

ORDINANCE NO. 2016-34

AN ORDINANCE OF THE CITY COMMISSION OF THE CITY OF COCONUT CREEK, FLORIDA, AMENDING THE CODE OF ORDINANCES OF THE CITY OF COCONUT CREEK BY AMENDING CHAPTER 13, "LAND DEVELOPMENT CODE," ARTICLE III, "ZONING REGULATIONS," DIVISION 1, "GENERALLY," BY REPEALING SECTIONS 13-300, "SPECIAL FACILITIES," 13-301, "DEFINITIONS; SPECIAL FACILITIES," SECTION 13-302, "SPECIAL FACILITY ZONING," AND 13-303, "SPECIAL FACILITIES DEVELOPMENT REGULATIONS" IN THEIR ENTIRETY IN ORDER TO REMOVE OBSOLETE AND OUTDATED TERMS FOR SAME TO COMPLY WITH STATE AND FEDERAL LAWS; PROVIDING FOR CONFLICTS; PROVIDING FOR SEVERABILITY; PROVIDING FOR CODIFICATION; AND PROVIDING AN EFFECTIVE DATE.

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WHEREAS, the City Commission desires to update its Code in order to eliminate outdated standards and regulations and to comply with state and federal laws; and

WHEREAS, the Planning and Zoning Board reviewed the proposed text amendment at a public hearing held on June 8, 2016, and recommended approval of the changes; 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, BE IT ORDAINED BY THE CITY COMMISSION OF THE CITY OF COCONUT CREEK, FLORIDA:

Section 1: That the recitations set forth above are incorporated herein.

Section 2: That the City's Code of Ordinances shall be amended by amending Chapter 13, "Land Development Code," Article III, "Zoning Regulations," Division 1, "Generally," by repealing Sections 13-300, "Special facilities," 13-301, "Definitions; special facilities," 13-302, "Special facility zoning," and 13-303, "Special facilities development regulations" in their entirety as follows:

~~Sec. 13-300. – Special facilities.~~

~~(a) Purpose. The purpose of the special facilities category is:~~

- ~~(1) To provide for the siting of establishments that provide a variety of services both medical and non-medical to serve the residents of the community.~~
- ~~(2) Establishments are primarily engaged in furnishing medical, surgical, other health-related services and rehabilitation services to persons with social or personal problems. This includes special services to the handicapped and the disadvantaged. The special facilities uses will be permitted in a variety of zoning districts in the community.~~

~~Sec. 13-301. – Definitions; special facilities.~~

~~The following words, terms and phrases shall have the meaning ascribed to them in this section:~~

~~Adult congregate living facility (ACLF) means a facility licensed by the Florida Department of Health and Rehabilitative Services to provide personal care and supervision to three (3) or more unrelated adults for a period of time to exceed twenty-four (24) hours.~~

~~Adult foster care home means a full-time family-type living arrangement, in a private home under which a person or persons provide, on a non-profit basis, services of room, board, personal assistance, general supervision and health monitoring for three (3) or fewer non-relatives who are aged or disabled adults placed in the home by the Florida Department of Children and Family Services.~~

~~Aged person means any person age sixty (60) or over who is currently a resident of the state, and who, because of a functional impairment, requires personal assistance with the activities of daily living but does not require nursing home or institutional care.~~

~~Birth center means a facility, institution or place, which is not an ambulatory center or a hospital or in a hospital, in which births are planned to occur away from the mother's usual residence following a normal, uncomplicated pregnancy.~~

~~Child care center means a facility licensed by the proper authorities to provide care to three (3) or more unrelated children. Said care will be provided in structure other than children's principal residence and will not extend beyond a twenty-four-hour period. Included in this definition are day nurseries, kindergartens, day care centers, day care agency, nursery school, and play school. Foster homes are excluded from this definition.~~

~~Child day care center means any child care center or child care arrangement which provides child care for more than five (5) children unrelated to the operator and which receives payment, fee or grant for any of the children receiving care, wherever operated and whether or not operated for profit.~~

~~Child found to be dependent means a child who has been abused, abandoned or neglected by parent or legal guardian, surrendered to a licensed child placing agency for purposes of adoption, or voluntarily placed with a licensed child placing agency for subsequent adoption pursuant to natural parent's signed consent or failure to comply with a performance agreement.~~

