

DRAFT ORDINANCE

CHAPTER 142 ZONING DISTRICTS AND REGULATIONS

ARTICLE V SPECIALIZED USE REGULATIONS

DIVISION 2 ASSISTED LIVING AND MEDICAL USES

Sec. 142-1252. – Definitions.

Addictions Receiving Facility means a secure, acute-care, residential facility operated 24 hours-per-day, 7 days-per-week, designated by the department of children and families to serve persons found to be substance abuse impaired as described in Section 397.675, F.S.

Adult Day Care Center means a facility that provides programs and services for adults who need a protective setting during the day. An adult day care center can be a freestanding program or services can be offered through a nursing home, assisted living facility, or hospital. The basic services include, but are not limited to: social activities, self-care training, nutritional meals, a place to rest, and respite care. Adult day care centers are licensed and surveyed by the State of Florida.

Adult Family Care Home means a dwelling unit that provides full-time, family-type living in a private home for up to five elderly persons or adults with a disability, who are not related to the owner. The owner lives in the same house as the residents. The basic services include, but are not limited to: housing and nutritional meals; help with the activities of daily living, like bathing, dressing, eating, walking, physical transfer, giving medications or helping residents give themselves medications; supervision of residents; arrange for health care services; provide or arrange for transportation to health care services; health monitoring; and social activities. Adult family care homes are licensed and surveyed by the State of Florida.

Ambulatory Surgical Center (ASC) means a facility that is not part of a hospital and provides elective surgical care where the patient is admitted to and discharged from the facility within the same working day. The patient does not stay overnight. Hospitals can have outpatient surgical units, but these units would be a part of the hospital license and would not require a separate ASC license. Ambulatory surgical centers are licensed and surveyed by the State of Florida.

Assisted Living Facility (Up to 16 Beds) means a facility that provides full-time living arrangements in the least restrictive and most home-like setting for up to 16 residents. The basic services include, but are not limited to: housing and nutritional meals; help with the activities of daily living, like bathing, dressing, eating, walking, physical transfer, giving medications or helping residents give themselves medications; arrange for health care services; provide or arrange for transportation to health care services; health monitoring; respite care; and social activities. Assisted living facilities are licensed and surveyed by the State of Florida. These facilities are intended for residency of six (6) months and a day or more.

Assisted Living Facility (Over 16 Beds) means a facility that provides full-time living arrangements in the least restrictive and most home-like setting for over 16 residents. The basic services include, but are not limited to: housing and nutritional meals; help with the activities of daily living, like bathing, dressing, eating, walking, physical transfer, giving medications or helping residents give themselves medications; arrange for health care services; provide or arrange for transportation to health care services; health monitoring; respite care; and social activities. Assisted living facilities are licensed and surveyed by the State of Florida. These facilities are intended for residency of six (6) months and a day or more.

Beds means one resident or patient, as applicable.

Birth Center means a facility in which births are planned to occur away from the mother's place of residence following a normal, uncomplicated, low-risk pregnancy. It is not an ambulatory surgery center, a hospital, or located within a hospital. Birth centers are licensed and surveyed by the State of Florida.

Brain and Spinal Cord Injury. (See Transitional Living Facility.)

Chiropractor's Office. (See Medical Office.)

Clinical Laboratory means a laboratory that performs one or more of the following services to provide information or materials for use in the diagnosis, prevention, or treatment of a disease or the identification or assessment of a medical or physical condition. Services include examination of fluids, tissue, cells, or other materials taken from the human body.

Community mental health partial hospital program means a Medicare certification program for community mental health providers that provide services for mental illness and substance abuse disorders. Unless the program meets the requirement to be a licensed health care clinic, a licensed substance abuse program, or a licensed outpatient mental health program, there is no state license requirement for partial hospitalization programs for community mental health providers. For further information see the health care clinic definition (in this document) or contact the Department of Children and Families concerning substance abuse services and outpatient mental health services.

Community Residential Home (6 or fewer residents) means 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 which provides a living environment for six (6) or fewer 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, as defined by Section 419.001 Florida Statutes. These facilities are intended for residency of six (6) months and a day or more.

Community Residential Home (7 to 14 residents) means 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 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, as defined by Section 419.001 Florida Statutes. These facilities are intended for residency of six (6) months and a day or more.

Comprehensive Outpatient Rehabilitation Facility means a non-residential facility that provides diagnostic, therapeutic, and restorative services for the rehabilitation of injured, disabled, or sick persons, by or under the supervision of a physician.

Crisis Stabilization Unit means a facility where the purpose is to examine, stabilize, and redirect people to the most appropriate and least restrictive treatment settings for their psychiatric needs. Crisis stabilization units include:

Crisis stabilization units (adult and children) provide brief psychiatric intervention, primarily for low-income individuals with acute psychiatric conditions. Inpatient stays average 3 to 14 days, resulting in return to the patient's own home or placement in a long-term mental health facility or other living arrangements. Intervention means activities and strategies that are used to prevent or impede the development or progression of substance abuse problems.

