Master business list—MSOA.

| Master business list | MSOA |
|---|--------------|
| Ambulatory surgical center | P |
| Assisted living facility | P |
| Birth center | P |
| Clinic | P |
| <u>Community Residence⁽¹⁾</u> | <u>P</u> |
| Education services related to dietetics and nutrition | P |
| <u>Community Residential Facility</u> | <u>P</u> |
| Extended congregate care facility | P |
| Hospice facility | P |
| Hospital | P |
| Inpatient rehabilitation facility | P |
| Laboratory | P |
| Medical marijuana dispensary | S |
| Medical office | P |
| Medical marijuana treatment center | S |
| Medical research and development | P |
| Mental health facility | P |
| Nonresidential licensed service provider | P |
| Nursing home | P |
| Pain clinics (Ord. 2009-014) ⁽¹²⁾ | S |
| Residential licensed service provider | P |
| Urgent care center | P |

(1) To provide housing for five (5) to ten (10) individuals, except as required by state law, and the operator or applicant is licensed or certified by the State of Florida to operate the proposed community residence, has certification from an appropriate national accrediting agency, or has been recognized or sanctioned by Congress to operate the proposed community residence. If the operator or applicant is not licensed by the State of Florida to operate

the proposed community residence because no state license is applicable or does not have certification from an appropriate national accrediting agency because an applicable certification is not available, or, has not been recognized or sanctioned by Congress to operate the proposed community residence subject to a special exception permit, then a special exception permit is required per subsection 13-35.1(b).

- (42) 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 Section 13-35, "Special land use," address the following:

Sec. 13-400. Residential use parking space requirements.

The minimum number of parking spaces to be provided and maintained for each residential use or occupancy shall be as follows:

- (1) *Dwelling, one-family and two-family:* Two (2) parking spaces for each dwelling unit. A dwelling may provide a garage or carport for one (1) such space. Such carport shall effectively screen an automobile from view on three (3) sides utilizing a wall, fence or hedge at least four (4) feet in height. Mobile home districts are exempt from providing a garage or carport for one (1) such space. Two (2) spaces shall be provided for each mobile home dwelling unit. Parking spaces may be configured as follows:
 - a. Carport or open parking spaces in tandem shall be ten (10) feet wide by thirty-six (36) feet long;
 - b. Side-by-side in eighteen (18) feet wide by twenty (20) feet long; or
 - c. In two (2) separate areas each ten (10) feet wide by twenty (20) feet long;
 - d. Garage or enclosed parking spaces shall be ten (10) feet wide by eighteen (18) feet long for a one-car use, and eighteen (18) feet wide by eighteen (18) feet long for a two-car use.
- (2) *Dwelling, multifamily:*
 - a. One and three-quarters (1.75) parking spaces by each efficiency unit and one-bedroom unit;
 - b. Two (2) parking spaces for each unit with either two (2) bedrooms or with one (1) bedroom and a den; and two and one-quarter (2.25) parking spaces for each unit with three (3) bedrooms or with two (2) bedrooms and a den;
 - c. Three (3) parking spaces for each unit with over three (3) bedrooms (and combined den) or any combination of bedrooms and den;
 - d. In addition to the above, multiple-family buildings shall be required to provide supplemental guest parking spaces equal to a minimum of ten

(10) percent of the spaces required above. Such supplemental parking shall be installed pursuant to the requirements of this subdivision.

- e. If multifamily buildings have more than fifty (50) percent three (3) or more bedrooms, the supplemental guest parking spaces must be provided to a minimum of twelve (12) percent of the spaces required above.
 - f. For multifamily complexes incorporating garage parking within the building (tandem or otherwise), and where garages are owned fee simple or as common property, each garage may be counted as one (1) space toward the total number required. This total number is based on bedroom numbers for each particular project.
 - g. If multifamily complexes charge for covered or uncovered parking, each space being charged shall be in excess of the total number of required parking spaces or shall be part of a mandatory amenity package per unit and shall be submitted by the applicant and reviewed, approved with conditions, or denied by the city commission to ensure appropriate parking availability and distribution.
 - h. In addition to the above, multifamily complexes shall submit a parking "bubble plan" indicating the location of the required resident and guest parking per building, along with any excess parking that will be provided.
- (3) *Dormitories, fraternities:* One (1) parking space for each bed.
- (4) *Hotels:* One (1) parking space for each hotel room, plus one (1) parking space per two (2) people on shift of greatest employment. If, in addition to hotel rooms, there are other uses operated in conjunction with and/or as part of the hotel, additional off-street parking spaces shall be provided for such other uses as would be required by this subdivision.
- (5) *Hotels, extended stay:* One (1) parking space for each hotel room and one (1) parking space for each bedroom in a hotel room suite, plus one (1) parking space per two (2) people on shift of greatest employment. If there are other uses operated in conjunction with and/or as part of the extended stay hotel, additional off-street parking spaces shall be provided for such other uses as would be required by this subdivision.
- (6) *Housing for elderly:* One (1) parking space for each unit.
- (7) *Club houses and other amenity buildings:* [Club houses and other amenity buildings] accessory to one-family, two-family, multifamily, mobile home and other residential developments shall provide one (1) parking space for two hundred (200) square feet of floor area.
- (8) *Community residences:* shall provide off-street parking for the greater of:
- a. the number of off-street spaces required under this code for the type of dwelling unit (one-family, two-family, multifamily, etc...) in which the community residence is located or

b. 0.5 off-street spaces for each staff member on a shift and/or live-in basis, plus, when residents are allowed to maintain a motor vehicle on premises, the maximum number of occupants that is permissible under this Section. Off-street spaces must be provided on the premises.

Section 3: 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 4: Severability. That should any section or provision of this ordinance or any portion thereof, any paragraph, sentence, clause or word 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 5: 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 6: Effective Date. That this ordinance shall become effective upon its passage on second and final reading.

PASSED FIRST READING THIS 10TH DAY OF NOVEMBER, 2022.

PASSED SECOND READING THIS 8TH DAY OF DECEMBER, 2022.

Joshua Rydell, Mayor

Attest:

Joseph J. Kavanagh, City Clerk

| | <u>1st</u> | <u>2nd</u> |
|--------|-----------------------|-----------------------|
| Rydell | <u>Aye</u> | <u>Aye</u> |
| Welch | <u>Aye</u> | <u>Aye</u> |
| Tooley | <u>Aye</u> | <u>Aye</u> |
| Railey | <u>Aye</u> | <u>Aye</u> |
| Brodie | <u>Aye</u> | <u>Aye</u> |