

ORDINANCE NO. 2011-38 (modified after 5/16/11 RTCM mtg.) will be renumbered

AN ORDINANCE OF THE TOWN OF MALABAR, BREVARD COUNTY, FLORIDA; AMENDING THE TOWN'S LAND DEVELOPMENT CODE; DELETING SECTION 1-2.6.B. 8, LAND USE CLASSIFICATIONS; PROVIDING FOR ADULT CARE FACILITIES AS A CONDITIONAL USE IN THE OI (OFFICE-INSTITUTIONAL) ZONING DISTRICT; AMENDING SECTION 1-3.1.1 DISTRICT PROVISIONS; PROVIDING FOR LIMITED RESIDENTIAL USES IN THE OI (OFFICE/INSTITUTIONAL) ZONING DISTRICT; AMENDING TABLE 1-3.2; REMOVING REFERENCES TO GROUP HOMES AND PROVIDING FOR ADULT CARE FACILITIES; AMENDING TABLE 1-6.1 (B) DELETING REFERENCES TO GROUP HOMES AND MAKING PROVISIONS FOR ADULT CARE FACILITIES; AMENDING SECTION 1-9.2.12; PROVIDING FOR ADULT CARE FACILITIES; ESTABLISHING PARKING REQUIREMENTS FOR ADULT CARE FACILITIES; DELETING THE DEFINITION OF GROUP CARE FACILITY IN ARTICLE XX; AMENDING TABLE 1-3.3.A PROVIDING FOR A MINIMUM SQUARE FOOTAGE FOR SINGLE FAMILY HOMES IN THE RM-6 AND R/LC ZONING DISTRICTS; PROVIDING FOR SEVERABILITY; PROVIDING FOR REPEAL; PROVIDING FOR CODIFICATION; PROVIDING AN EFFECTIVE DATE.

NOW, THEREFORE, BE IT ORDAINED BY THE TOWN COUNCIL OF THE TOWN OF MALABAR, BREVARD COUNTY, FLORIDA, as follows:

Section 1. Sections 1-2.6.B.8 is hereby deleted. A new section 1-2.6.B.2 is added to read as follows:

"2. Adult Care Facilities. Any facility regulated by the State of Florida Agency for Health Care Administration and meeting the criteria and requirements of the provisions of Long Term Care Facilities, Florida Statute 400.0060 (5), as amended from time to time; Nursing Homes Florida Statute 400.011, as amended from time to time; Intermediate, Special Services, and Transitional Living Facilities, Florida Statute 400.701, as amended from time to time; Intermediate Care Facilities for Developmentally Disabled Persons, Florida Statute 400.960, as amended from time to time; Assisted Living Facilities, Florida Statute 429.02 (5), as amended from time to time; Adult Day Care Centers, Florida Statute 429.901 (1) ; Adult Family-Care Homes, Florida Statute 429.65 (2); and Health Care Facilities, Florida Statute 408.032 (8), as amended from time to time. Such facilities are permitted as conditional uses as provided for in Table 1-3.2"

(Note to Codifier: Section 1-2.6.B shall be renumbered to accomplish the changes herein).

Section 2. Section 1-3.1.1 is amended to read as follows:

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