Short-term residential treatment facilities provide a step-down service for adult residents (ages 18 and over) of crisis stabilization units needing a more extended, but less intensive level of active treatment for psychiatric conditions, usually with a stay of 90 days or less.

Both of these facility types are licensed by the State of Florida.

Day/Night Treatment means treatment provided on a nonresidential basis at least three (3) hours per day and at least 12 hours each week and is intended for clients who meet the placement criteria for this component.

Day/Night Treatment with Community Housing means treatment that is provided on a nonresidential basis at least five (5) hours each day and at least 25 hours each week and is intended for clients who can benefit from living independently in peer community housing while undergoing treatment.

Day/Night Treatment with Host Home means treatment that is provided on a nonresidential basis at least three hours per day and at least 12 hours each week and is intended for clients who meet the placement criteria for this level of care. This component also requires that each client reside with a host family as part of the treatment protocol.

Dental Laboratories means

Dentist's Office (See Medical Office.)

Detoxification means is a process involving sub-acute care that is provided on a residential or an outpatient basis to assist clients who meet the placement criteria for this component to withdraw from the physiological and psychological effects of substance abuse.

Dietician. (See Medical Office.)

Doctor's Office. means (See Medical Office.)

Electrology Facility means a facility where electrologists are allowed to perform laser and light-based hair removal.

End-Stage Renal Disease Center means is a facility programs that that offer dialysis services. When patients are diagnosed with End-Stage Renal Disease, they may receive dialysis which replaces kidney function by filtering blood to remove waste and extra fluids. The program can either be a freestanding facility or offered as an outpatient service through a hospital.

Forensic Toxicology Laboratory means a laboratory that examines specimens taken from the human body to look for the presence or absence of alcohol and certain drugs or their metabolites. The results of forensic toxicology testing are not used for clinical treatment, medical diagnosis, health assessment or disease prevention.

Health Care Clinic means a facility that provides health care services to individuals for a fee. Such facilities do not allow for overnight stays. Health care clinics are licensed and surveyed by the State of Florida.

Health Care Clinic Exemption means businesses that have gotten an exemption to the health care clinic license requirement. However, businesses that meet the exemption criteria are not required to have an official exemption, so there may be clinics that are exempt that are not listed here. The exemption criteria are listed in section 400.9905(4), Florida Statutes.

Health Care Services Pool means a health care services pool provides temporary employment of licensed, certified, or trained health care personnel to health care facilities, residential facilities, and agencies. Health care services pools are registered by the State of Florida.

Home Health Agency means an agency that provides services to patients in private homes, assisted living facilities, and adult family care homes. Some of the services include nursing care; physical, occupational, respiratory, and speech therapy; home health aides; homemaker and companions; and medical equipment and supplies. Along with services in the home, an agency can also provide staffing services in nursing homes and hospitals. Home health agencies are licensed and surveyed by the State of Florida.

Home Medical Equipment Provider means a service that sells or rents medical equipment and services for use in the home. Home medical equipment includes any product as defined by the Federal Drug Administration's Drugs, Devices and Cosmetics Act; any products reimbursed under the Medicare Part B Durable Medical Equipment benefits; or any products reimbursed under the Florida Medicaid durable medical equipment program. Service includes managing the equipment and teaching consumers in its use. Home medical equipment providers are licensed and surveyed by the State of Florida.

Homemaker and Companion Services means a company that provides housekeeping, prepare and serve meals, help with shopping, routine household chores, companionship in the client's home, and can take the client to appointments and other outings. By law, homemakers and companions may not provide hands-on personal care, such as help with bathing, and cannot give medications. Homemaker and companion agencies are registered by the State of Florida. However, individuals who work on their own, with no other workers helping them are not required to be registered.

Homeopathic Physician's Office. (See Medical Office.)

Homes for Special Services means a residential facility where specialized health care services are provided, including personal and custodial care, but not full-time nursing services. Home for special services are licensed by the State of Florida.

Home Hospice Service means services provided in a patient's residence for patients with a diagnosis of a terminal illness. They provide a coordinated program of professional services, including pain management and counseling for patients; nursing, physician, therapy, and social work services; counseling and support for family members and friends of the patient; and other support services. Hospices are licensed and surveyed by the State of Florida.

Hospice Facility means a facility that provides services in a facility for patients with a diagnosis of a terminal illness. They provide a coordinated program of professional services, including pain management and counseling for patients; nursing, physician, therapy, and social work services; counseling and support for family members and friends of the patient; and other support services. Hospices are licensed and surveyed by the State of Florida.

