

Definition of Personal Service Establishment

ORDINANCE NO. _____

AN ORDINANCE OF THE MAYOR AND CITY COMMISSION OF THE CITY OF MIAMI BEACH, FLORIDA, AMENDING THE CODE OF THE CITY OF MIAMI BEACH, SUBPART B, ENTITLED "LAND DEVELOPMENT REGULATIONS," BY AMENDING CHAPTER 114, ENTITLED "GENERAL PROVISIONS," SECTION 114-1, ENTITLED "DEFINITIONS," BY DELETING THE DEFINITIONS FOR "ADULT CONGREGATE LIVING FACILITY" AND "ADULT CONGREGATE LIVING FACILITY UNIT," AND BY CREATING A DEFINITION FOR "PERSONAL SERVICE ESTABLISHMENT"; AND PROVIDING FOR REPEALER, SEVERABILITY, CODIFICATION AND AN EFFECTIVE DATE.

WHEREAS, the City's Land Development Regulations include definitions pertaining to allowable uses; and

WHEREAS, on October 1, 1989, the city adopted Ordinance No. 89-2665, which included new regulations on adult congregate living facilities (ACLFs); and

WHEREAS, on January 17, 2018, the Mayor and City Commission adopted Ordinance No, 2018-4170, which set forth comprehensive regulations pertaining to assisted living and medical uses in the City; and

WHEREAS, the term "adult congregate living facility" or "ACLF" is no longer used by the State of Florida for licensure purposes; and

WHEREAS, it is necessary and appropriate to remove outdated terms from the Land Development Regulations; and

WHEREAS, the current definition for "personal service" pertains more to necessary assistive services for individuals living in assisted living facilities; and

WHEREAS, additionally, the Land Development Regulations include references to the term "personal service establishment," which is not defined, but is intended to apply to a standalone or accessory use that is not related to, or part of, an assisted living facility; and

WHEREAS, in order to clarify the Land Development Regulations, it is necessary and appropriate to create a definition for personal service establishment.

NOW THEREFORE, BE IT ORDAINED BY THE MAYOR AND CITY COMMISSION OF THE CITY OF MIAMI BEACH, FLORIDA.

SECTION 1. Chapter 114, "General Provisions" is hereby amended as follows:

CHAPTER 114 – GENERAL PROVISIONS

Sec. 114-1. – Definitions

* * *

~~Adult congregate living facility means any state licensed institution, building, residence, private home, boarding home, home for the aged, or other place whether operated for profit or not, which undertakes through its ownership or management to provide for a period exceeding 24 hours, one or more personal services for four or more adults, not related to the owner or administrator by blood or marriage, who require such services. A facility offering personal services for fewer than four adults shall be within the meaning of this definition if it holds itself out to the public to be an establishment which regularly provides such services.~~

~~Adult congregate living facility unit means any room, or inter-connected rooms with one main entrance, in an adult congregate living facility, containing one or more beds.~~

* * *

Personal service means any services in addition to housing and food service, which include, but are not limited to, personal assistance with bathing, dressing, ambulation, housekeeping, supervision, emotional security, eating, supervision of self-administered medications, and assistance with securing health care from appropriate sources. This definition shall only be applicable to assisted living facilities as defined in Article 5, Division 2 of Chapter 142.

Personal service establishment means a licensed establishment providing non-retail, non-medical services, for persons, such as pedicures, manicures, hair styling, barber services, massages, facials, tailoring services, and similar person-oriented services, as determined by the planning director.

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SECTION 2. Repealer.

All ordinances or parts of ordinances and all sections and parts of sections in conflict herewith be and the same are hereby repealed.

SECTION 3. Codification.

It is the intention of the Mayor and City Commission of the City of Miami Beach, and it is hereby ordained that the provisions of this ordinance shall become and be made part of the Code of the City of Miami Beach, Florida, as amended. The sections of this ordinance may be renumbered or relettered to accomplish such intention, and the word "ordinance" may be changed to "section" or other appropriate word.

SECTION 4. Severability.

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

SECTION 5. Effective Date.

This Ordinance shall take effect the ____ day of _____, 2020.

PASSED AND ADOPTED this ____ day of _____, 2020.

Dan Gelber, Mayor

ATTEST:

Rafael E. Granado, City Clerk

APPROVED AS TO FORM
AND LANGUAGE
AND FOR EXECUTION

First Reading: _____, 2019

Second Reading: _____, 2020

Verified by: _____
Thomas R. Mooney, AICP
Planning Director

City Attorney

Date