~~Child in need of services means a child for whom there is no allegation or suspicion or abuse, neglect or abandonment who persistently runs away from parents or legal guardian, habitually truant from school or persistently disobey the reasonable and lawful demands of his parent or legal guardian.~~

~~Community residential facility means a facility licensed by the Florida Department of Health and Rehabilitative Services providing shelter and basic living care for the physically disabled, handicapped, developmentally disabled, non-dangerous mentally ill, aged or children. The home shall consist of seven (7) to fourteen (14) residents; staff shall not be counted as residents.~~

~~Developmentally disabled person means a person who suffers from a disorder or syndrome which is attributable to retardation, cerebral palsy, autism, epilepsy, or spina bifida and which constitutes a substantial handicap that can reasonably be expected to continue indefinitely. For the purposes of this division, cerebral palsy shall not include individuals who are victims of stroke.~~

~~Family means one (1) or more persons related by blood, marriage or legal adoption, or not more than two (2) persons not so related occupying a dwelling unit, operating as a housekeeping unit, and using single kitchen facilities. Group homes consisting of up to fourteen (14) residents may operate as a family if the residents are aged persons, physically disabled or handicapped persons, developmentally disabled persons, nondangerous mentally ill persons, or children, as defined by Florida Statute. Domestic servants and group home staff can be housed on the premise. Boarding house,~~

~~dormitory, lodging house, sorority house, fraternity house, hotel, motel or similar facilities shall not be defined as family.~~

~~Family day care home means an occupied residence in which child care is provided for no more than five (5) preschool children from more than one (1) unrelated payment, fee or grant for any of the children receiving care, whether or not operated for profit. Children who are residents of the home are to be included in the five (5) preschool children allowed. Elementary sibling, resident or not, may be cared for as well as long as the total number of children does not exceed ten (10).~~

~~Family foster home means a private residence in which children who are unattended by a parent or legal guardian are provided twenty-four-hour care. Such homes include emergency shelter family homes, family foster group homes, and specialized foster homes for children with special needs.~~

~~Group home facility means a facility licensed by the Florida Department of Health and Rehabilitative Services providing shelter and basic living care for the physically disabled, handicapped, developmentally disabled, non-dangerous mentally ill, aged or children. The home shall have a maximum of six (6) residents; staff shall not be counted as residents.~~

~~Health care facility means an establishment of licensed medical providers engaged in the operation of general medical office.~~

~~High intensity outpatient facilities means a licensed establishment providing specialized outpatient care that will have severe impacts on surrounding areas.~~

~~High intensity residential care facility means a facility licensed by the Florida Department of Health and Rehabilitative Services providing shelter and basic living care for the physically disabled, handicapped, developmentally disabled, non-dangerous mentally ill, aged or children. The home shall consist of fifteen (15) or more residents; staff shall not be counted as residents.~~

~~Hospital means a facility licensed by the Florida Department of Health and Rehabilitative Services to provide diagnosis, treatment and/or care for illness, injury, deformity, infirmity, abnormality, disease or pregnancy. These services are offered to four (4) or more individuals and extend beyond twenty-four (24) hours. Facilities primarily caring for the mentally ill are excluded from this definition.~~

~~Institutional care facilities means licensed facilities engaged in providing extensive services in a highly intensive manner.~~

~~Low intensity outpatient facilities means a licensed establishment providing specialized outpatient care that will have a minimum of impacts on surrounding areas.~~

~~Non-dangerous mentally ill means a person who poses no threat to himself or the general public and who suffers from an impairment of the emotional processes, or the~~

~~ability to exercise conscious control of one's actions, or the ability to perceive reality or to understand which impairment substantially interferes with a person's ability to meet the ordinary demands of living, regardless of etiology.~~

~~Nursing home means a facility licensed by the Florida Department of Health and Rehabilitative Services to offer personal or custodial care for three (3) or more non-related individuals for a period exceeding twenty-four (24) hours. Facilities offering similar care but primarily for the acutely ill or mentally ill are excluded from this definition.~~