Hospital means a facility that provides range of health care services more extensive than those required for room, board, personal services, and general nursing care, and offers facilities and beds for use beyond 24 hours by individuals requiring medical, surgical, psychiatric, testing, and diagnostic services; and treatment for illness, injury, disease, pregnancy, etc. Also available are laboratory and X-ray services, and treatment facilities for surgery or obstetrical care, or special services like burn treatment centers. Hospitals are licensed and surveyed by the State of Florida. Hospitals include any medical sub-use identified within this Division.

Intensive Inpatient Treatment means includes a planned regimen of evaluation, observation, medical monitoring, and clinical protocols delivered through an interdisciplinary team approach provided 24 hours-per-day, 7 days per week in a highly structured, live-in environment.

Intensive Outpatient Treatment means a facility that provides services on a nonresidential basis and is intended for clients who meet the placement criteria for this component. This component provides structured services each day that may include ancillary psychiatric and medical services.

Intermediate Care facility for the Developmentally Disabled means a residential facility that provides services by an interdisciplinary team to increase a client's independence and prevent loss of abilities. They are licensed and surveyed by the State of Florida.

Medical Cannabis Dispensary (See Chapter 142, Division 10 and Chapter 6, Division 3)

Medical Lab means a laboratory where tests are usually done on clinical specimens in order to obtain information about the health of a patient as pertaining to the diagnosis, treatment, and prevention of disease.

Medical Office means a small-scale office providing medical or dental treatment. This includes chiropractor's office, dentist's office, dietician, doctor's office, homeopathic physician's office, pathologist, physiotherapist's office, phlebotomist's office, podiatrist's office, optometrist's office, ophthalmologist's office, psychiatrist's office. A small-scale office shall mean a maximum floor area of 5,000 square feet. This shall not include Class III to X medical sub-uses.

Medication and Methadone Maintenance Treatment Facility means a facility that provides outpatient treatment on a nonresidential basis which utilizes methadone or other approved medication in combination with clinical services to treat persons who are dependent upon opioid drugs.

Multiphasic Health Test Center means a facility that collect specimens from the human body for testing at a licensed clinical laboratory and provide certain health testing services such as height, weight and blood pressure measurements, limited audio and visual testing, X-rays or electrocardiograms. A multiphasic health testing center may serve the general public or contracted employers at either a fixed location or a mobile facility. Multiphasic health test centers are licensed and surveyed by the State of Florida.

Nursing Home means a facility that provides nursing, personal, custodial, and rehabilitative care. Nursing homes, sometimes called skilled nursing facilities, are freestanding, which means they are not part of a hospital. They provide long-term care of the chronically ill, the physically disabled, and the aged who are unable to move about without the aid of another person or device. Nursing homes are licensed and surveyed by the State of Florida.

Optical Establishment means the retail sale of glasses and contact lenses.

Optician means a professional that provides eye exams for the purposes of the retail sale of glasses or contact lenses.

Optometrist's office. (See Medical Office.)

Organ and Tissue Procurement Facility means one of three types of organ and tissue procurement organizations: Organ Procurement Organizations (OPOs), Eye Banks and Tissue Banks. OPOs must also be federally designated by the Secretary of the United States Department of Health and Human Services and are responsible for using the national United Network of Organ Sharing's (UNOS) registry to medically and physically match organs, such as the heart, lungs, kidneys, or liver, from a patient who has died with an individual awaiting a life-saving transplant. An Eye Bank is an entity involved in the recovery, processing, storage or distribution of eye tissue that will be used for transplantation. A Tissue Bank is an entity that is involved in the recovery, processing, storage, or distribution of human tissue, such as bone, skin, or cartilage, which will be used for transplantation. Organ and tissue procurement organizations, including those located outside of Florida that provide eye and other tissue types to Florida's transplanting physicians, are certified by the State of Florida.

Outpatient Treatment means a facility that provides services on a nonresidential basis and is intended for clients who meet the placement criteria for this component.

Pain Management Clinics means an establishment where allopathic or osteopathic physicians practice pain-management by prescribing controlled substances to patients with chronic-non-malignant pain. Such establishment is required to register and be inspected by the Department of Health.

Pathologist's office means a medical lab concerned with the diagnosis of disease based on the laboratory analysis of bodily fluids such as blood and urine, as well as tissues, using the tools of chemistry, clinical microbiology, hematology and molecular pathology.

Pharmacy means a store where solely medicinal drugs are dispensed and sold. Medical cannabis cannot be sold from such stores.

Physiotherapist's office. (See Medical Office.)

Phlebotomist's office means an office where technicians or medical professionals draw blood from a patient for clinical or medical testing, transfusions, donations, or research (See Medical Office).

