

MEMORANDUM

Agenda Item No. 6(D)

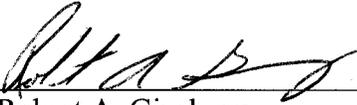
TO: Honorable Chairperson Barbara Carey-Shuler, Ed.D.
and Members, Board of County Commissioners

DATE: (Second Reading 11-4-03)
September 23, 2003

FROM: Robert A. Ginsburg
County Attorney

SUBJECT: Adult Care Centers

The accompanying ordinance was prepared and placed on the agenda at the request of Commissioner Bruno A. Barreiro.



Robert A. Ginsburg
County Attorney

RAG/bw



MEMORANDUM

TO: Honorable Chairperson Barbara Carey-Shuler, Ed.D. and Members, Board of County Commissioners

DATE: November 4, 2003

SUBJECT: Adult Care Centers

FROM: George M. Burgess
County Manager

A handwritten signature in black ink, appearing to read "G. Burgess", written over the printed name of the County Manager.

The proposed ordinance establishing definitions and requirements for Adult Care Centers will have no fiscal impact on Miami-Dade County.



MEMORANDUM

(Revised)

TO: Hon. Chairperson Barbara Carey-Shuler, Ed.D.
and Members, Board of County Commissioners

DATE: November 4, 2003

FROM: Robert A. Ginsburg
County Attorney

SUBJECT: Agenda Item No. 6(D)

Please note any items checked.

- "4-Day Rule" ("3-Day Rule" for committees) applicable if raised**
- 6 weeks required between first reading and public hearing**
- 4 weeks notification to municipal officials required prior to public hearing**
- Decreases revenues or increases expenditures without balancing budget**
- Budget required**
- Statement of fiscal impact required**
- Bid waiver requiring County Manager's written recommendation**
- Ordinance creating a new board requires detailed County Manager's report for public hearing**
- Housekeeping item (no policy decision required)**
- No committee review**

Approved _____ Mayor

Agenda Item No. 6(D)

Veto _____

11-4-03

Override _____

ORDINANCE NO. _____

ORDINANCE PERTAINING TO ZONING; AMENDING SECTIONS 33-1, 33-124 AND 33-203 OF THE CODE OF MIAMI-DADE COUNTY, FLORIDA, PERTAINING TO ADULT CARE CENTERS; ESTABLISHING DEFINITIONS AND REQUIREMENTS; PROVIDING SEVERABILITY, INCLUSION IN THE CODE, AND AN EFFECTIVE DATE

BE IT ORDAINED BY THE BOARD OF COUNTY COMMISSIONERS OF MIAMI-DADE COUNTY, FLORIDA:

Section 1. Section 33-1 of the Code of Miami-Dade County is hereby amended as follows:¹

Sec. 33-1. Definitions.

For the purpose of this chapter, the following definitions for terms used herein shall apply to all sections of this chapter unless the context clearly indicates otherwise:

* * *

>>(1.2) *Adult Care Center* - A facility providing limited supervision and basic services, including incidental medical assistance, on a part time basis by day or evening, but not including overnight care, to 3 or more clients who are adults aged 60 years and over who cannot perform one or more aspects of daily living. Such a center may also provide other social services to such elderly adults receiving day care. This definition shall not include child day care, community residential homes, group homes, nursing homes or institutions for the aged.<<

Section 2. Section 33-203 of the Code of Miami-Dade County is hereby amended as follows:

¹ Words stricken through and/or [[double bracketed]] shall be deleted. Words underscored and/or >>double arrowed<< constitute the amendment proposed. Remaining provisions are now in effect and remain unchanged.

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ARTICLE XVI. RU-3, FOUR UNIT APARTMENT HOUSE DISTRICT

Sec. 33-203. Uses permitted.

No land, body of water and/or structure shall be used or permitted to be used and no structure shall be hereafter erected, constructed, reconstructed, or moved or structurally altered or maintained for any purpose in an RU-3 District, unless otherwise provided herein, excepting for one (1) or more of the following uses:

* * *

>> (3.1) Adult Care Centers.

(a) Centers providing care to less than six elderly adult persons shall be permitted subject to the following conditions:

(i) Such centers shall provide a minimum of 35 square feet per client, consisting of counseling areas, rest areas, recreation areas, kitchen, dining areas and bathrooms, but excluding administrative and staff offices;

(ii) That the operation of the adult care center be licensed by the State of Florida;

(iii) That the adult care center shall be located at least 1,000 feet from another existing, unabandoned legally established adult day care. The 1,000 foot distance requirement shall be measured by following a straight line from the nearest portion of the structure of the proposed use to the nearest portion of the structure of the existing use; For the purpose of establishing the distance between such establishments, the operator shall furnish a certified sketch of survey from a registered engineer or surveyor. Such sketch shall indicate the distance between the proposed place of business and any existing establishment within 1,000 feet. Each sketch shall indicate all such distances and routes. In case of dispute, the measurement scaled by the Director shall govern;

(iv) That the sponsoring agency of the adult care center notify the Director in writing of its intention to establish said facility. Such notice shall contain the address and legal description of the site, the number of resident clients, as well as a statement from the State of Florida indicating the licensing status of the proposed facility.

Absence of this notification and statements shall prohibit the use and occupancy of any structure for use as an adult care center;

(v) That the operator obtains an annually renewable Certificate of Use for such use on the property.

(b) Centers providing care to six elderly adult persons or more shall be permitted subject to the conditions contained in subsection (a) above and the following additional conditions:

(i) That such uses be located only on major access roads, including major roadways (three (3) or more lanes) and frontage roadways serving limited access highways and expressways.

(ii) That a minimum five (5) foot high masonry wall be provided along all perimeter property lines abutting residentially zoned property penetrated only at points approved by the Directors of the Departments of Planning and Zoning and Public Works for ingress and egress;

(iii) That such uses on sites of three (3) acres or more shall be approved only after public hearing pursuant to Section 33-13.<<

Section 3. Section 33-124 of the Code of Miami-Dade County is hereby

amended as follows:

Sec. 33-124. Standards.

Off-street parking shall be provided in accordance with the following minimum standards:

* * *

>>(q) Adult Care Centers.

One offstreet parking space shall be required for each staff member. Additionally, 1 pick-up/drop-off parking space shall be provided for each 10 clients.<<

Section 4. If any section, subsection, sentence, clause or provision of this ordinance is held invalid, the remainder of this ordinance shall not be affected by such invalidity.

Section 5. It is the intention of the Board of County Commissioners, and it is hereby ordained that the provisions of this ordinance, including any sunset provision, shall become and be made part of the Code of Miami-Dade County, Florida. The sections of this ordinance may be renumbered or relettered to accomplish such intention, and the word “ordinance” may be changed to “section,” “article,” or other appropriate word.

Section 6. This ordinance shall become effective ten (10) days after the date of enactment unless vetoed by the Mayor, and if vetoed, shall become effective only upon an override by this Board.

PASSED AND ADOPTED:

Approved by County Attorney as
to form and legal sufficiency:

RA6
JM

Prepared by:

John McInnis

Sponsored by Commissioner Bruno A. Barreiro