~~Personal care facility means a facility licensed by the Department of Health and Rehabilitative Services to provide inpatient nursing and rehabilitative services to patients or residents requiring continuous but not hospital services.~~

~~Physically disabled/handicapped person means a person with a physical impairment which substantially limits one (1) or more major life activities or is impaired by retardation in that he has significantly sub-average general intellectual functioning existing concurrently with deficits in adaptive behavior and manifested during the period from conception to age eighteen (18).~~

~~Sleeping room means a walled portion within a special facility building to be used by residents or patients solely for sleeping, resting and storage of personal belongings. All sleeping rooms must meet space and occupancy requirements specified by Broward County and appropriate state agencies.~~

~~Sec. 13-302. - Special facility zoning.~~

~~(a) The following is a list of eight (8) special facilities as defined by the City of Coconut Creek and in accordance with state law. These special facilities are intended to clearly define the intensity, type of use, and degree of care so that these facilities shall be properly and efficiently located.~~

Section —No.	Facility Type	No. _____ of Residents
13-650	SF-1 (Group Home)	0—6
13-651	SF-2 (Community Residential)	7—14
13-652	SF-3 (High Intensity Residential Care)	Over 14

13-653	SF-4 (Nursing and Personal Care)	
13-654	SF-5 (Health Care)	
13-655	SF-6 (Low Intensity Outpatient)	
13-656	SF-7 (High Intensity Outpatient)	
13-657	SF-8 (Institutional Care)	

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(b) ~~The following is a matrix delineating the zoning districts the various special facilities may be located. Specific development regulations, definitions, and purposes are located in other sections of the land development code.~~

ZONING DISTRICT MATRIX FOR SPECIAL FACILITIES

Zoning Categories	Facility Type							
	SF-1	SF-2	SF-3	SF-4	SF-5	SF-6	SF-7	SF-8
A-1								
RS-1	P							
RS-3	P							
RS-4	P							
RC-5	P	S	S					
RC-8	P	P	S					
RM-10	P	P	P	S				

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MH-1	P							
PUD	P	P	P	S	S	S	S	S
B-2								
B-3		S	P	P	P			
B-4		S	P	P	P			
O-2				P	P			
O-3		S			P			
IO		S	P					
IM		S	P					
CF		S	S	S	S	S	S	S
P = PERMITTED USE								
S = SPECIAL LAND USE								

(c) [~~SF-1 group home facilities having 0 to six (6) residents include the following:~~]

~~Group home for the physically disabled or handicapped; developmentally disabled person; non-dangerous mentally ill person; and children~~

~~Homes for children, with health care incidental~~

~~Homes for the aged, with health care incidental~~

~~Homes for the deaf or blind, with health care incidental~~

~~Homes for mentally retarded, with health care incidental~~

~~Homes for the physically handicapped, with health care incidental~~

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~~Rest homes, with health care incidental~~

~~Boys' or girls' towns~~

~~Children's boarding homes~~

~~Children's homes~~

~~Children's villages~~

~~(d) [SF-2 community residential facilities having seven (7) to fourteen (14) residents shall include the following:]~~

~~Community residential home for the physically disabled or handicapped; developmentally disabled person; non-dangerous mentally ill person; and children~~

~~Homes for children, with health care incidental~~

~~Homes for the aged, with health care incidental~~

~~Homes for the deaf or blind, with health care incidental~~

~~Homes for the mentally handicapped, with health care incidental~~

~~Rest homes, with health care incidental~~

~~Boys' or girls' towns~~

~~Children's boarding homes~~

~~Children's homes~~

~~Children's villages~~

~~(e) [SF-3 high intensity residential care facilities having over fourteen (14) residents shall include the following:]~~