Podiatrist's office. (See Medical Office.)

Portable X-Ray Provider means a provider that gives diagnostic x-ray tests in a patient's own home, a nursing home, or a hospital that does not provide x-ray services for its patients directly but arranges for services with a portable x-ray provider. Some portable x-ray providers may need a health care clinic license.

Prescribed Pediatric Extended Care Center means a facility that provides a basic nonresidential services to three or more medically dependent or technologically dependent children with complex medical conditions that require continual care. The comprehensive care includes medical, nursing, psychosocial, and developmental therapies. These centers are licensed and surveyed by the State of Florida.

Psychiatrist's office. (See Medical Office.)

Rehabilitation Agency means a facility that provides a multidisciplinary program to help improve the physical function of disabled individuals by creating a team of specialized rehabilitation staff. The rehabilitation agency provides at least physical therapy or speech-language pathology services and social or vocational adjustment services. Rehabilitation agencies are not required to be licensed by the state if they are Medicare certified. Rehab agencies that are not certified under the Medicare program may require licensure as a health care clinic.

Residential Treatment Center for Children and Adolescents means a facility with 24-hour residential programs, including therapeutic group homes that provide mental health treatment and services to children under the age of 18 who have been diagnosed as having mental, emotional, or behavioral disorders. Residential treatment centers are licensed by the State of Florida.

Residential Treatment Facility (Level I) means a facility that provides long-term residential care with coordinated mental health services for adults (18 years or older) diagnosed with a serious and persistent major mental illness. A state license covers five levels of care that range from having full-time nurses on staff to independent apartments that receive only weekly staff contact. Residential treatment facilities are licensed and surveyed by the State of Florida. Level I facilities provide the highest level of care with a structured group treatment setting with 24 hours per day, 7 days per week supervision for residents who have major skill deficits in activities of daily living and independent living, and need intensive staff supervision, support and assistance. Nursing supervision is provided 24 hours per day, 7 days per week, however, nursing services are limited to medication administration, monitoring vital signs, first aid and individual assistance with ambulation, bathing, dressing, eating and grooming. The minimum staffing is 1:10 staff to resident ratio with never less than 2 staff on site at all times.

Residential Treatment Facility (Level II) means a facility that provides long-term residential care with coordinated mental health services for adults (18 years or older) diagnosed with a serious and persistent major mental illness. A state license covers five levels of care that range from having full-time nurses on staff to independent apartments that receive only weekly staff contact. Residential treatment facilities are licensed and surveyed by the State of Florida. Level II facilities provide a structured group treatment setting with 24 hour per day, 7 days per week

supervision for five or more residents who range from those who have significant deficits in independent living skills and need extensive supervision, support, and assistance, to those who have achieved a limited capacity for independent living, but who require frequent supervision, support and assistance. Level II facilities maintain a minimum of 1:15 staff to resident ratio with never less than one staff on site when residents are present during normal waking hours. During sleeping hours, a minimum of 1:22 staff to resident ratio is required.

Residential Treatment Facility (Level III) means a facility that provides long-term residential care with coordinated mental health services for adults (18 years or older) diagnosed with a serious and persistent major mental illness. A state license covers five levels of care that range from having full-time nurses on staff to independent apartments that receive only weekly staff contact. Residential treatment facilities are licensed and surveyed by the State of Florida. Level III facilities consist of colocated apartment units with an apartment or office for staff who provided on-site assistance 24 hours per day, 7 days per week. The residents have a moderate capacity for independent living. Level III facilities maintain a minimum 1:20 staff to resident ratio with never less than one staff on site when residents are present during normal waking hours. During normal sleeping hours, a minimum of 1:40 staff to resident ratio is required.

Residential Treatment Facility (Level IV) means a facility that provides long-term residential care with coordinated mental health services for adults (18 years or older) diagnosed with a serious and persistent major mental illness. A state license covers five levels of care that range from having full-time nurses on staff to independent apartments that receive only weekly staff contact. Residential treatment facilities are licensed and surveyed by the State of Florida. Level IV facilities provide a semi-independent, minimally structured group setting for 4 or more residents who have most of the skills required for independent living and require minimal staff support. Level IV facilities may have less than 24 hours per day, 7 days per week on site supervision; however, on-call staff must be available at all times. Staff is required to have a minimum of weekly on site contact with residents.

Residential Treatment Facility (Level V) means a facility that provides long-term residential care with coordinated mental health services for adults (18 years or older) diagnosed with a serious and persistent major mental illness. A state license covers five levels of care that range from having full-time nurses on staff to independent apartments that receive only weekly staff contact. Residential treatment facilities are licensed and surveyed by the State of Florida. Level V facilities provide the least amount of care and supervision. Level V facilities provide a semi-independent, minimally structured apartment setting for 1 to 4 residents who have adequate independent living skills and require minimal staff support. Level V facilities may have less than 24 hours per day, 7 days per week on site supervision; however, on-call staff must be available at all times. Staff is required to have a minimum of weekly on site contact with residents.

Skilled Nursing Unit means Skilled nursing units are based in hospitals, either housed inside the hospital or in a separate building. They typically provide only short term care and rehabilitation services. The skilled nursing unit does not have a separate license because it is part of the hospital license. See the hospital definition for further information.

Social Worker (See Medical Office.)

Sociologist (See Medical Office.)

Therapist (See Medical Office.)

Transitional Living Facility means a facility that provides services to persons with a spinal-cord-injury or head-injury. Specialized health care services include rehabilitative services, community reentry training, aids for independent living, counseling, and other services. This term does not include a hospital licensed under chapter 395 or any federally operated hospital or facility. A transitional living facility is licensed by the State of Florida.

Urgent Care Center means a facility which holds itself out to the general public as a walk-in facility, where immediate, but not emergent, care is provided. Patients shall be served solely on an outpatient basis and such services shall not include overnight stays.

Women's Health Clinic means a facility that primarily provides obstetrics and gynecology service or other services related to women's healthcare. This definition includes Abortion Clinics, which are licensed and surveyed by the State of Florida, but does not include a hospital or a doctor's office where abortions might be performed, but where this is not the primary purpose.

Sec. 142-1253. – Medical use classifications.

Medical uses shall be organized into classes for the purpose of determining allowable locations, process of approval, and other zoning regulations. Generally, as the potential for impacts to surrounding areas increase as the class increases. The classes and medical sub-uses within each class are as follows:

(a) Class I Medical Uses.

Class I Medical Uses generally have an impact similar to, and often incorporate retail uses. These uses are often seen as a small accessory use to large-scale residential and hotel uses as well. Class I medical sub-uses include the following:

- (1) Optician
- (2) Pharmacy
- (3) Retail Clinic

(b) Class II Medical Uses.

Class II Medical Uses generally have an impact similar to offices uses. These uses are typically located within office or retail buildings, and typically schedule appointments with patients during standard working hours. These uses typically do not generate high amounts of medical waste. Class II medical sub-uses include the following:

- (1) Adult Day Care Center
- (2) Electrology Facility
- (3) Medical Office

(c) Class III Medical Uses.

Class III Medical Uses generally provide medical care throughout extended working hours, along with diagnostic and laboratory services. These may involve the generation of high levels of medical waste, and generate higher levels of traffic. These uses typically do not generate high amounts of medical waste. Class III medical sub-uses include the following:

- (1) Ambulatory Surgical Center (ASC)
- (2) Clinical Laboratory
- (3) Comprehensive Outpatient Rehabilitation Facility
- (4) Dental Laboratory
- (5) End-Stage Renal Disease Center
- (6) Forensic Toxicology laboratory
- (7) Health Care Clinic
- (8) Intensive Outpatient Treatment Facility
- (9) Medical Lab
- (10) Multiphasic Health Test Center
- (11) Prescribed Pediatric Extended Care Center
- (12) Urgent Care Center
- (13) Women's Health Clinic
- (14) Pathologist
- (15) Rehabilitation Agency

(d) Class IV Medical Uses.

Class IV Medical Uses generally dispense pharmaceuticals as part of their treatment plan. These may involve frequent visits from patients who may require services from the facility on a daily basis. Class IV medical sub-uses include the following:

- (1) Pain Management Clinic

(e) Class V Medical Uses.

Class V Medical Uses generally are those in which assistance is given to permanent residents with assistance in daily personal activities including but not limited to, bathing, dressing, eating, grooming, and dispensing of medicine in a residential setting. Such a facility generally may have no more than six (6) residents. Class V medical sub-uses include the following:

- (1) Adult Family Care Home
- (2) Community Residential Home (6 or fewer residents)
- (3) Hospice Facility (Up to 6 beds)

(f) Class VI Medical Uses.

Class VI Medical Uses generally are those in which assistance is given to permanent residents with assistance in daily personal activities including but not limited to, bathing, dressing, eating, grooming, and dispensing of medicine in a residential setting. Such a facility may have up to 16 residents. Class VI medical sub-uses include the following:

- (1) Assisted Living Facility (Up to 16 beds)
- (2) Community Residential Home (7 to 14 residents)
- (3) Hospice Facility (Up to 14 Beds)
- (4) Homes for Special Services (Up to

(g) Class VII Medical Uses.