~~Rest homes, with health care incidental~~

~~Boys' towns~~

~~Children's boarding homes~~

~~Children's homes~~

~~Children's villages~~

~~(f) [SF-4 nursing and special care facilities shall include the following:]~~

~~Convalescent homes with continuous nursing care~~

~~Extended care facilities~~

~~Nursing homes, skilled~~

~~Intermediate care facilities~~

~~Nursing homes, intermediate care~~

~~Convalescent homes for psychiatric patients with health care~~

~~Personal care facilities with health care~~

~~Personal care homes with health care~~

~~Rest homes with health care~~

(g) ~~[SF-5 health care facilities shall include the following:]~~

~~Ambulatory surgical centers~~

~~Medical offices~~

~~Primary care medical clinics~~

~~Dentists' offices~~

~~Osteopathies' offices and clinics~~

~~Chiropractors' offices and clinics~~

~~Optometrists offices and clinics~~

~~Acupuncture offices and clinics~~

~~Christian science practitioners, offices and clinics~~

~~Occupational therapists' offices~~

~~Physical therapists' offices~~

~~Psychiatric offices and clinics~~

~~Speech pathologists' offices~~

~~Dieticians~~

~~Midwives~~

~~Naturepaths~~

~~Nurses, registered and practical~~

~~Nutritionist~~

~~Occupational therapist~~

~~Physiotherapists~~

~~Psychiatrist~~

~~Psychologist~~

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Psychotherapists

~~Visiting nurse associations~~

Chiroprodists

~~Veterinary establishments (except O-2, O-3)~~

(h) ~~[SF-6 low intensity outpatient facilities shall include the following:]~~

~~Alcoholic treatment, outpatient clinics~~

~~Drug treatment, outpatient clinics~~

~~Outpatient detoxification centers~~

~~Outpatient mental health clinics~~

~~Outpatient treatment clinics for alcoholism and drug addictions~~

~~Rehabilitation centers, outpatient (medical treatment)~~

~~Alcoholism counseling, non-residential; except medical treatment~~

~~Offender rehabilitation agencies~~

~~Offender self-help agencies~~

~~Outreach programs~~

~~Refugee services~~

~~Self-help organizations for alcoholics and gamblers~~

~~Alcoholism rehabilitation centers, residential: with health care incidental~~

~~Drug rehabilitation centers, residential: with health care incidental~~

~~Homes for destitute men and women~~

~~Juvenile correctional homes~~

~~Rehabilitation centers, residential; with health care incidental~~

~~Self-help group homes with persons with social or personal problems~~

~~Training schools for delinquents~~

(i) ~~[SF-7 high intensity outpatient facilities shall include the following:]~~

~~Halfway homes for delinquents and offenders~~

~~Settlement houses~~

~~Rehabilitation centers~~

~~Delinquents with controlled atmosphere~~

~~(j) [SF-8 institutional care facilities shall include the following:]~~

- ~~General medical and surgical hospitals~~
- ~~Psychiatric hospitals~~
- ~~Alcoholism rehabilitation hospitals~~
- ~~Cancer hospitals~~
- ~~Children's hospitals~~
- ~~Chronic disease hospitals~~
- ~~Drug addiction rehabilitation hospitals~~
- ~~Eye, ear, nose and throat hospitals; inpatient~~
- ~~Hospitals, specialty; except psychiatric~~
- ~~Maternity hospitals~~
- ~~Orthopedic hospitals~~
- ~~Rehabilitation hospitals; drug addiction and alcoholism~~
- ~~Tuberculosis and other respiratory illness hospitals~~

~~Sec. 13-303. Special facilities development regulations.~~

~~(a) Group facilities for six (6) or fewer residents shall comply with the site selection criteria of F.S. § 419.001, as amended from time to time.~~

~~(b) Community residential facilities for seven (7) to fourteen residents shall comply with the site selection criteria of F.S. § 419.001, as amended from time to time.~~

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 provision of this Ordinance 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 immediately upon its passage on second and final reading.

PASSED FIRST READING THIS 28th DAY OF JULY, 2016.

PASSED SECOND READING THIS 11th DAY OF AUGUST, 2016.

Mikkie Belvedere, Mayor

Attest:

Leslie Wallace May, MMC
City Clerk

	<u>1st</u>	<u>2nd</u>
Belvedere	<u>Aye</u>	<u>Aye</u>
Rydell	<u>Aye</u>	<u>Aye</u>
Sarbone	<u>Aye</u>	<u>Aye</u>
Tooley	<u>Aye</u>	<u>Aye</u>
Welch	<u>Aye</u>	<u>Aye</u>

EML
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