Class VII Medical Uses generally provide 24-hour medical supervision and may implement medication management and other medical care for its residents. However, the patients do not pose a physical danger to themselves or others. They are typically in a residential setting; however, they may have some institutional components. Such a facility may contain amenities to improve the quality of life of patients. The facility may have more than 16 residents. Such facilities are generally intended to assist permanent residents. Class VII medical sub-uses include the following:

- (1) Assisted Living Facility (Over 16 beds)
- (2) Homes for Special Services
- (3) Hospice Facility (Over 14 beds)
- (4) Nursing Home
- (5) Intermediate Care facility for the Developmentally Disabled

(h) Class VIII Medical Uses.

Class VIII Medical Uses generally provide 24-hour medical supervision and may implement medication management for its residents or patients; however, the patients or residents do not pose a physical danger to themselves or others. They are typically of an institutional nature, though they may take place in a more residential setting. Such a facility may contain amenities to improve the quality of life of patients. Class VIII medical sub-uses include the following:

- (1) Birth Center
- (2) Intensive Inpatient Treatment Facility
- (3) Residential Treatment Facility (Level III)
- (4) Residential Treatment Facility (Level IV)
- (5) Residential Treatment Facility (Level V)
- (6) Nursing Home
- (7) Transitional Living Facility

(i) Class IX Medical Uses.

Class IX Medical Uses generally provide 24-hour medical supervision and may implement medication management for its residents or patients; however, they treat residents or patients who may pose a physical danger to themselves or others and security is required. They are typically of an institutional nature, though they may take place in a more residential setting. Such a facility may contain amenities to improve the quality of life of patients. Class IX medical sub-uses include the following:

- (1) Addictions Receiving Facility
- (2) Crisis Stabilization Unit
- (3) Detoxification
- (4) Residential Treatment Center for Children and Adolescents
- (5) Residential Treatment Facility (Level I)
- (6) Residential Treatment Facility (Level II)
- (7) Community mental health partial hospital program

(j) Class X Medical Uses.

A medical use that treats a full range of medical related issues. This is the most intense medical use. Class X medical sub-uses include the following:

- (1) Hospital
- (2) Trauma Systems
- (3) Medication and Methadone Maintenance Treatment Facility
- (4) Organ and Tissue Procurement Facility

(k) Medical sub-uses not identified in subsections (a) through (j) above or in section 142-1254 shall be considered Class X Medical Uses. If an applicant feels that the proposed medical sub-use is of a similar nature or impact as the uses in a differing class, the applicant may provide a description of the proposed medical sub-use and expected impacts from the use to the Planning Department for a determination of equivalent impact. The Planning Department may request additional information, as necessary, in order to make a determination. The Planning Department may require a study to support the descriptions and impacts in the study to support the descriptions and impacts and that the study be peer reviewed at the expense of the applicant. The study must consider the supplemental conditional use criteria in section 142-1267, as applicable, in addition to any other information deemed necessary.

Sec. 142-1254. – Exempt uses.

The following medical sub-uses, which service individuals in their place of residence, shall be exempt from the regulations of this division:

- (a) Health Care Services Pool
- (b) Home Health Agency
- (c) Home Medical Equipment Provider
- (d) Homemaker and Companion Services
- (e) Home Hospice Service
- (f) Massage Therapist
- (g) Portable X-Ray Provider

Sec. 142-1255. – Zoning District Regulations.

The following table identifies the zoning districts in which each medical use class is allowed and if conditional use approval is required.

Medical Use Zoning Regulations										
<u>Zoning District</u>	<u>Class I</u>	<u>Class II</u>	<u>Class III</u>	<u>Class IV</u>	<u>Class V</u>	<u>Class VI</u>	<u>Class VII</u>	<u>Class VIII</u>	<u>Class IX</u>	<u>Class X</u>
<u>RS-1,2,3,4</u>					<u>P</u>					
<u>TH</u>					<u>P</u>					
<u>RM-1</u>					<u>P</u>	<u>C</u>				
<u>RM-PRD</u>					<u>P</u>					
<u>RM-2</u>	<u>A</u>				<u>P</u>	<u>C</u>	<u>C</u>	<u>C</u>		
<u>RM-PRD-2</u>	<u>A</u>				<u>P</u>					
<u>RM-3</u>	<u>A</u>				<u>P</u>	<u>C</u>	<u>C</u>	<u>C</u>	<u>C</u>	
<u>CD-1</u>	<u>P</u>	<u>P</u>			<u>P</u>	<u>C</u>	<u>C</u>			
<u>CD-2</u>	<u>P</u>	<u>P</u>	<u>P</u>		<u>P</u>	<u>C</u>	<u>C</u>	<u>C</u>		
<u>CD-3</u>	<u>P</u>	<u>P</u>	<u>P</u>	<u>C</u>	<u>P</u>	<u>C</u>	<u>C</u>	<u>C</u>	<u>C</u>	
<u>I-1</u>	<u>P</u>	<u>P</u>	<u>P</u>	<u>C</u>						
<u>MXE</u>	<u>P</u>				<u>P</u>					
<u>GU</u>	<u>P</u>	<u>P</u>	<u>P</u>	<u>P</u>	<u>P</u>	<u>P</u>				
<u>HD</u>	<u>P</u>	<u>P</u>	<u>P</u>	<u>P</u>	<u>P</u>	<u>P</u>	<u>P</u>	<u>P</u>	<u>P</u>	<u>P</u>
<u>RO</u>	<u>P</u>	<u>P</u>			<u>P</u>	<u>C</u>	<u>C</u>			
<u>RMPS-1</u>					<u>P</u>	<u>C</u>				
<u>RPS-1</u>					<u>P</u>					
<u>RPS-2</u>					<u>P</u>					
<u>RPS-3</u>	<u>A</u>				<u>P</u>					
<u>RPS-4</u>	<u>A</u>				<u>P</u>					
<u>C-PS1*</u>	<u>P</u>	<u>P</u>			<u>P</u>	<u>C</u>	<u>C</u>			
<u>C-PS2</u>	<u>P</u>	<u>P</u>	<u>P</u>		<u>P</u>	<u>C</u>	<u>C</u>			
<u>C-PS3</u>	<u>P</u>	<u>P</u>	<u>P</u>	<u>C</u>	<u>P</u>	<u>C</u>	<u>C</u>	<u>C</u>		
<u>C-PS4</u>	<u>P</u>	<u>P</u>	<u>P</u>	<u>C</u>	<u>P</u>	<u>C</u>	<u>C</u>	<u>C</u>		
<u>TC-1</u>	<u>P</u>	<u>P</u>	<u>P</u>	<u>C</u>	<u>P</u>	<u>C</u>	<u>C</u>	<u>C</u>		
<u>TC-2</u>	<u>P</u>	<u>P</u>	<u>P</u>		<u>P</u>	<u>C</u>	<u>C</u>	<u>C</u>		
<u>TC-3*</u>	<u>P</u>	<u>C</u>			<u>P</u>	<u>C</u>				

P—Main permitted use
C—Conditional use

A—Permitted as an accessory use
Boxes with no designation signify that the use is NOT permitted

Sec. 142-1256. – Minimum zoning standards.

In addition to the regulations in the underlying zoning district and overlays (as applicable) and other regulations in this division, medical uses shall comply with the following minimum standards:

(a) Standards for all medical use classes:

- (1) Medical uses that allow for overnight stays shall not exceed the maximum density limits, when such limits are established by the underlying future land use designation in the Miami Beach Comprehensive Plan. For the purposes of determining residential density, a medical use in single family districts containing up to six (6) residents shall be deemed one dwelling unit. In other districts, every two (2) beds shall count as one (1) dwelling unit.
- (2) For the determination of minimum distance separation requirements when established in subsection (b) below:
 - A. The minimum distance separation, the requirement shall be determined by measuring a straight line between the property lines of each use.
 - B. When a distance separation is required, a scaled survey drawn by a registered land surveyor shall be submitted attesting to the separation of the uses in question.

(b) Standards for specific medical use classes:

(1) Class I Medical Uses:

- A. Access to class I medical uses where permitted as an accessory use shall be limited to guest of a hotel or residents and their guests of a residential use.
- B. Overnight stays are prohibited.

(2) Class II Medical Uses:

- A. Class II medical uses shall not operate between the hours of 10:00 p.m. and 7:00 a.m. Such hours may be modified with conditional use approval.
- B. Overnight stays are prohibited.

(3) Class III Medical Uses:

- A. Class III medical uses shall not operate between the hours of 10:00 p.m. and 7:00 a.m. Such hours may be modified with conditional use approval.
- B. Overnight stays are prohibited.

(4) Class IV Medical Uses:

- A. Class IV medical uses shall have a minimum distance separation of 1,500 feet from other Class IV, VIII, or IX medical use.

- B. Class IV medical shall have a minimum distance separation of 375 feet from schools or parks.
- C. Hotel or residential uses shall be prohibited on lots with Class IV medical uses.
- D. Class IV medical uses shall not operate between the hours of 9:00 p.m. and 7:00 a.m.; notwithstanding the foregoing, if such facility is located within 375 feet of a residential district, such facility shall not operate between the hours of 7:00 pm and 7:00 am. Such hours may be modified with conditional use approval.
- E. Overnight stays are prohibited.

(5) Class V Medical Uses:

- A. Class V medical uses shall have a minimum distance separation of 1,500 feet from other class V medical uses.
- B. Class V medical uses shall be the primary place of residence for patients or residents.
- C. The entire building shall conform with the Florida Building Code, fire prevention and safety code, and with the city property maintenance standards. If it is a historic structure, it shall also conform with the Secretary of the Interior's Standards for Rehabilitation and Guidelines for Rehabilitating Historic Structures, U.S. Department of the Interior, as amended.

(6) Class VI Medical Uses:

- A. Class VI medical uses shall have a minimum distance separation of 1,500 feet from other Class VI medical uses.
- B. Class VI medical uses shall be the primary place of residence for patients or residents.
- C. The entire building shall conform with the Florida Building Code, fire prevention and safety code, and with the city property maintenance standards. If it is a historic structure, it shall also conform with the Secretary of the Interior's Standards for Rehabilitation and Guidelines for Rehabilitating Historic Structures, U.S. Department of the Interior, as amended.

(7) Class VII Medical Uses:

- A. Class VII medical uses shall have a minimum distance separation of 1,500 feet from other Class VII medical uses.
- B. The entire building shall conform with the Florida Building Code, fire prevention and safety code, and with the city property maintenance standards. If it is a historic structure, it shall also conform with the Secretary of the Interior's Standards for Rehabilitation and Guidelines for Rehabilitating Historic Structures, U.S. Department of the Interior, as amended.

(8) Class VIII Medical Uses:

- A. Class VIII medical uses shall have a minimum distance separation of 1,500 feet from other Class VII or VIII medical use.
- B. Other hotel or residential uses shall be prohibited on lots with Class IX medical uses.
- C. The entire building shall conform with the Florida Building Code, fire prevention and safety code, and with the city property maintenance standards. If it is a historic structure, it shall also conform with the Secretary of the Interior's Standards for Rehabilitation and Guidelines for Rehabilitating Historic Structures, U.S. Department of the Interior, as amended.

(9) Class IX Medical Uses:

- A. Class IX medical uses shall have a minimum distance separation of 1,500 feet from other Class IV, VII, VIII, or IX medical uses. Notwithstanding the foregoing, a class IX Medical Use may incorporate Class VIII medical sub-uses on the same site; however, the stricter zoning standards shall apply to the combined uses.
- B. Class IX medical uses shall have a minimum distance separation of 375 feet from parks or schools.
- C. Other hotel or residential uses shall be prohibited on sites with Class IX medical uses.
- D. The entire building shall conform with the Florida Building Code, fire prevention and safety code, and with the city property maintenance standards. If it is a historic structure, it shall also conform with the Secretary of the Interior's Standards for Rehabilitation and Guidelines for Rehabilitating Historic Structures, U.S. Department of the Interior, as amended.

(10) Class X Medical Uses:

- A. Class IX medical uses shall comply with the requirements of the HD district.

(11) Notwithstanding the foregoing, medical uses located in an HD or GU district shall be exempt from distance separation requirements identified in this section. However, said facilities shall be utilized for determining distance separation requirements for facilities in other zoning districts.

(12) Notwithstanding the foregoing, medical uses located in an HD district shall be exempt from limitations on hours of operation.

Sec. 142-1257. – Supplemental Conditional Use Review Criteria.

In reviewing an application for conditional use for medical uses, the planning board shall apply the following supplemental review guidelines criteria in addition to the review guidelines listed in section 118-192, as applicable:

- (a) For medical uses not allowing overnight stays or residence, whether hours of operation are identified in order to limit potential impacts to surrounding properties.
- (b) Whether patients and residents served will pose a danger to themselves or others, and what measures are being taken to ensure their safety and the safety of others in surrounding areas.
- (c) Whether a security plan for the establishment and supporting parking facility has been provided that addresses the safety of the medical use, its users, and surrounding areas, and minimizes impacts on the neighborhood.
- (d) Whether a noise attenuation plan has been provided that addresses how noise will be controlled from emergency vehicles, in the drop off areas, loading zone, parking structures, and delivery and sanitation areas, to minimize adverse impacts to adjoining and nearby properties.
- (e) Whether a sanitation plan has been provided that addresses on-site facilities as well as off-premises issues resulting from the operation of the medical use.
- (f) Smaller scale facilities are encouraged in order to provide a non-institutional environment.
- (g) Where overnight stays or permanent residency is allowed, if the facility is design to minimize its institutional nature.
- (h) Whether the facility will serve various income groups.
- (i) Facilities located in newly constructed buildings are encouraged.
- (j) Whether a plan for the delivery of goods for the medical use has been provided, including the hours of operation for delivery trucks to come into and exit from the neighborhood and how such plan will mitigate any adverse impacts to adjoining and nearby properties, and neighborhood.
- (k) Whether the proximity of the proposed medical uses to residential uses creates adverse impacts and how such impacts are mitigated.
- (l) Whether the scale of the proposed medical use is compatible with the urban character of the surrounding area and create adverse impacts on the surrounding area, and how the adverse impacts are proposed to be addressed.